

19:4-5 et al.

LEGISLATIVE HISTORY CHECKLIST

NJSA 19:4-5 et al.

Laws of 1975 Chapter 216

Bill No. A2157

Sponsor(s) Shelton

Date Introduced February 20, 1975

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

Senate " "

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of passage: Assembly May 5, 1975

Senate Nov. 17, 1975

Date of approval February 19, 1976

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

Do Not Remove From Library
DEPOSITORY COPY

10/4/76
JUN 1977

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 3157

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 20, 1975

By Assemblyman SHELTON

Referred to Committee on State Government, Federal and
Interstate Relations

AN ACT concerning electronic voting systems, amending sections
19:4-5, 19:4-6 and 19:6-1 of the Revised Statutes and sections 5,
7 and 8 of "An act authorizing the use of electronic voting sys-
tems and supplementing Title 19 of the Revised Statutes,"
approved April 12, 1973 (P. L. 1973, c. 82).

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

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

2 19:4-5. *a. Subject to the provisions of section 19:4-6 of this title*
3 *as to redistricting and of subsection b. of this section as to districts*
4 *in which electronic voting systems are to be used, no election dis-*
5 *trict shall contain more than 600 voters, except (1) an election*
6 *district wherein there may be located a home or institution wherein*
7 *persons entitled to vote may reside, and in any such district the*
8 *number of voters shall be as near 600 as possible; and (2) election*
9 *districts in counties having a population of less than 60,000 inhabi-*
10 *tants may contain 700 voters.*

11 *b. Election districts in which electronic voting systems are used*
12 *shall contain as near as may be *between* 600 *and 1,200**
13 *registered voters ***[in each district in which four voting devices***
14 *are to be used, 900 registered voters in each district in which six*
15 *voting devices are to be used, and 1,200 registered voters in each*
16 *district in which eight voting devices are to be used; but any such*
17 *election district may contain fewer voters than prescribed herein*
18 *if necessary for the convenience of the voters]*. *One voting*
18A *device for each 150 registered voters, or part thereof, shall be used*
18B *in each election district.**

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

19 *c. Except as provided in subsection b. of this section, [Every]*
 20 *every* municipality in a county having a population of less than
 21 60,000 inhabitants, containing more than 700 voters and less than
 22 1,200 voters, shall be divided into two election districts, each district
 23 having as nearly as possible the same number of voters.

24 The county board or the governing body of the municipality, as
 25 the case may be, having regard for the convenience of the voters
 26 of such municipality, shall select a building for use as a polling
 27 place in the municipality, which building may be used by the voters
 28 of each election district, even though the building be located within
 29 one election district.

1 2. R. S. 19:4-6 is amended to read as follows:

2 19:4-6. *a. (1)* When in any two consecutive general elections in
 3 any election district over 600 or less than 250 **votes** shall have
 4 been cast, the county board in counties of the first class and the
 5 governing body of the municipalities in counties other than counties
 6 of the first class, except as hereinafter provided, wherein such
 7 election district shall lie, may readjust the boundary lines of such
 8 election district and other election districts necessary to effect the
 9 change so that none of the election districts affected shall have
 10 more than 550 or less than 350 registered voters, and for this
 11 purpose shall have power to consolidate any number of districts
 12 and subdivide the same.

13 *(2)* In redistricting the election districts in counties having a
 14 population of less than 60,000 which under section 19:4-5 of this
 15 Title may contain voters, a like procedure may be followed.

16 *(3)* In redistricting the election districts in which voting ma-
 17 chines are to be used, which under section 19:51-1 of this Title may
 18 contain 750 registered voters where one machine is to be used, or
 19 1,000 registered voters where two machines are to be used, or
 20 1,500 registered voters where three machines are to be used, a like
 21 procedure may be followed, provided that where any county, other
 22 than counties of the first class, may provide for the use of voting
 23 machines purchased by it, the governing body of any municipality
 24 in such county shall, upon notice from the county board, redistrict
 25 the election districts in which voting machines are to be used.

