

19:53B-1

LEGISLATIVE HISTORY CHECKLIST
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(Elections--voting machine failure)

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KRG:pp

P.L.1992, CHAPTER 3, approved April 24, 1992
1992 Assembly No. 832

1 AN ACT concerning the use of emergency ballots in counties that
2 use electronic or mechanical voting machines, amending
3 various parts of the statutory law and supplementing Subtitle
4 15 of Title 19 of the Revised Statutes.

5
6 BE IT ENACTED by the Senate and General Assembly of the
7 State of New Jersey:

8 1. R.S.19:16-5 is amended to read as follows:

9 19:16-5. In every case in which a ballot shall be declared
10 invalid, the same shall not be canvassed or counted, but shall be
11 marked "void" on the outside thereof, and shall be numbered
12 consecutively [beginning with number one] along with valid
13 ballots, and shall be preserved like other ballots and placed in
14 proper order on [a separate] the string or wire with the valid
15 ballots.

16 Ballots which shall be declared invalid with respect to a part of
17 the officers to be voted for or public questions to be voted upon
18 shall be canvassed, estimated and numbered with respect to the
19 part which is not invalid and preserved as other ballots and placed
20 in their proper order on the string with the valid ballots.

21 (cf: R.S.19:16-5)

22 2. R.S.19:16-7 is amended to read as follows:

23 19:16-7. The board in the actual procedure of counting the
24 ballots shall thereupon unlock and open the ballot box; the ballots
25 shall then be taken singly and separately therefrom by the judge
26 of the election, and while each ballot shall remain in his hands, he
27 shall audibly and publicly read the same in full view of the
28 inspector. The inspector shall be satisfied that the ballot is being
29 correctly read by the judge.

30 After the reading of the ballot, including a ballot determined
31 to be void, and before taking another ballot from the box, the
32 judge shall fold the ballot to a size about five inches square, and
33 shall deliver the same so folded to the inspector, who shall write
34 on the back thereof the number of such ballot from one onward,
35 in the order in which the same shall have been taken from the
36 box; and shall string the ballot as one ticket in the order in which
37 the same shall be taken from the box and numbered, by means of
38 a needle and string to be provided for that purpose.

39 [Void ballots shall be strung in the same manner as valid ballots
40 but on a separate string.]

41 (cf: R.S.19:16-7)

42 3. R.S.19:48-1 is amended to read as follows:

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 underlined thus is new matter.

1 19:48-1. Any thoroughly tested and reliable voting machines
2 may be adopted, rented, purchased or used, which shall be so
3 constructed as to fulfill the following requirements:

4 (a) It shall secure to the voter secrecy in the act of voting;

5 (b) It shall provide facilities for such number of office
6 columns, not less than 40 and not exceeding 60, as the purchasing
7 authorities may specify and of as many political parties or
8 organizations, not exceeding nine, as may make nominations, and
9 for or against as many questions, not exceeding 30, as submitted;

10 (c) It shall, except at primary elections, permit the voter to
11 vote for all the candidates of one party or in part for the
12 candidates of one party or one or more parties;

13 (d) It shall permit the voter to vote for as many persons for an
14 office as he is lawfully entitled to vote for, but no more;

15 (e) It shall prevent the voter from voting for the same person
16 more than once for the same office;

17 (f) It shall permit the voter to vote for or against any question
18 he may have the right to vote on, but no other;

19 (g) It shall for use in primary elections be so equipped that the
20 election officials can lock out all rows except those of the
21 voter's party by a single adjustment on the outside of the
22 machine;

23 (h) It shall correctly register or record and accurately count
24 all votes cast for any and all persons, and for or against any and
25 all questions;

26 (i) It shall be provided with a "protective counter" or
27 "protective device" whereby any operation of the machine before
28 or after the election will be detected;

29 (j) It shall be so equipped with such locks as shall prevent the
30 operation of the machine after the polls are closed;

31 (k) It shall be provided with a counter which shall show at all
32 times during an election how many persons have voted;

33 (l) It shall be provided with a mechanical model, illustrating
34 the manner of voting on the machine, suitable for the instruction
35 of voters;

36 (m) It must permit a voter to vote for any person for any
37 office, except delegates and alternates to national party
38 conventions, whether or not nominated as a candidate by any
39 party or organization by providing space for writing in such
40 names or name;

41 (n) It shall be equipped with a permanently affixed box or
42 container of sufficient strength, size and security to hold all
43 emergency ballots and pre-punched single-hole envelopes and
44 with a clipboard and a table-top privacy screen.

45 All voting machines used in any election shall be provided with
46 a screen, hood or curtain, which shall be so made and adjusted as
47 to conceal the voter and his action while voting.

48 It shall also be provided with one device for each party for
49 voting for all the presidential electors of that party by one
50 operation, and a ballot therefor containing only the words
51 "presidential electors for," preceded by the name of that party
52 and followed by the names of the candidates thereof for the
53 offices of President and Vice-President and a registering device
54 therefor which shall register the vote cast for such electors when

1 thus voted collectively.

2 (cf: P.L.1984, c.39, s.1)

3 4. Section 3 of P.L.1940, c.197 (C.19:48-3.2) is amended to
4 read as follows:

5 3. No ballots shall be prepared or used at any election in any
6 election district designated by the superintendent of elections
7 under the provisions of this act other than such ballots as are
8 required for use in voting machines and emergency ballots for use
9 if a voting machine fails to operate, as provided in this
10 amendatory and supplementary act, P.L. , c. (C.) (now
11 pending before the Legislature as this bill).

12 (cf: P.L.1940, c.197, s.3)

13 5. Section 11 of P.L.1944, c.7 (C.19:48-3.13) is amended to
14 read as follows:

15 11. No ballots other than ballots required for use in voting
16 machines and emergency ballots for use if a voting machine fails
17 to operate shall be prepared or used at any election in any
18 election district in any such county for which voting machines are
19 available, and which has been designated by the superintendent of
20 elections of the county if any there be or by the commissioner of
21 registration of the county if a county of the second class, having
22 any superintendent of elections, under the provisions of this act,
23 as an election district in which voting machines shall be used.

