

19:4-12

**LEGISLATIVE HISTORY CHECKLIST**  
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NJSA: 19:4-12 (District boards of election)

LAWS OF: 1996 CHAPTER: 120

BILL NO: A2362

SPONSOR(S): Augustine

DATE INTRODUCED: September 19, 1996

ASSEMBLY: State Government

SENATE: ---

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by  
First reprint enacted superscript numbers

DATE OF PASSAGE: ASSEMBLY: October 21, 1996

SENATE: October 24, 1996

DATE OF APPROVAL: October 31, 1996

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

SPONSOR STATEMENT: Yes Also attached: statement  
adopted 10-21-96

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:  
REPORTS: No

HEARINGS: No

KBP:pp

[First Reprint]  
ASSEMBLY, No. 2362

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 19, 1996

By Assemblymen AUGUSTINE and CARABALLO

1 AN ACT concerning the membership of the district boards of election  
2 and amending various parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 3 of P.L.1976, c.83 (C.19:4-12) is amended to read as  
8 follows:

9 3. Each district in which two voting machines or five electronic  
10 system voting devices are to be used shall contain, as nearly as is  
11 practicable, 1,000 voters, and each district in which three voting  
12 machines or eight electronic system voting devices are to be used shall  
13 contain, as nearly as is practicable, 1,500 voters.

14 Nothing herein shall prevent any election district from containing  
15 **[a less number of]** fewer voters than prescribed above, if necessary for  
16 the convenience of the voters.

17 In a district where more than two voting machines or five electronic  
18 system voting devices are to be used, two additional members of the  
19 district board, who shall not be members of **[opposite]** the same  
20 political **[parties]** party, shall be appointed for each additional voting  
21 machine or system.

22 (cf: P.L.1976, c.83, s.3)

23

24 2. R.S.19:6-2 is amended to read as follows:

25 19:6-2. a. Any legal voter <sup>(1)</sup> who is a member of a political party  
26 by virtue of having voted in a party primary or who shall have filed a  
27 party declaration form for the ensuing primary election for the general  
28 election with the commissioner of the county in which the voter is  
29 registered and who, for **[2]** two years prior to making written  
30 application, has not espoused the cause of another political party or its  
31 candidates, or (2) who is not affiliated with a political party may make

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Assembly floor amendments adopted October 21, 1996.**

1 written application for service as a member of a district board of any  
2 municipality in the county in which he or she resides on a form to be  
3 prepared and furnished for that purpose by such board and signed by  
4 him or her and stating thereon, under the applicant's oath, the  
5 applicant's name and address and the political party to which he or she  
6 belongs or, if the applicant is not affiliated with a political party, the  
7 fact that the applicant is not so affiliated, and that [said] the applicant  
8 is of good moral character and has not been convicted of any crime  
9 involving moral turpitude and possesses the following qualifications,  
10 namely: such eyesight as will enable the applicant, with or without  
11 eyeglasses, to read nonpareil type; ability to read the English language  
12 readily; ability to add and subtract figures correctly; ability to write in  
13 a legible hand with reasonable facility; reasonable knowledge of the  
14 duties to be performed by the applicant as an election officer under the  
15 election laws of this State and such health as will permit the applicant  
16 to discharge his or her duties as such election officer.

17 b. No person shall be precluded from applying to serve as a  
18 member of a district board of any municipality for failure to vote in  
19 any year such person was ineligible to vote by reason of age or  
20 residence.

21 (cf: P.L.1981, c.257, s.1)

22

23 3. R.S.19:6-3 is amended to read as follows:

24 19:6-3. <sup>1</sup>a. (1)<sup>1</sup> The county board shall, on or before April 1,  
25 appoint the members of the district boards <sup>1</sup>in the manner prescribed  
26 by paragraph (2) of this subsection<sup>1</sup>. The members of any district  
27 board shall be equally apportioned between the two political parties  
28 which at the last preceding general election held for the election of all  
29 of the members of the General Assembly cast the largest and next  
30 largest number of votes respectively in this State for members of the  
31 General Assembly, except that if the county board is unable to fill all  
32 of the positions of the members of a particular district board from  
33 among qualified members of those two political parties, the county  
34 board shall appoint to any such unfilled position an otherwise qualified  
35 person who is unaffiliated with any political party, but <sup>1</sup>no such  
36 appointment of an unaffiliated person shall be made prior to March 25,  
37 and<sup>1</sup> in no event shall more than two such unaffiliated persons serve  
38 at the same time on any district board.