26 *b. * [Election] * Notwithstanding the provisions of subsection*
 27 *a. of this section, election* districts in which electronic voting*
 28 *systems are to be used may be altered, divided or combined by the*
 29 *county board of elections at any time, except as restricted by*
 30 *subsection d. of this section, so as to conform to the provisions of*
 30A *subsection b. of R. S. 19:4-5.*

31 *c.* In every division, change or readjustment the geographical
 32 compactness of each district shall be maintained as nearly rectan-
 33 gular as possible and the lines of such district shall not extend
 34 beyond the boundary lines of the ward, or of the municipality, as
 35 the case may be, in which the district is located.

36 *d.* No such board or governing body shall make division of an
 37 election district between March 1 and the day of the general election
 38 in any year.

39 *e.* The preparation of the signature copy registers, registers of
 40 the voters and the party primary poll books of the preceding pri-
 41 mary election and the polling books of the preceding general elec-
 42 tion if made necessary for any purpose by reason of redistricting
 43 of the election districts shall be done by the commissioner in munici-
 44 palities having permanent registration and by the municipal clerk
 45 in all other municipalities.

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

2 19:6-1. The district boards in each election district shall consist
 3 of four members, *except that where electronic voting systems are*
 4 *in use any election district in which *there are* more than ***[six***
 5 *voting devices are to be used]* *900 registered voters* the district*
 6 *board shall consist of six members. **[who]** The members shall be*
 7 *appointed by the county board of the county in which such election*
 8 *district is located, in the manner hereinafter provided.*

9 In election districts in which the primary language of 10% or
 10 more of the registered voters is Spanish, the county board shall
 11 appoint two additional members who shall be of Hispanic origin
 12 and fluent in Spanish.

1 4. Section 5 of P. L. 1973, c. 82 (C. 19:53A-5) is amended to
 2 read as follows:

3 5. a. Ballot labels shall be printed in plain clear type in black
 4 ink, of such size and arrangement as to fit the construction of the
 5 voting device; they shall be printed on clear white material or on
 6 material of different colors to identify different ballots or parts of
 7 the ballot, and in primary elections to identify each political party.

8 b. The titles of offices and the names of candidates may be
 9 arranged in vertical columns or in a series of separate pages. The
 10 office title with a statement of the number of candidates to be voted
 11 for shall be printed above or at the side of the names of the
 12 candidates for that office. The names of candidates shall be printed
 13 in the order provided by law, and in general elections the party
 14 designation of each candidate, which may be abbreviated, and a
 15 slogan not to exceed **[five]** *six* words may be printed following

16 his name. In case there are more candidates for an office than
 17 can be printed in one column or on one ballot page, the ballot label
 18 shall be clearly marked that the list of candidates is continued
 19 on the following column or page, and so far as possible, the same
 20 number of names shall be printed on each column or page. Arrows
 21 may be used to indicate the place to vote for each candidate and
 22 on each measure.

23 c. The different parts of the ballot, such as partisan, nonpartisan,
 24 and measures, shall be prominently indicated on the ballot labels,
 25 and, if practicable, each part shall be placed on a separate page
 26 or pages. In the event that two or more elections are held on the
 27 same day, the ballot labels shall be clearly marked to indicate the
 28 ballot for each election, and, if practical, the ballot labels for each
 29 election shall be placed upon separate pages, and labels of a differ-
 30 ent color or tint may be used for each election.

31 d. Sample ballots, which shall be facsimile copies of the official
 32 ballot or ballot labels, shall be provided as required by law. At
 33 least three copies shall be posted in each polling place on election
 34 day. Sample ballots may be printed on a single sheet or on a
 35 number of pages stapled together.

36 e. In elections in which voters are authorized to vote for persons
 37 whose names do not appear on the ballot, **at the discretion of the*
 37A *county board of elections either (1)* a separate write-in ballot,*
 38 *which may be in the form of a paper ballot, card or envelope in*
 39 *which the voter places his ballot card after voting, shall be provided*
 40 *to permit voters to write in the title of the office and the name of*
 41 *the person or persons for whom he wishes to vote, or to attach a*
 42 *sticker of suitable size on which is printed the title of the office*
 43 *and the name of the person or persons for whom he wishes to vote*;*
 44 *or (2) provision shall be made for the voter to write the name of*
 45 *the person or persons for whom he wishes to vote on the ballot*
 46 *card in the location designated and to punch the ballot card in the*
 47 *location provided*.*

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

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

10 b. Each voter requesting assistance shall be instructed how to
11 operate the voting device before he enters the voting booth. If he
12 needs additional instruction after entering the voting booth and
13 requests assistance, two members of the district board of opposite
14 political parties, may if necessary enter the booth and give him
15 additional instructions.