24 (cf: P.L.1947, c.168, s.28)

25 6. R.S.19:48-6 is amended to read as follows:

26 19:48-6. The county board of elections or the superintendent
27 of elections or the municipal clerk, as the case may be, having
28 custody of voting machines, shall have the machine or machines
29 and all necessary furniture and appliances at the proper polling
30 place or places before the time fixed for opening the polls, and
31 the counters set at zero (000), the emergency ballot boxes
32 furnished with the appropriate number of emergency ballots, and
33 otherwise in good and proper order for use at such election. For
34 the purpose of placing ballots in the ballot frames of the
35 machines; putting in order, setting, testing, adjusting and
36 delivering the machines, such county board of elections or such
37 superintendent of elections or such municipal clerk, as the case
38 may be, may employ or appoint one or more fully competent
39 persons to be known as custodian or custodians of voting
40 machines, who shall be thoroughly instructed in their duties by
41 such county board of elections or such superintendent of elections
42 or such municipal clerk, as the case may be, and shall be sworn to
43 perform their duties honestly and faithfully. Such custodians
44 shall be employed or appointed and instructed at least thirty days
45 before the election and shall be considered as officers of
46 elections; provided, however, that for the purpose aforesaid in
47 counties having a superintendent of elections, the superintendent
48 of elections may employ or appoint, in addition to one or more
49 custodian or custodians, other fully competent persons and may
50 classify them, assign their duties, and fix their compensation
51 according to the particular duties assigned them, which said
52 persons shall also be employed or appointed, and thoroughly
53 instructed and sworn to perform their duties honestly and
54 faithfully, at least thirty days before the election and shall

1 likewise be considered as officers of election.
2 Before preparing a voting machine for any election, written
3 notice shall be mailed by such board of elections or such
4 superintendent of elections or such municipal clerk, as the case
5 may be, to the chairman of the county committee of at least two
6 of the principal political parties, stating the time and place
7 where the machines will be prepared, at which time one
8 representative of each such political party shall be afforded an
9 opportunity to see that the machines, including the emergency
10 ballot boxes, are in proper condition for use in the election; such
11 representatives shall be sworn to faithfully perform their duties
12 and shall be regarded as election officials, but shall not interfere
13 with the custodian or custodians or other persons employed or
14 appointed as aforesaid or assume any of his or their duties. When
15 a machine [has] and the affixed emergency ballot box have been
16 so examined by such representatives, [it] the emergency ballot
17 box shall be sealed with a numbered [metal] green seal and the
18 voting machine shall be locked against voting and sealed with a
19 numbered seal. Such representatives shall certify, upon a form to
20 be provided by such county board of elections or such
21 superintendent of elections or such municipal clerk, as the case
22 may be, as to the numbers of the machines and emergency ballot
23 boxes, that all of the counters are set at zero (000) and the ballot
24 boxes are furnished with the emergency ballots, and as to the
25 [numbers] numbers registered on the protective counter, if one is
26 provided, and on the [seal] seals. Such certificate shall be filed by
27 them with such county board of elections or such superintendent
28 of elections or such municipal clerk, as the case may be. [When]
29 After a voting machine [has] and an emergency ballot box have
30 been properly prepared for the election [, it shall be] and the
31 machine locked against voting and sealed [; and], the keys for the
32 voting machine shall be delivered to such county board of
33 elections or such superintendent of elections or such municipal
34 clerk, as the case may be, together with a written report made by
35 a custodian stating that [it is] the machine and the affixed
36 emergency ballot box are in every way properly prepared for the
37 election.

38 After the voting machines shall be delivered to the polling
39 places, the governing body of the municipality, wherein such
40 polling places are located, shall provide ample police protection
41 against molestation, or tampering or damage to the machines.
42 Every voting machine shall be furnished with a lantern, or an
43 electric light fixture, which shall give sufficient light to enable
44 voters while voting to read the ballots and be suitable for use by
45 the district board in examining the counters. The lantern or
46 electric light fixture shall be prepared in good order by such
47 county board of elections or such superintendent of elections or
48 such municipal clerk, as the case may be, for use before the
49 opening of the polls.

50 (cf: P.L.1947, c.168, s.25)

51 7. R.S.19:48-7 is amended to read as follows:

52 19:48-7. If any voting machine being used in any election
53 district shall, during the time the polls are open, become
54 damaged so as to render it inoperative in whole or in part, the

1 election officers shall immediately give notice thereof to the
 2 county board of elections or the superintendent of elections or
 3 the municipal clerk, as the case may be, having custody of voting
 4 machines, and such county board of elections or such
 5 superintendent of elections or such municipal clerk, as the case
 6 may be, shall cause any person or persons employed or appointed
 7 pursuant to section 19:48-8 of this Title to substitute a machine
 8 in perfect mechanical order for the damaged machine. At the
 9 close of the polls the records of both machines shall be taken and
 10 the votes shown on their counters shall be added together in
 11 ascertaining and determining the results of the election.
 12 [Unofficial] During any period when a voting machine is
 13 inoperative, emergency ballots made as nearly as possible in the
 14 form of the official ballot [may] shall be used in accordance with
 15 the provisions of this amendatory and supplementary act, P.L. ,
 16 c. (C.) (now pending before the Legislature as this bill),
 17 received by the election officers and placed by them in [a] an
 18 emergency ballot box [in such case to be provided as now
 19 required by law] as provided in this amendatory and
 20 supplementary act, P.L. , c. (C.) (now pending before the
 21 Legislature as this bill), and shall be counted with the votes
 22 registered on the voting machines. The result shall be declared
 23 the same as though there had been no accident to the voting
 24 machine. The emergency ballots thus voted shall be preserved
 25 and returned [as herein directed] with a [certificate or] statement
 26 setting forth how and why the same were voted. The original
 27 statement shall be filed with the county or municipal clerk, as
 28 the case may be; a copy of the statement shall be filed with the
 29 commissioner of registration; and an additional copy shall be
 30 placed in the emergency ballot box. The statement for use in all
 31 elections except primary elections shall be in the following form:

32
 33 ELECTION

34
 35 STATEMENT FOR EMERGENCY PAPER BALLOTS VOTED

36
 37 This statement must be completed by all election district board
 38 workers present when a voting machine malfunctions and
 39 emergency paper ballots are issued and voted. N. I.S.A.19:48-7.