39 <sup>1</sup>(2) In making appointments of members of the several district  
40 boards of the county, the county board shall consult with the  
41 chairperson of the county committee of each of the two political  
42 parties referred to in paragraph (1) of this subsection. On or before  
43 March 15 of each year, the county board shall transmit to each of  
44 those chairpersons a list of those positions on the membership of the  
45 several district boards that are subject to apportionment under that  
46 paragraph (1) to the political party of which that chairperson is a

1 member, and to which the county board has been unable to make an  
 2 appointment from among qualified members of that political party.  
 3 The county board shall include with each such list a request that the  
 4 chairperson to whom that list is transmitted return to the board a list  
 5 of the names of candidates for those unfilled positions. On or before  
 6 March 25, the county board shall, on the basis of the lists so returned  
 7 to it, fill as many of the remaining unfilled positions in the membership  
 8 of the several district boards as possible, and shall assign or reassign  
 9 appointees as necessary to ensure that the membership of each district  
 10 board within the county shall include at least one member of each of  
 11 the two political parties. The county board shall then appoint to any  
 12 unfilled position on a district board an otherwise qualified person who  
 13 is unaffiliated with any political party.

14 b.<sup>1</sup> In case the county board shall neglect <sup>1</sup>**[or],**<sup>1</sup> refuse <sup>1</sup>or be  
 15 unable<sup>1</sup> to appoint and certify the members of the district boards as  
 16 herein provided, the Assignment Judge of the Superior Court shall,  
 17 before April 10 in each year, make such appointments and  
 18 certifications.

19 (cf: P.L.1991, c.91, s.239)

20

21 4. R.S.19:6-5 is amended to read as follows:

22 19:6-5. Any member of a district board in an election district may  
 23 be summarily removed from office, with or without cause, and  
 24 vacancies filled, at any time by the members of the county board of the  
 25 county in which such election district is located in the manner  
 26 hereinafter provided. **[Such]** In the case of a member of the district  
 27 board who was appointed as a member of a political party, removal  
 28 shall be made by the members of the county board of **[the same]** that  
 29 political party [of the person so removed], and [upon] in the case of  
 30 a member of the district board unaffiliated with a political party at the  
 31 time of appointment, removal shall be made by the county board.  
 32 Upon a removal the members of the county board so acting shall make  
 33 a certificate of removal and file same with the county board.

34 The members of the county board removing such election officer  
 35 shall forthwith proceed to fill the vacancy caused by the removal, and  
 36 shall issue to the person selected to fill the vacancy a certificate which  
 37 shall entitle that person to perform all the duties of a member of the  
 38 district board for such election district.

39 (cf: R.S.19:6-5)

40

41 5. R.S.19:6-10 is amended to read as follows:

42 19:6-10. Each district board shall, on or before the second Tuesday  
 43 next preceding the primary election, meet and organize by the election  
 44 of one of its members as judge, who shall be chairman of the board,  
 45 and another of its members as inspector. **[Such]** The judge and  
 46 inspector shall not be members or voters of **[different]** the same

1 political **[parties]** party. In case of failure to elect a judge as herein  
2 provided, after balloting or voting three times, the senior member of  
3 the board in respect to length of continuous service as a member of  
4 such district board shall become judge, and in case of failure to elect  
5 an inspector after balloting or voting three times, the next senior  
6 member of the board in respect to length of continuous service as a  
7 member of such district board shall become inspector; provided, that  
8 both the chairman and the inspector shall not be members or voters of  
9 the same political party. The other **[two]** members of the board shall  
10 be clerks of election, and shall perform all the duties required by law  
11 of the clerks of district boards.