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

21 d. After the voter has marked his ballot cards, he shall place the
22 ballot card inside the envelope provided for this purpose and
23 return it to the election officer, who shall remove the stub, [hand
24 it to the voter] *place it on a file string*, and deposit the envelope
25 with the ballot card inside in the ballot box. No ballot card from
26 which the stub has been detached shall be accepted by the election
27 official in charge of the ballot box, but it shall be marked "Spoiled"
28 and placed with the spoiled ballot cards.

29 e. Any voter who spoils his ballot card may return it enclosed
30 in the envelope and secure another. The word "Spoiled" shall be
31 written across the face of the envelope, which shall be placed [in
32 the spoiled ballot card container] *on the same string with the stubs*.

33 f. As soon as the polls have been closed and the last qualified
34 voter has voted, all unused ballot cards shall be placed in a con-
35 tainer and sealed for return to the board of elections. [Said
36 container shall be indestructible, waterproof and shall be sealed
37 before being removed from the local district election board
38 premises.] The ballot box shall be opened and any write-in votes
39 counted, *unless these votes are to be counted by duly appointed*
40 *bipartisan tabulating teams at the counting center*. Before write-in
41 votes are counted they shall be compared with votes cast on the
42 ballot card for the same office. If the voter has cast more votes for
43 an office than he is entitled to vote for, the vote for that office
44 shall be declared null and void and that vote shall not be counted
45 for that office. Votes cast for duly nominated candidates on the
46 ballot card will not be voided because of an invalid write-in vote,
47 but if otherwise valid shall be counted. The voted ballot cards shall
48 next be placed in the ballot card container for delivery to the
49 counting center, and the voting devices shall be placed in their
50 containers [and locked or sealed] for returning to the county board
51 of elections.

52 g. The district board election officers shall prepare a report of
 53 the number of voters who have voted, as indicated by the poll list,
 54 *the number of write-in votes and any other votes counted by the*
 55 *district board and the number of spoiled ballots*, and shall place
 56 the original copy of this report in the ballot card container for
 57 delivery to the counting center, which thereupon shall be sealed
 58 so that no additional ballot cards may be deposited or removed.
 59 *Such container shall be durably constructed so as to be resistant to*
 60 *fire, water and tampering*. The duplicate copy of said report shall
 61 be returned to the county election board with other records. Two
 62 district election board officers one of each opposite political party
 63 as in this act defined shall forthwith deliver the ballot card con-
 64 tainer to the counting center or other place designated by the
 65 county board. *The county board may, in its discretion, direct that*
 66 *ballots be delivered to one or more collection points from which*
 67 *points the ballots shall be transported collectively to the counting*
 68 *center ***[by police officers or]**** *by two duly appointed deputies of*
 69 *opposite political parties. The district board shall receive a receipt*
 70 *before releasing the ballots to said ***[police officers or]**** *deputies.*

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

3 8. a. Prior to the start of the count of the ballots, each county
 4 board of elections shall have the automatic tabulating equipment
 5 tested to ascertain that it will accurately count the votes cast for
 6 all offices and on all measures. Public notice of the time and place
 7 of the test shall be given at least 48 hours prior thereto by publica-
 8 tion once in three or more daily or weekly newspapers published in
 9 the county or jurisdiction where such equipment is used, if a news-
 10 paper is published therein, otherwise in a newspaper of general
 11 circulation therein; said newspapers shall be selected so as to give
 12 the widest possible notice to the voters of said county and one of
 13 said newspapers shall be the newspaper or one of the newspapers
 14 in which legal notices of the county are required to be published.
 15 The test shall be conducted by processing a preaudited group of
 16 ballot cards so punched as to record a predetermined number of
 17 valid votes for each candidate and on each measure, and shall
 18 include for each office one or more ballots which have votes in ex-
 19 cess of the number allowed by law in order to test the ability of the
 20 automatic tabulating equipment to reject such votes. In such test
 21 a different number of valid votes shall be assigned to each candidate
 22 for an office, and for and against each measure. If any error is
 23 detected, the cause therefor shall be ascertained and corrected and

24 an errorless count shall be made and certified to by the county board
 25 of elections before the count is started. The tabulating equipment
 26 shall pass the same test at the conclusion of the count before the
 27 election returns are approved as official. On completion of the
 28 count, the programs, test materials, and ballot cards arranged by
 29 districts shall be sealed and retained as provided for paper ballots.