40
 41 This is to certify that voting machine no. became
 42 inoperative atAM, PM. We further certify that
 43 emergency paper ballots were issued and voted during the time
 44 the voting machine assigned to Election District no. in
 45 (municipality) was inoperative. The last voting
 46 authority given out before the voting machine became
 47 inoperative was no.

48 This day of 19

49
 50 TO BE COMPLETED ONLY IF VOTING MACHINE IS REPLACED

51
 52 Voting machine no. was replaced by voting machine no.....
 53 at AM,PM.

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The next voting authority given out after the voting machine was replaced was no.

TO BE COMPLETED WHEN VOTING MACHINE HAS BEEN REPAIRED AND IS READY TO RECEIVE VOTES

Voting machine no. was repaired at AM,PM.

The next voting authority given out after the voting machine was repaired was no.

Signature of Judge Signature of Clerk

Signature of Inspector Signature of Clerk

Municipality Signature of Voting Machine Technician

Ward

District

The statement for use in the primary election shall be in the following form:

PRIMARY ELECTION

STATEMENT FOR EMERGENCY PAPER BALLOTS VOTED

This statement must be completed by all election district board workers present when a voting machine malfunctions and emergency paper ballots are issued and voted. N.J.S.A.19:48-7.

This is to certify that voting machine no. became inoperative atAM, PM. We further certify that emergency paper ballots were issued and voted during the time the voting machine assigned to Election District no. in (municipality) was inoperative. The last voting authorities given out before the voting machine became inoperative were REPUBLICAN NO. DEMOCRATIC NO.

This day of 19

TO BE COMPLETED ONLY IF VOTING MACHINE IS REPLACED

Voting machine no. was replaced by voting machine no. at AM,PM.

1 The next voting authorities given out after the voting machine
2 was replaced were REPUBLICAN NO....., DEMOCRATIC NO.....

3
4 TO BE COMPLETED WHEN VOTING MACHINE HAS BEEN
5 REPAIRED AND IS READY TO RECEIVE VOTES

6
7 Voting machine no. was repaired at AM,PM.

8
9 The next voting authorities given out after the voting machine
10 was repaired were REPUBLICAN NO., DEMOCRATIC NO.
11

12
13 Signature of Judge Signature of Clerk

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15
16 Signature of Inspector Signature of Clerk

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21 Municipality Signature of Voting
22 Machine Technician

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25 Ward

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28
29 District

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31 If a voting machine fails to operate on multiple occasions
32 during a single election, a STATEMENT FOR EMERGENCY
33 PAPER BALLOTS VOTED shall be completed on each occasion
34 when the machine fails to operate.

35 (cf: P.L.1945, c.56, s.3)

36 8. R.S.19:52-1 is amended to read as follows:

37 19:52-1. The district boards of each election district shall
38 meet at the polling place three-quarters of an hour before the
39 time set for opening of the polls at each election and shall
40 proceed to arrange the furniture, stationery and voting machine
41 or machines for the conduct of the election. The district boards
42 shall then and there have the voting machine, ballots and
43 stationery required to be delivered to them for such election by
44 the officials charged by law with that duty. If not previously
45 done, they shall insert in their proper place on the voting machine
46 the ballots containing the names of offices to be filled at such
47 election and the names of candidates nominated therefor.

48 The keys to the voting machine shall be delivered to the
49 district election officers in any manner that the county board of
50 elections or the superintendent of elections or the municipal
51 clerk, as the case may be, having custody of voting machines,
52 may determine, at least three-quarters of an hour before the
53 time set for opening the polls, in a sealed envelope, on which
54 shall be written or printed the number and location of the voting

1 machine, the number of the seal with which it is sealed, the
2 number of the green seal with which the emergency ballot box is
3 sealed, and the number registered on the protective counter or
4 device, as reported by the custodian.

5 The envelope containing the keys shall not be opened until at
6 least one member of the board from each of two political parties
7 shall be present at the polling place and shall have examined the
8 envelope to see that it has not been opened. Before opening the
9 envelope all election officers present shall examine the number
10 on the seal on the machine [, also] and the number registered on
11 the protective counter, and shall ascertain if they are the same
12 as the [number] numbers written on the envelope; and if they are
13 not the same, the machine must not be opened until such county
14 board of elections or such superintendent of elections or such
15 municipal clerk, as the case may be, after due notice of such
16 discrepancy, shall have caused such machine to be re-examined
17 and properly arranged by any person or persons employed or
18 appointed pursuant to section 19:48-6 of this Title. If the
19 numbers on the voting machine seal and the protective counter
20 are found to agree with the numbers on the envelope, the district
21 election officers shall proceed to open the doors concealing the
22 counters, and each district election officer shall carefully
23 examine every counter and ascertain whether or not it registers
24 zero (000), and the same shall be subject to the inspection of
25 official watchers.

26 In addition, each district election officer shall carefully
27 examine the emergency ballot box to ascertain whether or not it
28 is properly sealed with a numbered green seal and examine the
29 number to ascertain if it is the same as the number written on
30 the voting machine key envelope. If the numbers are not the
31 same, the county board of elections, the superintendent of
32 elections, or the municipal clerk, as the case may be, shall be
33 notified of the discrepancy.

34 The machine shall remain locked against voting until the polls
35 are formally opened and shall not be operated except by voters in
36 voting. If any counter is found not to register zero (000) the
37 district board shall immediately notify such county board of
38 elections or such superintendent of elections or such municipal
39 clerk, as the case may be, who shall, if practicable, cause such
40 counter to be adjusted at zero (000) by any person or persons
41 employed or appointed pursuant to section 19:48-6 of this Title.
42 If it shall be impracticable for such person or persons to arrive in
43 time to so adjust such counter before the time set for opening the
44 polls, the district election officers shall immediately make a
45 written statement of the designating letter and number of such
46 counter, together with the number registered thereon, and shall
47 sign and post same upon the wall of the polling room, where it
48 shall remain throughout election day, and in filling out the
49 statement of canvass, they shall subtract such number from the
50 number registered thereon at the close of the polls.