12 (cf: P.L.1946, c.11, s.4)

13

14 6. Section 2 of P.L.1944, c.230 (C.19:31A-8) is amended to read  
15 as follows:

16 2. Every person qualified to vote in any election shall at any time  
17 after the opening of the polls be at liberty to enter the polling place or  
18 room and claim his right to vote at such election in his proper district,  
19 and he shall claim such right in person before the district board in the  
20 district. The board shall permit no person to vote whose name does  
21 not appear in the signature copy register of its election district. Each  
22 voter in claiming the right to vote shall first give his full name and  
23 address to the member of the district board having charge of the  
24 duplicate permanent registration binder and voting record and the  
25 signature comparison record. Such clerk shall thereupon locate the  
26 permanent registration form and voting record and signature  
27 comparison record of the voter and shall require the voter to  
28 thereupon sign his name in the proper space on his signature  
29 comparison record if the voter has previously signed his name on the  
30 line marked sample signature. If the voter has not so signed the  
31 member of the district board shall require the voter to sign the line  
32 marked sample signature and compare the sample signature with the  
33 signature made by such person at the time he registered and if satisfied  
34 that they were made by one and the same person he shall then permit  
35 the voter to sign his name in the proper space on the signature  
36 comparison record. The voter shall sign his name without assistance  
37 using black ink in the proper column on the signature comparison  
38 record. Such signature being completed on the signature comparison  
39 record the member of the board having charge of the duplicate  
40 permanent registration binder shall audibly and publicly announce the  
41 name of the claimant and if the member of the board has ascertained  
42 from the duplicate permanent registration binder that the claimant is  
43 registered as a qualified voter and upon comparison the member of the  
44 board is satisfied that the signature of the claimant and the sample  
45 signature on the signature copy register has been made by one and the  
46 same person, the member of the board who compared the signature of

1 the voter shall place his initials in the proper column on the signature  
2 comparison record signifying that he has made such comparison and  
3 is satisfied that the signature of the claimant and sample signature has  
4 been made by one and the same person; whereupon the voter shall be  
5 eligible to receive a ballot unless it be shown to the satisfaction of a  
6 majority of the members of the district board that he is not entitled to  
7 vote in the district or has otherwise become disqualified.

8 In addition to signing the signature comparison record and after the  
9 comparison of the signature with the signature in the register, a person  
10 offering to vote at a primary election for the general election shall  
11 announce his name and the party primary in which he wishes to vote.

12 After a person has voted, the member of the district board having  
13 charge of the signature copy register shall place the number of the  
14 person's ballot in the proper column on the record of voting form of  
15 such person, which number shall constitute a record that the person  
16 has voted. In the case of a primary election for the general election  
17 such member of the district board shall also place in the proper column  
18 on the record of voting form the first three letters of the name of the  
19 political party whose primary ballot such person has voted.

20 No person shall be required to sign the signature comparison record  
21 as a means of identification if he shall have been unable to write his  
22 name when he registered, or if, having been able to write his name  
23 when registered, he subsequently shall have lost his sight or lost the  
24 hand with which he was accustomed to write or shall by reason of  
25 disease or accident be unable to write his name when he applies to  
26 vote, but each such person who alleges his inability to sign his name  
27 on the signature comparison record shall establish his identity as  
28 follows: one of the members of the district board shall read the same  
29 list of questions to the voter as were required upon registration, such  
30 questions shall be provided at each election by the commissioner of  
31 registration and are to be known as "identification statements for  
32 election day." The member of the board shall write the answers of the  
33 voter upon the identification statement. These statements shall be  
34 inserted in the front of the duplicate registry binders, at each election,  
35 and shall be numbered serially from one to twenty.

36 Each statement shall contain the same questions as the voter was  
37 required to answer upon registration. The questions answered upon  
38 registration shall not be turned to or inspected until the answers to the  
39 questions shall have been written on election day by the member of the  
40 board.

41 At the end of each list of questions shall be printed the following  
42 statement: "I certify that I have read to the above named voter each  
43 of the foregoing questions and that I have duly recorded his answers  
44 as above to each of said questions"; and the member of the board who  
45 has made the above record shall sign his name to such certificate and  
46 date the same, and note the time of day of making such record. If the

1 answers to the questions asked of the voter on election day agree with  
2 the answers given by him to the same questions at the time he  
3 registered, he shall then be eligible to receive a ballot. Any person  
4 who shall permit or attempt to furnish the answers on behalf of the  
5 voter shall be guilty of a misdemeanor. The commissioner of  
6 registration shall furnish sufficient identification statements for each  
7 election district in each county. The statements shall be printed on  
8 sheets approximately ten by sixteen inches and shall contain a margin  
9 of approximately two inches for binding and shall be inserted in the  
10 front of the duplicate registry binders each election and shall be in  
11 substantially the following form:

1 IDENTIFICATION STATEMENT FOR ELECTION DAY, 19

Affidavit Number	Name of Voter	What is, or was your father's full name?	What is, or was your mother's full name?	Are you Married or Single?	Where Did You Actually Reside Prior to Taking Up Your Present Residence? State Floor and Character Premises.	I Certify that I Have Read to the Elector Each of the Foregoing Questions and That I Have Truly Recorded His Answer to Each of the said Questions
2 3 4 5 6 1A						Signature of Member of the Board of Registry and Election.
7 2A						Signature of Member of the Board of Registry and Election.
8 3A						Signature of Member of the Board of Registry and Election.
9 4A						Signature of Member of the Board of Registry and Election.
10 5A						Signature of Member of the Board of Registry and Election.
11 6A						Signature of Member of the Board of Registry and Election.
12 7A						Signature of Member of the Board of Registry and Election.
13 8A						Signature of Member of the Board of Registry and Election.
14 9A						Signature of Member of the Board of Registry and Election.
15 10A						Signature of Member of the Board of Registry and Election.
16 11A						Signature of Member of the Board of Registry and Election.
17 12A						Signature of Member of the Board of Registry and Election.
18 13A						Signature of Member of the Board of Registry and Election.
19 14A						Signature of Member of the Board of Registry and Election.
20 15A						Signature of Member of the Board of Registry and Election.
21 16A						Signature of Member of the Board of Registry and Election.
22 17A						Signature of Member of the Board of Registry and Election.
23 18A						Signature of Member of the Board of Registry and Election.
24 19A						Signature of Member of the Board of Registry and Election.



1 At any election any person who declares under oath and establishes  
2 to the satisfaction of a majority of all the members of the district  
3 board, that by reason of an inability to read or write, blindness or other  
4 physical disability he is unable to mark his ballot without assistance,  
5 shall have the assistance of two members of the board, who shall not  
6 be members of [opposite] the same political **[faith]** party, to be  
7 assigned by the board, in preparing his ballot. Such members shall  
8 retire with such voter to the booth and assist him in the preparation of  
9 his ballot and folding the same. The member acting as clerk of the  
10 district board shall make an entry on a disability certificate for  
11 assistance, which entry shall be in the form of an oath and be inserted  
12 in the front of the duplicate registry binders each election.

13 In every instance when such oath was administered to a voter as  
14 herein provided, it shall state briefly what facts were sworn to and the  
15 names of the members of the board who aided such voter. Any  
16 members of the district board shall be eligible to witness the  
17 preparation of the ballot of any such voter, but no other person shall  
18 be allowed to assist him in marking his ballot or to witness the marking  
19 of the same. No member of the board shall reveal the name of any  
20 person for whom such voter has voted or anything that took place  
21 while he was being assisted.

22 Such voter, if blind, disabled, or unable to read or write, may, in  
23 lieu of the assistance of the board as above provided, have assistance  
24 of some person of his own selection in preparing his ballot. Such  
25 person shall retire with such voter to the booth and assist him in the  
26 preparation of his ballot and folding the same. The name and address  
27 of such person shall be recorded as above. In such case, no other  
28 person than the one so selected by the voter shall be allowed to assist  
29 such voter in marking his ballot or witness the marking of the same.  
30 No person so selected shall reveal the name of any person for whom  
31 such voter has voted or anything that took place while he was being  
32 assisted.

33 The disability certificates shall be numbered serially one to twenty.  
34 The commissioner of registration shall furnish sufficient disability  
35 certificates for assistance for each election district in his county. The  
36 disability certificates for assistance shall be printed on sheets  
37 approximately ten by sixteen inches and shall contain a margin of  
38 approximately two inches for binding and shall be in substantially the  
39 following form:



1 The commissioner of registration in each county shall furnish  
2 sufficient certificates of signature comparison records for each election  
3 district in his county to be filled in and signed at the close of the polls  
4 by the members of the district board. A blank space shall also be  
5 provided for on the certificate for the signatures of the members of the  
6 election board. Under said certificate there shall also be printed the  
7 word "Remarks" together with a number of blank lines. The  
8 commissioner shall insert one of such certificates in the front of the  
9 signature copy register in each election district in the county. At  
10 primary elections the certificate shall be in substantially the following  
11 form:

12  
13 PRIMARY ELECTION

14 CERTIFICATION OF SIGNATURE COMPARISON RECORD

15 The undersigned constituting the district board of election in the  
16 County of ..... in the ..... (City, Town, Township,  
17 Borough or Village) ..... Ward ..... District hereby certify that  
18 (.....) (Figures) is the correct total of the number of names of voters  
19 who actually signed the signature comparison records and voted in the  
20 DEMOCRATIC PRIMARY ELECTION held on the ..... day of  
21 ..... 194... .

