

TITLE XIII.
ELECTIONS.

Chap. 1....ELECTIONS.

“ 2....CONTESTED ELECTIONS FOR GOVERNOR.

CHAPTER 1.

ELECTIONS.

1. ANNUAL ELECTION.
2. Place of holding.
3. Polls, when opened and closed.
4. Senators, notice of expiration of term.
5. Clerks and surrogates, election of.
6. Governor, election of.
7. Notice of, to be given.
8. Representatives in Congress, election of.
9. Electors, election of.
10. Representatives and electors, when elected.
11. Vacancies in legislature, supplied.
12. Elections, special.
13. Seat in legislature, when forfeited.
14. Vacancy in electoral college filled.
15. “ in House of Representatives.
16. “ in office of sheriff.
17. Writs of election.
18. Secretary to deliver copies to clerks.
19. Clerks to give notice.
20. Who ineligible to office.
21. What offices incompatible.
22. JUDGES OF ELECTION.
23. Ballot-box to be provided.
24. Notice of election given.
25. Board of election organized.
26. Judges and clerk not candidates.
27. Vacancy in board supplied.
28. “ in clerk's office supplied.
29. Such appointments valid.
30. Judges' oaths.
31. Clerk's oath.
32. Voters privileged from arrest.
33. Military parade forbidden.
34. Voting to be by ballot.
35. Opening of election proclaimed.
36. Ballot-box exhibited.
37. Time of opening and closing polls.
38. Adjournment, proceedings on.
39. Judges to keep keys.
40. Clerk to open poll-book.
41. Right to vote claimed in person.
42. Ballots delivered to judge.
43. Member of board may dissent.
44. Challenge of vote.
45. When judge to challenge.
46. Aliens challenged—oath.
47. Examination of claimant.
48. Form of oath to be taken.
49. Convict, challenged.
50. Penalty for fraudulent voting.
51. “ for advising to vote illegally.
52. Poll-book, how footed.
53. Who deemed elected.
54. Canvass of votes.
55. Mode of canvassing and estimating.
56. What ballots not counted.
57. Statement of result.
58. “ for governor, clerk, or surrogate.
59. Copy to be made.
60. Clerk to keep poll-book, etc.
61. Statement congressional election, etc.
62. Form of statement.
63. COUNTY CANVASSERS.
64. Board of, constituted.
65. Majority to form board.
66. Time and place of meeting—oath.
67. Oath of clerk.
68. Proceedings and duties.
69. Statement sent secretary and clerk.
70. Judge to send or take statement.
71. Canvassers may adjourn.
72. Statements laid before them.
73. Proceedings to be public.
74. Statements filed.
75. Form of statement of result.
76. Statement of determination made.
77. Form of said statement.
78. On what to be founded.
79. Copies delivered to persons elected.
80. Copy sent secretary of state.
81. Certificate of sheriff's election.
82. When messenger sent for statements.
83. STATE CANVASSERS, to meet.
84. Who constituted such board.
85. Oath of members.
86. Clerk, and his oath.
87. Vacancies supplied.
88. Proceedings of said board.
89. May summon secretary, etc.
90. On what statement to be founded.
91. Proceedings to be public.
92. Statements filed.
93. Copies to persons elected.
94. Certificates of representatives.

95. Canvassers of governor's election.	106. Betting prohibited.	TITLE XIII. CHAP. 1.
MISCELLANEOUS PROVISIONS.		
96. Evidence of election to legislature.	107. False swearing punished.	
97. Meeting of electoral college.	108. Bribery, etc., forbidden.	
98. Statements, etc., delivered to messenger.	109. How punished.	
99. Disorderly persons committed.	110. Punishment for offering second vote.	
100. Notice in contested cases.	111. " for official misdemeanor.	
101. Subpœnas issued.	112. " for robbing ballot-box.	
102. Depositions.	113. " of secretary or clerk.	
103. Manner of taking.	114. Words construed.	
104. Transmission of.	115. Compensation of officers.	
105. Penalty for default of witness.	116. Fees for services.	
	117. Fees of secretary and clerk.	

An Act to regulate elections.

1846.
PAMPH. 193.

Revision....Approved April 16, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on the Tuesday next after the first Monday in November, in each year hereafter, an election shall be held in each county, to elect for such county such a number of persons to be members of the General Assembly as such county shall be entitled to elect, and also one person to be sheriff, and three persons to be coroners for such county, each of whom shall have the qualifications prescribed by law. Annual election for Assembly, etc.

2. *And be it enacted*, That at every annual meeting in each township, the persons who shall be qualified to vote therein, shall appoint the place within such township at which all such elections shall be held during the year next following such annual meeting; and if they shall omit to appoint a place, then such elections shall be held at the place at which such annual meeting was last held. Town meeting to fix place.

3. *And be it enacted*, That all such elections shall be opened at the hour of eight o'clock in the morning, and close at the hour of seven o'clock in the evening, and shall continue one day only. Time of opening and closing polls.