51 (cf: P.L.1945, c.56, a.9)

52 9. Section 1 of P.L.1944, c.213 (C.19:52-2.1) is amended to
53 read as follows:

54 1. In all counties [having a population of more than four

1 hundred thousand] wherein voting machines are used the county
 2 board of elections shall furnish for use in each election district at
 3 any election, a sufficient number of voting authorities in
 4 substantially the following form: City of City of Ward
 5 District< Ward District
 6 Election Held< Election Heldday of 19
 7<day of 19
 8 Voting Authority< Voting Authority
 9 No.< No.
 10

11
 12 This certificate must be handed to the
 13 election officer in charge of the voting machines in
 14 order to vote.
 15 County Board of Elections
 16 Clerk.
 17 Signature of Voter.
 18

19 The voting authorities shall be numbered consecutively, be
 20 bound together in pads and shall be printed in two parts and
 21 perforated so that one part may be given to the voter who shall
 22 return the same to the district election officials in charge of the
 23 operation of the voting machine in order that such official shall
 24 be able to place the same in consecutive order on a string or
 25 wire. The other part of the voting authority shall be signed by
 26 the voter in his own handwriting before he be permitted to vote
 27 and shall remain bound in the pad. All pads containing the
 28 portions of the voting authorities on which the names of the
 29 persons who have voted have been signed, together with that
 30 portion of the voting authority which has been placed on a wire or
 31 string shall be returned to the commissioner of registration of the
 32 county, who shall keep them for a period of at least six months.

33 At any primary election for the general election each voting
 34 authority shall be marked to indicate the party primary in which
 35 the voter signing the same voted and the used voting authorities
 36 shall be strung in such a manner so that those used in one party
 37 primary shall remain separate from those used in the other party
 38 primary.

39 (cf: P.L.1944, c.213, s.1)

40 10. (New section) a. The county clerk or the municipal clerk,
 41 in the case of a municipal election, shall prepare an emergency
 42 ballot box packet which shall include the appropriate number of
 43 emergency ballots, the appropriate number of pre-punched
 44 single-hole white envelopes, and two tally sheets, each with a
 45 carbon duplicate copy attached. The custodian of the voting
 46 machines shall prepare and place in each emergency ballot box an
 47 emergency ballot box packet and an envelope containing a
 48 numbered white seal and a numbered red seal. The envelope shall
 49 contain, on its face, the instructions for the use of the seals, the
 50 number and the election district location of the voting machine
 51 to which the ballot box is attached, and the identification
 52 numbers of the white and red seals that were placed in the
 53 envelope. The emergency ballot box shall be sealed with a
 54 numbered green security seal before being shipped to each

1 election district as provided in R.S.19:48-6.

2 b. For the primary for the general election, the emergency
3 ballots shall be printed on paper of a color that matches the color
4 of the voting authority, which shall indicate the party primary of
5 the voter. The emergency ballots shall be uniform in size, quality
6 and type and of a thickness that the printing thereon cannot be
7 distinguished from the back of the paper, and without any mark,
8 device or figure on the front or back other than as provided in
9 this amendatory and supplementary act, P.L. , c. (C.) (now
10 pending before the Legislature as this bill).

11 The clerk of the county or municipality having custody of the
12 emergency ballots shall prepare each emergency ballot package
13 with a minimum of 30 emergency ballots for each political party.
14 If the clerk determines, based upon the number of registered
15 voters with party affiliations, that an election district shall
16 require more than 30 emergency ballots per party primary,
17 additional emergency ballots shall be delivered to that election
18 district.

19 c. For the general election the emergency ballots shall be
20 printed on paper of the color of the voting authority. The
21 emergency ballots shall be uniform in size, quality and type and
22 of a thickness that the printing thereon cannot be distinguished
23 from the back of the paper, and without any mark, device or
24 figure on the front or back other than as provided in this
25 amendatory and supplementary act.

26 The clerk of the county or municipality shall prepare each
27 emergency ballot package with a minimum of 30 emergency
28 ballots. If the clerk determines that an election district shall
29 require more than 30 emergency ballots based on the number of
30 registered voters, additional emergency ballots shall be delivered
31 to that election district.

32 11. (New section) a. The board shall not permit other
33 emergency ballots to be used at an election except the
34 emergency ballots which are provided for by this amendatory and
35 supplementary act, P.L. , c. (C.) (now pending before the
36 Legislature as this bill). It shall confine the distribution and use
37 of the emergency ballots to the polling room and election district
38 in the manner herein directed, and shall not distribute emergency
39 ballots, other than official sample emergency ballots as herein
40 provided, outside the polling place or election district.

41 b. The board shall not keep emergency ballots or pre-punched
42 single-hole plain white envelopes to enclose emergency ballots
43 cast during the election in a polling booth or, if a polling booth is
44 unusable, in the area designated for voters to mark the
45 emergency ballot.

46 c. The board shall cause each booth or voting area in a polling
47 place to be kept provided with sufficient lead pencils to enable
48 the voters to mark their emergency ballots.

49 d. The county board of elections shall prepare complete
50 written instructions regarding the procedures for the use of the
51 emergency ballot boxes for each district board member. The
52 board members shall be orally instructed on the procedures for
53 the use of emergency ballots at the training classes held for the
54 board members.

1 12. (New section) a. If for any cause a voting machine fails to
2 operate, the district board shall use the supply of emergency
3 ballots that are on hand at the opening of the polls. The mode
4 and manner of voting the emergency ballots shall in all respects
5 conform as nearly as possible to the mode and manner of voting
6 herein described.

7 b. If for any reason emergency ballots shall not be ready or
8 available for distribution at any polling place, or if the supply of
9 emergency ballots shall be exhausted before the polls are closed,
10 the district board member in charge shall notify the appropriate
11 authority that additional ballots shall be required.

12 13. (New section) If it becomes necessary to use the
13 emergency ballot box, and if the numbers on the green seal and
14 the voting machine key envelope were identical when previously
15 examined as provided in R.S.19:52-1, the judge of the district
16 board shall remove the emergency ballots and the envelope
17 containing the numbered white and red seals from the box; shall
18 open the envelope, remove the seals, compare the numbers on the
19 seals with those on the face of the envelope, and note on the
20 envelope any discrepancies; shall place the red seal back in the
21 envelope and return the envelope to the ballot box; and shall, in
22 an open and public manner, exhibit the emergency ballot box so
23 that those present may see that the box is now empty except for
24 the envelope containing the numbered red seal. The judge shall
25 close and re-seal the emergency ballot box with the numbered
26 white seal removed from the envelope in the box, leaving open
27 the aperture in the lid thereof.