22 And hereby certify that (.....) (Figures) is the correct total of the  
23 number of names of voters who actually signed the signature  
24 comparison records and voted in the REPUBLICAN PRIMARY  
25 ELECTION held on the ..... day of ....., 194... . DISTRICT  
26 ..... Judge ..... Clerk. BOARD OF .....  
27 Inspector ..... Clerk. ELECTION

28 Remarks: .....  
29 .....  
30 .....  
31 .....  
32 .....  
33 .....

34 At all other elections the certificates shall be in substantially the  
35 following form:

36  
37 CERTIFICATION OF SIGNATURE COMPARISON RECORD

38 The undersigned constituting the district board of election in the  
39 County of ..... in the ..... (City, Town,  
40 Township, Borough or Village) ..... Ward ..... District  
41 hereby certify that (.....) (Figures) is the correct total of the number  
42 of names of voters who actually signed the signature comparison  
43 records and voted in the ..... (General,  
44 Special or other Election as the case may be) election held on the  
45 ..... day of ....., 194..... . DISTRICT ..... Judge  
46 ..... Clerk. BOARD OF ..... Inspector  
47 ..... Clerk. ELECTION  
48 Remarks: .....

1 .....  
 2 .....  
 3 .....  
 4 .....  
 5 .....

6  
 7       After each election the commissioner of registration shall remove  
 8 from the binders the identification statements, the disability certificates  
 9 for assistance, and certifications of signature comparison records and  
 10 shall preserve them in his office in a suitable place for a period of two  
 11 years.

12 (cf: P.L.1985, c.20, s.1)

13

14       7. R.S.19:52-1 is amended to read as follows:

15       19:52-1. The district boards of each election district shall meet at  
 16 the polling place three-quarters of an hour before the time set for  
 17 opening of the polls at each election and shall proceed to arrange the  
 18 furniture, stationery and voting machine or machines for the conduct  
 19 of the election. The district boards shall then and there have the  
 20 voting machine, ballots and stationery required to be delivered to them  
 21 for such election by the officials charged by law with that duty. If not  
 22 previously done, they shall insert in their proper place on the voting  
 23 machine the ballots containing the names of offices to be filled at such  
 24 election and the names of candidates nominated therefor.

25       The keys to the voting machine shall be delivered to the district  
 26 election officers in any manner that the county board of elections or  
 27 the superintendent of elections or the municipal clerk, as the case may  
 28 be, having custody of voting machines, may determine, at least  
 29 three-quarters of an hour before the time set for opening the polls, in  
 30 a sealed envelope, on which shall be written or printed the number and  
 31 location of the voting machine, the number of the seal with which it is  
 32 sealed, the number of the green seal with which the emergency ballot  
 33 box is sealed, and the number registered on the protective counter or  
 34 device, as reported by the custodian.

35       The envelope containing the keys shall not be opened until at least  
 36 **【one member】** two members of the board **【from each】** who are not  
 37 members of **【two】** the same political **【parties】** party shall be present  
 38 at the polling place and shall have examined the envelope to see that  
 39 it has not been opened. Before opening the envelope all election  
 40 officers present shall examine the number on the seal on the machine  
 41 and the number registered on the protective counter, and shall  
 42 ascertain if they are the same as the numbers written on the envelope;  
 43 and if they are not the same, the machine must not be opened until  
 44 such county board of elections or such superintendent of elections or  
 45 such municipal clerk, as the case may be, after due notice of such  
 46 discrepancy, shall have caused such machine to be re-examined and

1 properly arranged by any person or persons employed or appointed  
2 pursuant to **[section 19:48-6 of this Title]** R.S.19:48-6. If the  
3 numbers on the voting machine seal and the protective counter are  
4 found to agree with the numbers on the envelope, the district election  
5 officers shall proceed to open the doors concealing the counters, and  
6 each district election officer shall carefully examine every counter and  
7 ascertain whether or not it registers zero (000), and the same shall be  
8 subject to the inspection of official watchers.