30 b. All proceedings at the counting center shall be under the
 31 direction of the county board of elections or persons designated by
 32 it; there shall always be two persons in charge, one from each
 33 opposite political party as in this act defined; and all proceedings
 34 shall be conducted under the observation of the public ****[insofar as**
 35 *is practicable]*******, but no persons except those authorized for the
 36 purpose shall touch any ballot card or return. All persons who are
 37 engaged in processing and counting of the ballots shall be deputized
 38 and take an oath that they will faithfully perform their assigned
 39 duties. If any ballot card is damaged or defective so that it cannot
 40 properly be counted by the automatic tabulating equipment, a true
 41 duplicate copy shall be made and substituted for the damaged
 42 ballot card. All duplicate ballot cards shall be clearly labeled
 43 "duplicate," and shall bear a serial number which shall be recorded
 44 on the damaged or defective ballot card. The damaged or defective
 45 ballot card as well as the "duplicate" shall be preserved with the
 46 other ballot cards. During the count the election officer or board in
 47 charge may from time to time release unofficial returns. Upon
 48 completion of the count the official returns shall be open to the
 48A public.

49 c. The return of the automatic tabulating equipment, to which
 50 have been added the write-in and absentee votes, shall, after being
 51 duly certified *by the county board of elections*, constitute the official
 52 return of each election district.

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

1 7. (New section) Notwithstanding any provisions of law to the
 2 contrary, in the year in which this act takes effect any county board
 3 may before May 1 alter, combine or divide election districts in
 4 which electronic voting systems are to be used so as to conform to
 5 the provisions of subsection b. of R. S. 19:4-5, and may appoint
 6 such new or additional members of such district election boards
 7 as may be authorized under R. S. 19:6-1.

1 8. This act shall take effect immediately.

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

49 e. The return of the automatic tabulating equipment, to which
50 have been added the write-in and absentee votes, shall, after being
51 duly certified *by the county board of elections*, constitute the official
52 return of each election district.

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

1 7. (New section) Notwithstanding any provisions of law to the
2 contrary, in the year in which this act takes effect any county board
3 may before May 1 alter, combine or divide election districts in
4 which electronic voting systems are to be used so as to conform to
5 the provisions of subsection b. of R. S. 19:4-5, and may appoint
6 such new or additional members of such district election boards
7 as may be authorized under R. S. 19:6-1.

1 8. This act shall take effect immediately.

STATEMENT

This bill makes several procedural and technical changes in regard to the use of electronic voting systems, the use of which has been authorized under P. L. 1973, c. 82, and is expected to commence in some counties with the primary election of June 3, 1975. The changes may be summarized as follows:

1. The law regarding ballot format for write-ins is amended to provide specifically for "paste-ins" of printed stickers containing the candidates' names and titles of office.

2. Variation in the size of election districts is permitted in accordance with the number of electronic voting devices employed. This is analogous to the provisions of law regarding districts that use conventional voting machines. Where very large districts, using more than six devices, are created, two additional members may be appointed to the district board of elections.

3. It is provided that, when ballot cards are voted, the detached stub of the ballot be filed on a string, instead of being handed back to the voter; and that each spoiled ballot be filed on the same string. This is analogous to the procedure for the coupons of paper ballots and spoiled paper ballots.

4. District elections boards are relieved of the statutory duty of reporting on the number of write-in votes counted whenever, in fact, those votes are to be counted at the counting center by duly appointed bipartisan teams, rather than in the district. The district board is required to report any write-in votes which it has actually counted; it is also required to report the number of spoiled ballots.

5. The requirement that the ballot container be "indestructible" and "waterproof" is replaced with the more reasonable requirement that it be "durably constructed so as to be resistant to fire, water and tampering."

6. Instead of requiring that all ballots be delivered directly from each district to the counting center, a procedure is provided by which the districts may deliver the ballot containers to intermediate collection points, from each of which the ballots of several districts may be more conveniently transported to the center.

7. The requirement that all proceedings at the counting center be "under the observation of the public" is modified by the addition of the words "insofar as practicable."