28 If the numbers on the green seal and the voting machine key
29 envelope were not identical when previously examined as
30 provided in R.S.19:52-1 but the appropriate county board of
31 elections, superintendent of elections, or municipal clerk, as the
32 case may be, has authorized the use of the emergency ballot box,
33 the emergency ballot box may be opened and handled in the
34 manner prescribed above. If the appropriate county board,
35 superintendent, or municipal clerk, as the case may be, has not
36 yet authorized the use of the emergency ballot box, the
37 appropriate county board, superintendent, or municipal clerk shall
38 again be notified and the emergency ballot box shall not be
39 opened until that county board, superintendent, or municipal
40 clerk authorizes the use of the box.

41 14. (New section) After the district board ascertains that a
42 voter is properly registered and qualified to vote, the member of
43 the board charged with maintaining the signature copy register
44 shall require the voter to sign the signature copy register and
45 shall have the voter sign the part of the two-part perforated
46 voting authority that shall remain bound in the pad. The member
47 shall record the voting authority number in the proper column of
48 the signature copy register, except that in a primary for the
49 general election, the member shall also record the party primary
50 in which the voter voted.

51 In the proper columns, the voter shall sign the reverse side of
52 the signature copy register and the board member shall initial the
53 signature of the voter.

54 After the voter signs the voting authority, the member of the

1 board in charge of the signature copy register shall give the voter
2 the unsigned portion of the two-part voting authority. The voter
3 shall return that portion to the district election board member in
4 charge of the operation of the voting machine at that time. The
5 member shall place each authority in consecutive order on a
6 string or wire prior to furnishing a voter with an emergency
7 ballot and a plain white single-hole punched envelope.

8 No emergency ballot shall be handed to a voter until there is a
9 polling booth ready for occupancy or, if a booth is unusable, the
10 area designated for voters to mark the emergency ballot is
11 ready. If a voting area is used, the voter shall be provided with a
12 privacy screen at the same time that the emergency ballot is
13 provided.

14 The inspector shall instruct the voter how to place the voted
15 emergency ballot into the pre-punched single-hole plain white
16 envelope.

17 15. (New section) Every voter to whom an emergency ballot is
18 given shall retire into the polling booth or to the designated
19 voting area, as the case may be. Not more than one voter shall
20 be permitted to enter or be in the same booth or voting area at
21 one time. The voter shall prepare the emergency ballot in the
22 booth or the voting area screened from the observation of others.

23 Any person or voter who shall violate the provisions of this
24 section shall be guilty of a crime of the fourth degree.

25 16. (New section) To vote for a candidate whose name is
26 printed in any column, the voter shall mark a cross x, plus + or
27 check ✓ in the square provided for the name of each candidate in
28 any column for whom the voter chooses to vote.

29 To vote upon the public questions printed on the emergency
30 ballot, the voter shall indicate the choice of the voter by marking
31 a cross x, plus + or check ✓ in the square provided for either the
32 word "Yes" or "No" of each public question.

33 17. (New section) Nothing in this amendatory and
34 supplementary act, P.L. , c. (C.) (now pending before the
35 Legislature as this bill) shall prevent any voter from writing or
36 pasting within the proper title of office in the column designated
37 personal choice, the name or names of any person or persons for
38 whom the voter desires to vote whose name or names are not
39 printed upon the emergency ballot for the same office. The voter
40 shall mark a cross x, plus + or check ✓ in the square provided for
41 such name. The writing shall be in black ink or black lead pencil.

42 18. (New section) If any voter to whom any official
43 emergency ballot has been handed spoils or renders the same
44 unfit for use, the voter shall return the emergency ballot and the
45 pre-punched single-hole plain white envelope to a district board
46 member. The voter shall be furnished with another emergency
47 ballot and envelope. No more than two official emergency
48 ballots shall be furnished to a voter, except at the discretion of
49 the board members.

50 The district board members shall preserve each spoiled
51 emergency ballot and place that ballot in the pre-punched
52 single-hole plain white envelope and the district board member
53 shall write "SPOILED" across both the front and back of the
54 envelope. On the "SPOILED" white envelope each district board

1 member shall sign and date the signature of the member.
2 Immediately thereafter, the "SPOILED" white envelope shall be
3 sealed and placed in the emergency ballot box.

4 19. (New section) After voting the emergency ballot and
5 before leaving the polling booth or the designated voting area, as
6 the case may be, the voter shall place the voted emergency ballot
7 in the pre-punched single-hole plain white envelope. The voter
8 shall seal the envelope and shall retain custody of the envelope
9 until the member of the board having charge of the voting
10 machine at that time is ready to accept the envelope.

11 20. (New section) The voter shall hand the sealed envelope to
12 the member of the election board having charge of the voting
13 machine. The member shall keep the sealed white envelope in
14 full view of the voter, the other district board members and all
15 other persons present until it is deposited in the ballot box. The
16 voter may also take hold of the envelope, with that member of
17 the board, until the emergency ballot is deposited into the
18 emergency ballot box.

19 21. (New section) The right to challenge a voter who uses the
20 emergency ballot shall exist until the emergency ballot is
21 deposited in the emergency ballot box. If the right of a person to
22 vote is challenged, the same procedures shall be used as
23 prescribed when the right of a person to cast a vote on an
24 electronic or mechanical voting machine is challenged.

25 22. (New section) In canvassing the emergency ballots, the
26 district board shall count the votes as follows:

27 a. If proper marks are made in the squares provided for the
28 names of any candidates in any column and the total number
29 voted for, for each office, does not exceed the number of
30 candidates to be elected to each office, a vote shall be counted
31 for each candidate so marked.

32 b. If proper marks are made in the squares provided for any
33 names of any candidates in any column, a vote shall be counted
34 for each candidate so marked; but if the district board canvassing
35 the emergency ballots, or the county board, judge of the Superior
36 Court or other judge or officer conducting a recount thereof,
37 shall be satisfied that the placing of the marks to the left and
38 right of the names was intended to identify or distinguish the
39 emergency ballot, then the emergency ballot shall not be counted
40 and shall be declared null and void.