9 In addition, each district election officer shall carefully examine the  
10 emergency ballot box to ascertain whether or not it is properly sealed  
11 with a numbered green seal and examine the number to ascertain if it  
12 is the same as the number written on the voting machine key envelope.  
13 If the numbers are not the same, the county board of elections, the  
14 superintendent of elections, or the municipal clerk, as the case may be,  
15 shall be notified of the discrepancy.

16 The machine shall remain locked against voting until the polls are  
17 formally opened and shall not be operated except by voters in voting.  
18 If any counter is found not to register zero (000) the district board  
19 shall immediately notify such county board of elections or such  
20 superintendent of elections or such municipal clerk, as the case may  
21 be, who shall, if practicable, cause such counter to be adjusted at zero  
22 (000) by any person or persons employed or appointed pursuant to  
23 **[section 19:48-6 of this Title]** R.S.19:48-6. If it shall be impracticable  
24 for such person or persons to arrive in time to so adjust such counter  
25 before the time set for opening the polls, the district election officers  
26 shall immediately make a written statement of the designating letter  
27 and number of such counter, together with the number registered  
28 thereon, and shall sign and post same upon the wall of the polling  
29 room, where it shall remain throughout election day, and in filling out  
30 the statement of canvass, they shall subtract such number from the  
31 number registered thereon at the close of the polls.

32 (cf: P.L.1992, c.3, s.8)

33

34 8. R.S.19:52-5 is amended to read as follows:

35 19:52-5. Immediately upon the close of the polls, the district  
36 election officers shall lock and seal the voting machine against further  
37 voting and open the counter compartment in the presence of persons  
38 who may be lawfully present at that time, giving full view of the  
39 counters. The judge of the district board, under the scrutiny of a  
40 member of such board who is not a member of [a different] the same  
41 political party as the judge, shall then in the order of the offices as  
42 their titles are arranged on the machine, read and announce in distinct  
43 tones the result as shown by the counters, and shall then read the votes  
44 recorded for each office on the irregular ballots. He shall also, in the  
45 same manner, read and announce the vote on each constitutional  
46 amendment, proposition or other question. As each vote is read and

1 announced, it shall be recorded in two statements of canvass by two  
2 other members of such district board who are not members of  
3 **【opposite】** the same political party, and when completed the record  
4 thereof shall be compared with the numbers on the counters of the  
5 machine. If found to be correct, the result shall be announced by the  
6 judge of such board and the statement of canvass, after being duly  
7 certified, shall be filed as now provided by law for filing election  
8 returns. After the reading and announcing of the vote and before the  
9 doors of the counter compartment of the voting machine shall be  
10 closed, ample opportunity shall be given to any person or persons  
11 lawfully present to compare the results so announced with the counters  
12 of the machine and any necessary corrections shall then and there be  
13 made by such district board. No tally sheets nor return blanks as  
14 required by law for use in election districts where paper ballots are  
15 used shall be furnished or used in election districts where voting  
16 machines are used, but in lieu thereof there shall be furnished two  
17 copies of a statement of canvass to conform to the requirements of the  
18 make and type of voting machine or machines being used.

19 (cf: R.S.19:52-5)

20

21 9. Section 7 of P.L.1973, c.82 (C.19:53A-7) is amended to read as  
22 follows:

23 7. a. Thirty minutes before the opening of the polls the local  
24 district election officers shall arrive at the polling place, place the  
25 voting devices in position for voting, and examine them to see that  
26 they have the correct ballot labels by comparing them with the sample  
27 ballots, and are in proper working order. They shall open and check  
28 the ballot cards, supplies, records and forms, and post the sample  
29 ballots and instructions to voters.

30 b. Each voter requesting assistance shall be instructed how to  
31 operate the voting device before he enters the voting booth. If he  
32 needs additional instruction after entering the voting booth and  
33 requests assistance, two members of the district board who are not  
34 members of **【opposite】** the same political **【parties,】** party may if  
35 necessary enter the booth and give him additional instructions.

