

APRIL 24, 1957

MR. HAROLD E. WINDER, *Chairman*
Cape May County Board of Elections
Cape May Court House, New Jersey

MEMORANDUM OPINION—P-13

DEAR MR. WINDER:

You have asked our opinion as to the legal validity of the action of the Cape May County Board of Elections in appointing district election board members who have not voted for three consecutive years in the political party which they represent on the district board. You have cited instances in which the county board has not been able to secure a district board member who has voted for three consecutive years in the same political party.

Under the terms of R.S. 19:6-2, any legal voter who has voted for three consecutive years in the same political party may make written application to serve as a member of the district board of the municipality in which he resides. The county board is vested by R.S. 19:6-3 with the power to appoint the four members of district boards on or before March 20 of each year. Membership must be apportioned equally between the two major political parties, but without any limitation to voters who have cast primary ballots in that party for three consecutive years.

The election laws elsewhere define membership in a political party. R.S. 19:23-45 provides:

“A voter who votes in a primary election of a political party shall be deemed to be a member of that party until two subsequent annual primary elections have elapsed after casting of such party primary vote.”

Persons are eligible to sign nominating petitions for party primaries, according to R.S. 19:23-7 who state that they are “members of a political party, that they voted for a majority of its candidates at the last general election, and that they intend to affiliate with that party at the ensuing primary election.

We advise you that in the appointment of members of the district boards, the county board of elections may appoint any voter of the municipality who has voted in the primary election of that political party in either of the two preceding years or who has shown an intention to affiliate himself with that political party by signing a petition for the nomination of candidates at the ensuing primary election.

Very truly yours,

GROVER C. RICHMAN, JR.
Attorney General

By: DAVID D. FURMAN
Deputy Attorney General

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