41 c. If no marks are made in the squares provided for the names
42 of any candidates in any column, but are made to the right of the
43 names, a vote shall not be counted for the candidates so marked,
44 but shall be counted for the other candidates as are properly
45 marked; but if the district board canvassing the emergency
46 ballot, or the county board, judge of the Superior Court or other
47 judge or officer conducting a recount thereof, shall be satisfied
48 that the placing of the marks to the right of the names was
49 intended to identify or distinguish the emergency ballot, the
50 emergency ballot shall be declared null and void.

51 d. Where the name of any person is written in the column
52 designated personal choice, and a cross x, plus + or check ✓
53 appears in the square provided for the name, it shall be counted
54 as a vote for that person.

1 e. In the case of any public question printed on the emergency
2 ballot where a proper mark is made in the square provided for the
3 word "Yes," it shall be counted as a vote in favor of that public
4 question. If a proper mark is made in the square provided for the
5 word "No," it shall be counted as a vote against same. If no mark
6 is made in the square provided for either the word "Yes" or "No,"
7 it shall not be counted as a vote either in favor of or against the
8 public question. If a mark is made in each of the squares
9 provided for both the words "Yes" and "No," it shall not be
10 counted either as a vote in favor of or against the public question
11 nor shall it invalidate the emergency ballot.

12 f. If a voter marks more names than there are persons to be
13 elected to an office, or writes the name of any person in the
14 column designated personal choice, whose name is printed upon
15 the emergency ballot as a candidate under the same title of
16 office, or the choice of the voter cannot be determined, that
17 emergency ballot shall not be counted for that office, but shall be
18 counted for those other offices as are properly marked.

19 g. If the mark made for any candidate or public question is
20 substantially a cross x, plus + or check / and is substantially
21 within the square, it shall be counted for the candidate or for or
22 against the public question, as the case may be. No vote shall be
23 counted for any candidate in any column or for or against any
24 public question unless the mark made is substantially a cross x,
25 plus + or check / and is substantially within the square.

26 23. (New section) In counting the emergency ballots, the
27 board shall deem void all emergency ballots which are wholly
28 blank, or on which more names have been marked for every office
29 than there are persons to be elected to the office, and on which
30 both "Yes" and "No" have been marked upon every public
31 question.

32 No emergency ballot which shall have, either on its face or
33 back, any mark, sign, erasure, designation or device whatsoever,
34 other than that which is permitted by this amendatory and
35 supplementary act, P.L. , c. (C.) (now pending before the
36 Legislature as this bill), by which the emergency ballot shall be
37 distinguished from another emergency ballot shall be declared
38 void unless the district board canvassing those emergency ballots,
39 or the county board, judge of the Superior Court or other judge or
40 officer conducting the recount thereof, shall be satisfied that the
41 placing of the mark, sign, erasure, designation or device upon the
42 emergency ballot was intended to identify or distinguish the
43 emergency ballot.

44 No emergency ballot shall be declared invalid by reason of the
45 fact that the mark made with ink or the mark made with lead
46 pencil appears other than black.

47 No emergency ballot cast for any candidate shall be invalid by
48 reason of the fact that the name of that candidate may be
49 misprinted, or the Christian name or the initials of the candidate
50 may be omitted.

51 No emergency ballot cast for any candidate shall be invalid by
52 reason of the use of any label permitted by this amendatory and
53 supplementary act, P.L. , c. (C.) (now pending before the
54 Legislature as this bill) on which the title of office may be

1 printed or the name of the candidate may be misprinted or part
2 of the Christian name or surname or the initials of the candidate
3 may be omitted, or because the voter in writing the name of the
4 candidate may misspell the name or omit part of the Christian
5 name or surname or the initials of the candidate.

6 No emergency ballot shall be declared void or invalid, by
7 reason of having a cross x, plus + or check / appearing in a square
8 provided for a blank space, or a space wherein no name is printed.

9 24. (New section) In every case in which an emergency ballot
10 shall be declared invalid, the same, which shall be enclosed in a
11 pre-punched single-hole plain white envelope shall not be
12 canvassed or counted, but shall be marked "VOID" on the outside
13 thereof, and shall be numbered and placed in proper order on the
14 string or wire with the valid ballots as provided in section 26 of
15 this amendatory and supplementary act, P.L. , c. (C.).

16 Emergency ballots which shall be declared invalid with respect
17 to a part of the candidates to be voted for or public questions to
18 be voted upon shall be canvassed, estimated and numbered with
19 respect to the part which is not invalid and preserved as other
20 emergency ballots and placed in their proper order on the string
21 or wire with the valid ballots.

22 25. (New section) The decision of a majority of the district
23 board on any question shall be deemed the decision of the board
24 and final. If any member of the board dissents from any decision
25 and wishes to make the dissension known to avoid any of the
26 consequences which may result from that decision, the member
27 may record the dissent in the signature copy register. The
28 member shall sign the signature copy register to record the
29 dissent. If the member fails to sign the signature copy register,
30 the member shall be deemed to have assented to the decision so
31 made.

32 26. (New section) The district board members, in the actual
33 procedure of counting the emergency ballots, shall break the seal
34 and open the emergency ballot box. The emergency ballots shall
35 be taken singly and separately therefrom by the judge of the
36 election board. Ballot envelopes marked "SPOILED" shall be set
37 aside and remain unopened, and at the conclusion of counting the
38 emergency ballots shall be placed on the string or wire after all
39 other ballots. The outside front of each envelope which contains
40 a voted emergency ballot shall be numbered in consecutive order
41 beginning with the number one. This number shall be circled.
42 While each emergency ballot shall remain in the hands of the
43 judge, the judge shall audibly and publicly read the ballot in full
44 view of the other members of the district board, including the
45 inspector of the district election board. The inspector shall
46 verify that each emergency ballot is being correctly read by the
47 judge. The remaining members of the district election board
48 shall record the votes on the tally sheets, as provided. The
49 district board members shall also record the number of void
50 ballots on the tally sheets, as provided.