36 c. The district election official attending the voting machine shall  
37 inspect the face of the machine and the ballot at least once per hour to  
38 see that the face of the machine and the ballot are in their proper place  
39 and that neither has been mutilated, defaced, tampered with or  
40 changed and that the machine has not been changed.

41 d. After the voter has marked his ballot cards, he shall place the  
42 ballot card inside the envelope provided for this purpose and return it  
43 to the election officer, who shall remove the stub, place it on a file  
44 string, and deposit the envelope with the ballot card inside in the ballot  
45 box. No ballot card from which the stub has been detached shall be  
46 accepted by the election official in charge of the ballot box, but it shall

1 be marked "Spoiled" and placed with the spoiled ballot cards.

2 e. Any voter who spoils his ballot card may return it enclosed in  
3 the envelope and secure another. The word "Spoiled" shall be written  
4 across the face of the envelope, which shall be placed on the same  
5 string with the stubs.

6 f. As soon as the polls have been closed and the last qualified voter  
7 has voted, all unused ballot cards shall be placed in a container and  
8 sealed for return to the board of elections. The ballot box shall be  
9 opened and any write-in votes counted, unless these votes are to be  
10 counted by duly appointed bipartisan tabulating teams at the counting  
11 center. Before write-in votes are counted they shall be compared with  
12 votes cast on the ballot card for the same office. If the voter has cast  
13 more votes for an office than he is entitled to vote for, the vote for  
14 that office shall be declared null and void and that vote shall not be  
15 counted for that office. Votes cast for duly nominated candidates on  
16 the ballot card will not be voided because of an invalid write-in vote,  
17 but if otherwise valid shall be counted. The voted ballot cards shall  
18 next be placed in the ballot card container for delivery to the counting  
19 center, and the voting devices shall be placed in their containers for  
20 returning to the county board of elections.

21 g. The district board election officers shall prepare a report of the  
22 number of voters who have voted, as indicated by the poll list, the  
23 number of write-in votes and any other votes counted by the district  
24 board and the number of spoiled ballots, and shall place the original  
25 copy of this report in the ballot card container for delivery to the  
26 counting center, which thereupon shall be sealed so that no additional  
27 ballot cards may be deposited or removed. Such container shall be  
28 durably constructed so as to be resistant to fire, water and tampering.  
29 The duplicate copy of said report shall be returned to the county  
30 election board with other records. Two district election board officers  
31 **one** **who are not members** of **each opposite** **the same** political  
32 party **as in this act defined** shall forthwith deliver the ballot card  
33 container to the counting center or other place designated by the  
34 county board. The county board may, in its discretion, direct that  
35 ballots be delivered to one or more collection points from which points  
36 the ballots shall be transported collectively to the counting center by  
37 two duly appointed deputies **who are not members** of **opposite** **the**  
38 **same** political **parties** party. The district board shall receive a  
39 receipt before releasing the ballots to said deputies.

40 (cf: P.L.1975, c.316, s.5)

41

42 10. Section 8 of P.L.1973, c.82 (C.19:53A-8) is amended to read  
43 as follows:

44 8. a. Prior to the start of the count of the ballots, each county  
45 board of elections shall have the automatic tabulating equipment tested  
46 to ascertain that it will accurately count the votes cast for all offices

1 and on all measures. Public notice of the time and place of the test  
2 shall be given at least 48 hours prior thereto by publication once in  
3 three or more daily or weekly newspapers published in the county or  
4 jurisdiction where such equipment is used, if a newspaper is published  
5 therein, otherwise in a newspaper of general circulation therein; said  
6 newspapers shall be selected so as to give the widest possible notice  
7 to the voters of said county and one of said newspapers shall be the  
8 newspaper or one of the newspapers in which legal notices of the  
9 county are required to be published. The test shall be conducted by  
10 processing a preaudited group of ballot cards so punched as to record  
11 a predetermined number of valid votes for each candidate and on each  
12 measure, and shall include for each office one or more ballots which  
13 have votes in excess of the number allowed by law in order to test the  
14 ability of the automatic tabulating equipment to reject such votes. In  
15 such test a different number of valid votes shall be assigned to each  
16 candidate for an office, and for and against each measure. If any error  
17 is detected, the cause therefor shall be ascertained and corrected and  
18 an errorless count shall be made and certified to by the county board  
19 of elections before the count is started. The tabulating equipment shall  
20 pass the same test at the conclusion of the count before the election  
21 returns are approved as official. On completion of the count, the  
22 programs, test materials, and ballot cards arranged by districts shall be  
23 sealed and retained as provided for paper ballots.