8. Requirement that the returns be "duly certified" is clarified by adding the words "by the county board of elections."

9. Ballot slogans may be of up to six, rather than five, words.

These various changes have been recommended by the County Clerks Division of the New Jersey Association of County Clerks, Sheriffs, Surrogates and Register of Deeds and Mortgages.

LA. 1975 327
STATE OF NEW JERSEY

**ASSEMBLY STATE GOVERNMENT, FEDERAL
AND INTERSTATE RELATIONS COMMITTEE**

STATEMENT TO
ASSEMBLY, No. 3157
with Assembly committee amendments

STATE OF NEW JERSEY

DATED: APRIL 28, 1975

This bill, as amended, makes several procedural and technical changes in regard to the use of electronic voting systems, the use of which has been authorized under P. L. 1973, c. 82 (C. 19:53A-1 et seq.), and is expected to commence in some counties with the primary election of June 3, 1975. The changes may be summarized as follows:

1. The law regarding ballot format for write-ins is amended to provide, in those cases in which it is practicable, for the use of printed stickers containing the candidates' name and title of office.

2. Variation in the size of election districts is permitted in those districts in which electronic voting devices are used. Such districts will contain between 600 and 1,200 voters. One electronic voting device will be used for each 150 voters. Where there are districts of more than 900 voters, two additional members are to be appointed to the district board of elections.

3. It is provided that, when ballot cards are voted, the detached stub of the ballot be filed on a string, instead of being handed back to the voter; and that each spoiled ballot be filed on the same string.

4. District elections boards are relieved of the statutory duty of reporting on the number of write-in votes counted whenever, in fact, those votes are to be counted at the counting center by duly-appointed bipartisan teams, rather than in the district. The district board is required to report any write-in votes which it has actually counted as well as the number of spoiled ballots.

5. The requirement that the ballot container be "indestructible" and "waterproof" is replaced with the more reasonable requirement that it be "durably constructed so as to be resistant to fire, water and tampering."

6. Instead of requiring that all ballots be delivered directly from each

district to the counting center, a procedure is provided by which the districts may deliver the ballot containers to intermediate collection points, from each of which the ballots of several districts may be more conveniently transported to the center.

7. The requirement that all proceedings at the counting center be "under the observation of the public" is modified by the addition of the words "insofar as practicable."

8. Requirement that the returns be "duly certified" is clarified by adding the words "by the county board of elections."

9. Ballot slogans may be of up to six, rather than five, words.

SENATE STATE GOVERNMENT AND FEDERAL
AND INTERSTATE RELATIONS COMMITTEE

2017 COPY
TO BE FILED

STATEMENT TO

ASSEMBLY, No. 3157

[OFFICIAL COPY REPRINT]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 16, 1975

This bill, as amended, makes several procedural and technical changes in regard to the use of electronic voting systems, the use of which has been authorized under P. L. 1973, c. 82 (C. 19:53A-1 et seq.).

1. The law regarding ballot format for write-ins is amended to provide, in those cases in which it is practicable, for the use of printed stickers containing the candidates' name and title of office.

2. Variation in the size of election districts is permitted in those districts in which electronic voting devices are used. Such districts will contain between 600 and 1,200 voters. One electronic voting device will be used for each 150 voters. Where there are districts of more than 900 voters, two additional members are to be appointed to the district board of elections.

3. It is provided that, when ballot cards are voted, the detached stub of the ballot be filed on a string, instead of being handed back to the voter; and that each spoiled ballot be filed on the same string.

4. District elections boards are relieved of the statutory duty of reporting on the number of write-in votes counted whenever, in fact, those votes are to be counted at the counting center by duly-appointed bipartisan teams, rather than in the district. The district board is required to report any write-in votes which it has actually counted as well as the number of spoiled ballots.

5. The requirement that the ballot container be "indestructible" and "waterproof" is replaced with the more reasonable requirement that it be "durably constructed so as to be resistant to fire, water and tampering."

6. Instead of requiring that all ballots be delivered directly from each district to the counting center, a procedure is provided by which the districts may deliver the ballot containers to intermediate collection points, from each of which the ballots of several districts may be more conveniently transported to the center.

7. Requirement that the returns be "duly certified" is clarified by adding the words "by the county board of elections."

8. Ballot slogans may be of up to six, rather than five, words.