51 After the reading of an emergency ballot, including a ballot
52 determined to be void, and before taking another emergency
53 ballot from the box, the judge shall deliver the ballot to the
54 inspector, who shall write on the back thereof the number of the

1 emergency ballot beginning in consecutive order beginning with
2 the number one, in the order in which the same shall have been
3 taken from the box; and shall string the envelope that contains
4 the emergency ballot as one ticket in the order in which the
5 envelope was taken from the box and numbered, on the string or
6 wire to be provided for that purpose.

7 The outside front of each envelope that contains a voided
8 emergency ballot shall have the word "VOID" written next to the
9 circled number.

10 After all the envelopes which contain the emergency ballots
11 cast in one election district have been tallied and strung, the
12 envelopes shall be returned to the ballot box. All unused
13 emergency ballots and pre-punched single-hole plain white
14 envelopes shall also be placed in the emergency ballot box.

15 27. (New section) a. The clerks of the board shall, upon the
16 tally sheets provided for that purpose, make a list of the names
17 of all persons for whom one or more votes shall have been given,
18 designating the office which that person shall be voted for, and of
19 any public questions voted upon; and as each emergency ballot
20 shall be read, the members shall write the figure "1" opposite the
21 name of each person whose name is contained thereon, as
22 designated for any office, or in the proper column designating the
23 vote upon the public question.

24 b. When all the votes which were cast have been read,
25 examined, numbered and strung, as directed, the board shall tally
26 the votes given for each person for any office to be filled at the
27 election or any public question and note the same upon the tally
28 sheets. The tally sheets shall be signed by all the members of the
29 district board. One of the tally sheets shall be placed in the
30 emergency ballot box and the emergency ballot box shall be
31 sealed with the remaining numbered red seal. The other tally
32 sheet shall be filed with the county clerk at the same time the
33 statements of results are delivered.

34 28. (New section) When the machine tally is completed, the
35 district board members shall record the results of the emergency
36 ballot tally, if any ballots were voted, on the statement of
37 canvass in the section provided and shall add the emergency
38 ballot tally to the machine tally.

39 29. (New section) When district board members have
40 processed both voted and non-voted emergency ballots, the
41 ballots shall remain sealed within the box for a period of 15
42 calendar days, which shall begin on the first business day after
43 the day of the election, except that if a judge of the Superior
44 Court issues a court order to open the box within the 15-day
45 period, the box shall be opened.

46 On the first business day after the 15-day period, the custodian
47 of the voting machines shall break the numbered security seals
48 and the emergency ballot boxes shall be opened. All voted
49 emergency ballots located within an emergency ballot box shall
50 be removed from the box and shall be placed in a container or an
51 envelope and sealed. The front of each container or envelope
52 shall contain the number of the voting machine, the name of the
53 municipality and the ward or district number where the machine
54 was located during the election. The commissioner of

1 registration shall preserve the containers or envelopes and the
2 contents of the containers or envelopes for a period of two years
3 from the date that the election occurred.

4 30. This act shall take effect immediately and shall be
5 applicable to the first primary for the general election or the
6 first general election which occurs after the 60th day following
7 the enactment of this act.
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10 STATEMENT

11
12 This bill establishes a procedure for the use of emergency
13 ballots in the event that an electronic or mechanical voting
14 machine becomes inoperable during a primary, general, special or
15 municipal election.

16 Under the bill, the county clerk (or, in the case of a municipal
17 election, the municipal clerk) is to provide each election district
18 with a minimum of 30 emergency ballots for each political party
19 for a primary election, or in the case of a general election, a
20 minimum of 30 emergency ballots. The emergency ballots are to
21 be uniform in size, quality and type, and of a thickness that the
22 printing thereon cannot be distinguished from the back of the
23 paper.

24 The ballots, together with envelopes and tally sheets, are to be
25 sealed in an emergency ballot box having an aperture in its lid;
26 this box, in turn, is to be attached to the voting machine when
27 the machine itself is prepared for the election.

28 If, during the election, a voting machine fails to operate, the
29 emergency ballots are to be used for voting until the machine is
30 repaired or replaced. The bill sets out the emergency balloting
31 procedure as summarized below.

32 The district board is to unseal the emergency ballot box,
33 remove the emergency ballots contained therein, and reseal the
34 box. When a person applies to vote, the district board is to verify
35 his or her registration and qualifications, and the member of the
36 board charged with maintaining the signature copy register is
37 then to require the voter to sign the register and that part of a
38 two-part perforated voting authority which will remain bound in
39 a pad. After the voter signs the voting authority, the member of
40 the board in charge of the signature copy register is to give the
41 voter the unsigned portion of the two-part voting authority. The
42 voter shall then return that portion to the member of the board in
43 charge of the operation of the voting machine, who is to place
44 each such authority in consecutive order on a string or wire and
45 furnish the voter with an emergency ballot and a pre-punched
46 single-hole plain white envelope.

47 The voter is then to mark the ballot, either in the voting booth
48 or in a voting area supplied with a privacy screen. Should any
49 voter to whom any official emergency ballot has been given spoil
50 or render the ballot unfit for use, the voter shall be furnished
51 with another emergency ballot and envelope. After voting, but
52 before leaving the voting booth or designated voting area, the
53 voter is to place the emergency ballot into the envelope provided
54 and submit the envelope to a district board member, who in turn

1 registration shall preserve the containers or envelopes and the
2 contents of the containers or envelopes for a period of two years
3 from the date that the election occurred.

4 30. This act shall take effect immediately and shall be
5 applicable to the first primary for the general election or the
6 first general election which occurs after the 60th day following
7 the enactment of this act.

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10 STATEMENT
11

12 This bill establishes a procedure for the use of emergency
13 ballots in the event that an electronic or mechanical voting
14 machine becomes inoperable during a primary, general, special or
15 municipal election.

16 Under the bill, the county clerk (or, in the case of a municipal
17 election, the municipal clerk) is to provide each election district
18 with a minimum of 30 emergency ballots for each political party
19 for a primary election, or in the case of a general election, a
20 minimum of 30 emergency ballots. The emergency ballots are to
21 be uniform in size, quality and type, and of a thickness that the
22 printing thereon cannot be distinguished from the back of the
23 paper.