24 b. All proceedings at the counting center shall be under the  
25 direction of the county board of elections or persons designated by it;  
26 there shall always be two persons in charge[, one from each opposite]  
27 who shall not be members of the same political party [as in this act  
28 defined]; and all proceedings shall be conducted under the observation  
29 of the public, but no persons except those authorized for the purpose  
30 shall touch any ballot card or return. All persons who are engaged in  
31 processing and counting of the ballots shall be deputized and take an  
32 oath that they will faithfully perform their assigned duties. If any  
33 ballot card is damaged or defective so that it cannot properly be  
34 counted by the automatic tabulating equipment, a true duplicate copy  
35 shall be made and substituted for the damaged ballot card. All  
36 duplicate ballot cards shall be clearly labeled "duplicate," and shall  
37 bear a serial number which shall be recorded on the damaged or  
38 defective ballot card. The damaged or defective ballot card as well as  
39 the "duplicate" shall be preserved with the other ballot cards. During  
40 the count the election officer or board in charge may from time to time  
41 release unofficial returns. Upon completion of the count the official  
42 returns shall be open to the public.

43 c. The return of the automatic tabulating equipment, to which have  
44 been added the write-in and absentee votes, shall, after being duly  
45 certified by the county board of elections, constitute the official return  
46 of each election district.



1 d. If for any reason it becomes impracticable to count all or a part  
2 of the ballot cards with tabulating equipment, the county board of  
3 elections may direct that they be counted manually, following as far as  
4 practicable the provisions governing the counting of paper ballots  
5 contained in Title 19 of the Revised Statutes.

6 (cf: P.L.1975, c.316, s.6)

7

8 11. (New section) A vacancy or vacancies in the membership of  
9 any district board of elections existing on the effective date of P.L. ,  
10 c. (now pending before the Legislature as this bill) may be filled in  
11 accordance with the provisions of R.S.19:6-3 as amended by section  
12 3 thereof, but for the unexpired term only.

13

14 12. This act shall take effect immediately.

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19 \_\_\_\_\_  
20 Authorizes appointment to district board of elections of up to two  
members unaffiliated with a political party.

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#### STATEMENT

20

21 This bill provides that, if the county board of elections is unable to  
22 fill all of the positions of the members of a particular district board  
23 from among qualified members of the principal political parties, as  
24 presently required by law, the county board shall appoint to that  
25 district board to each such unfilled position an otherwise qualified  
26 person who is unaffiliated with any political party. In no event would  
27 more than two such unaffiliated persons be permitted to serve at the  
28 same time on any district board.

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32 \_\_\_\_\_  
33 Authorizes appointment to district board of elections of up to two  
members unaffiliated with a political party.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2362**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 26, 1996

The Assembly State Government Committee reports favorably Assembly, No. 2362.

This bill provides that, if the county board of elections is unable to fill all of the positions of the members of a particular district board from among qualified members of the principal political parties, as presently required by law, the county board shall appoint to that district board to each such unfilled position an otherwise qualified person who is unaffiliated with any political party. In no event would more than two such unaffiliated persons be permitted to serve at the same time on any district board. Responsibility for the removal and replacement of any such unaffiliated member of the district board, which in the case of an affiliated member is assigned to those members of the county board affiliated with the same political party, would be assigned to the full membership of the county board.

STATEMENT TO  
**ASSEMBLY, No. 2362**

with Assembly Floor Amendments  
(Proposed By Assemblyman AUGUSTINE and Assemblywoman MYERS)

ADOPTED: OCTOBER 21, 1996

These amendments require that, before a county board of elections could exercise the power it would acquire under the legislation to appoint unaffiliated voters to membership on the district boards of election, the board would have to (1) solicit from the county chairpersons of the principal political parties lists of candidates to fill any positions not already filled with party-affiliated individuals, (2) fill as many of these unfilled positions from among those candidates, and (3) assign or reassign appointees to the several district boards within the county as necessary to ensure that each district board included at least one member of each of the two parties.