24 The ballots, together with envelopes and tally sheets, are to be
25 sealed in an emergency ballot box having an aperture in its lid;
26 this box, in turn, is to be attached to the voting machine when
27 the machine itself is prepared for the election.

28 If, during the election, a voting machine fails to operate, the
29 emergency ballots are to be used for voting until the machine is
30 repaired or replaced. The bill sets out the emergency balloting
31 procedure as summarized below.

32 The district board is to unseal the emergency ballot box,
33 remove the emergency ballots contained therein, and reseal the
34 box. When a person applies to vote, the district board is to verify
35 his or her registration and qualifications, and the member of the
36 board charged with maintaining the signature copy register is
37 then to require the voter to sign the register and that part of a
38 two-part perforated voting authority which will remain bound in
39 a pad. After the voter signs the voting authority, the member of
40 the board in charge of the signature copy register is to give the
41 voter the unsigned portion of the two-part voting authority. The
42 voter shall then return that portion to the member of the board in
43 charge of the operation of the voting machine, who is to place
44 each such authority in consecutive order on a string or wire and
45 furnish the voter with an emergency ballot and a pre-punched
46 single-hole plain white envelope.

47 The voter is then to mark the ballot, either in the voting booth
48 or in a voting area supplied with a privacy screen. Should any
49 voter to whom any official emergency ballot has been given spoil
50 or render the ballot unfit for use, the voter shall be furnished
51 with another emergency ballot and envelope. After voting, but
52 before leaving the voting booth or designated voting area, the
53 voter is to place the emergency ballot into the envelope provided
54 and submit the envelope to a district board member, who in turn

1 is to deposit the envelope in the emergency ballot box.

2 When the emergency ballots are to be counted, the judge of the
3 district board shall taken them singly and separately from the
4 emergency ballot box and shall audibly and publicly read each
5 ballot in full view of the other members of the district board,
6 including the inspector of the board. The inspector is to verify
7 that each emergency ballot is being read correctly by the judge.
8 The remaining members of the district election board are to
9 record the votes on the tally sheets.

10 After all the ballots cast have been tallied and strung, the
11 envelopes are to be returned to the emergency ballot box. All
12 unused emergency ballots and pre-punched single-hole plain
13 white envelopes shall also be placed in the ballot box.
14 Thereafter, the emergency ballot box is to be sealed. The ballots
15 are to remain sealed within the box for a period of 15 calendar
16 days, which shall begin on the first business day after the day of
17 the election.

18 On the first business day after the 15-day period, the custodian
19 of the emergency ballot boxes shall open the boxes. All voted
20 emergency ballots in an emergency ballot box shall be removed
21 from the box and sealed in a container or envelope.

22 The containers or envelopes are to be delivered to the
23 commissioner of registration of the county wherein the machines
24 and the accompanying emergency ballot boxes were located
25 during the preceding election. The commissioner of registration
26 is to preserve the containers or envelopes and their contents for a
27 period of two years from the date that the election occurred.

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32 Provides for use of emergency ballots in counties using electronic
33 or mechanical voting machines should those machines fail to
34 operate.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 832

STATE OF NEW JERSEY

DATED: FEBRUARY 20, 1992

The Assembly State Government Committee reports favorably Assembly Bill No. 832.

This bill establishes a procedure for the use of emergency ballots in the event that an electronic or mechanical voting machine becomes inoperable during a primary, general, special or municipal election.

Under the bill, the county clerk (or, in the case of a municipal election, the municipal clerk) is to provide each election district with a minimum of 30 emergency ballots for each political party for a primary election, or in the case of a general election, a minimum of 30 emergency ballots. The emergency ballots are to be uniform in size, quality and type, and of a thickness that the printing thereon cannot be distinguished from the back of the paper.

The ballots, together with envelopes and tally sheets, are to be sealed in an emergency ballot box having an aperture in its lid; this box, in turn, is to be attached to the voting machine when the machine itself is prepared for the election.

If, during the election, a voting machine fails to operate, the emergency ballots are to be used for voting until the machine is repaired or replaced. The bill sets out the emergency balloting procedure as summarized below.

The district board is to unseal the emergency ballot box, remove the emergency ballots contained therein, and reseal the box. When a person applies to vote, the district board is to verify his or her registration and qualifications, and the member of the board charged with maintaining the signature copy register is then to require the voter to sign the register and that part of a two-part perforated voting authority which will remain bound in a pad. After the voter signs the voting authority, the member of the board in charge of the signature copy register is to give the voter the unsigned portion of the two-part voting authority. The voter shall then return that portion to the member of the board in charge of the operation of the voting machine, who is to place each such authority in consecutive order on a string or wire and furnish the voter with an emergency ballot and a pre-punched single-hole plain white envelope.

The voter is then to mark the ballot, either in the voting booth or in a voting area supplied with a privacy screen. Should any voter to whom any official emergency ballot has been given spoil or render the ballot unfit for use, the voter shall be furnished with another emergency ballot and envelope. After voting, but before leaving the voting booth or designated voting area, the voter is to place the emergency ballot into the envelope provided and submit the envelope to a district board member, who in turn is to deposit the envelope in the emergency ballot box.

When the emergency ballots are to be counted, the judge of the district board shall take them singly and separately from the emergency ballot box and shall audibly and publicly read each ballot in full view of the other members of the district board, including the inspector of the board. The inspector is to verify that each emergency ballot is being read correctly by the judge. The remaining members of the district election board are to record the votes on the tally sheets.

After all the ballots cast have been tallied and strung, the envelopes are to be returned to the emergency ballot box. All unused emergency ballots and pre-punched single-hole plain white envelopes shall also be placed in the ballot box. Thereafter, the emergency ballot box is to be sealed. The ballots are to remain sealed within the box for a period of 15 calendar days, which shall begin on the first business day after the day of the election.

On the first business day after the 15-day period, the custodian of the emergency ballot boxes shall open the boxes. All voted emergency ballots in an emergency ballot box shall be removed from the box and sealed in a container or envelope.

The containers or envelopes are to be delivered to the commissioner of registration of the county wherein the machines and the accompanying emergency ballot boxes were located during the preceding election. The commissioner of registration is to preserve the containers or envelopes and their contents for a period of two years from the date on which the election occurred.