4. *And be it enacted*, That the secretary of state shall, between the first day of August and the first day of September, immediately preceding the expiration of the term of service of any member or members of the Senate of this state, direct and cause to be delivered to the clerk of every county, whose senator's term of service will expire with the current legislative year, a notice stating such fact, and that a senator for said county is to be elected at the ensuing annual election; and the clerk of such county shall, within fifteen days after the receipt of the said notice, cause a copy of the same, certified under his hand to be true and correct, to be delivered to the clerk of each township in said county; and the clerk of each township shall, in every year in which the term of service of the senator for said county will expire as aforesaid, include in the advertisement, required to be given by the twenty-fourth sec-

TITLE XIII. tion of this act, a notice that a senator for said county is to be cho-
 CHAP. 1. sen at the ensuing election.

Time and
 mode of e-
 lecting clerks
 and surro-
 gates.

5. *And be it enacted*, That the clerks and surrogates of coun-
 ties shall be elected by the qualified voters of each county, at the
 time of electing members of the General Assembly; they shall be
 elected once in every five years, and as often as vacancies occur; and
 every such vacancy shall be supplied at the general election next
 succeeding the happening thereof; it shall be the duty of the clerk
 of every county, between the first day of August and the first day
 of September, immediately preceding the expiration of the term of
 office of the clerk or surrogate of such county, to direct and cause
 to be delivered to the clerk of each township in said county, a
 notice that a clerk or surrogate of said county, or both, as the case
 may be, is to be chosen at the ensuing annual election; in every
 such year in which an election for clerk or surrogate of a county is
 required to be made, the clerk of each township in said county
 shall include in the advertisement, required to be given by the
 twenty-fourth section of this act, a notice that a clerk or surrogate
 of said county, or both, as the case may be, is to be chosen at the
 ensuing election.

Clerk's duty.

Time and
 mode of elec-
 tion of go-
 vernor.

6. *And be it enacted*, That when a governor is to be elected by
 the people, such election shall be held at the time when and the
 places where the people shall respectively vote for members of the
 General Assembly; and each voter shall put the name of the per-
 son voted for as governor, designating him as such, on the same
 ticket with the names of the persons voted for as members of the
 legislature and county officers.

Secretary of
 state to give
 notice of
 such elec-
 tion.

7. *And be it enacted*, That the secretary of state shall, between
 the first day of August and the first day of September, immedi-
 ately preceding the expiration of the term of office of the governor,
 direct and cause to be delivered to the clerk of every county a no-
 tice stating such fact, and that a governor is to be elected at the en-
 suing annual election; and the clerk of such county shall, within
 fifteen days after the receipt of said notice, cause a copy of the
 same, certified under his hand to be true and correct, to be deli-
 vered to the clerk of each township in said county; in every year
 in which an election for governor is required to be made, the clerk
 of each township shall include in the advertisement, required to be
 made by the twenty-fourth section of this act, a notice that a go-
 vernor is to be chosen at the ensuing election.

Time of elec-
 tion of re-
 presenta-
 tives in Con-
 gress.

8. *And be it enacted*, That, on the Tuesday next after the first
 Monday in the month of November, in the year of our Lord one
 thousand eight hundred and forty-six, and in each second year
 thereafter, an election shall be held to elect, for this state, five per-

sons to be members of the House of Representatives of the United States, and this state shall for that purpose be divided into five districts: the counties of Cape May, Cumberland, Salem, Gloucester, Atlantic, and Camden shall compose one district, to be called "the first district;" the counties of Burlington, Monmouth, and Mercer shall compose one district, to be called "the second district;" the counties of Hunterdon, Warren, and Sussex shall compose one district, to be called "the third district;" the counties of Middlesex, Somerset, and Morris shall compose one district, to be called "the fourth district;" and the counties of Essex, Hudson, Bergen, and Passaic shall compose one district, to be called "the fifth district," each of which districts shall elect one person to represent this state in the House of Representatives of the United States.

TITLE XIII.
CHAP. I.

Districts.

9. *And be it enacted*, That on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and forty-eight, and in each fourth year thereafter, an election shall be held in this state, to elect, for this state, such a number of persons to be electors of president and vice president of the United States as this state shall be entitled to elect or appoint, each of whom shall be a free white male citizen of the United States, of the age of twenty-five years or upwards, and an inhabitant of this state, and have been a citizen of the United States seven years next preceding such election.

Time of
choosing
electors.

10. *And be it enacted*, That the stated election of members of the House of Representatives, and also the election of electors of president and vice president of the United States, in every year in which the same are respectively required to be made, shall be held at the same time with the election of members of the General Assembly; and the voters shall put the name of the person voted for as a member of the House of Representatives, designating him as such, and also the names of the persons voted for as electors of president and vice president, designating them as such, on the same ticket with the names of the persons voted for as members of the state legislature and county officers.

When election for representatives and electors held in certain cases.

11. *And be it enacted*, That whenever any vacancy shall happen in the representation of any county in the Senate or General Assembly, the house in which such vacancy happens shall direct a writ of election for supplying the same, unless such house shall be of opinion that the services of a person in the office then vacant will not be required during the unexpired period of the legislative year; but if such vacancy happens during the recess of the legislature, or after the annual election, and not less than fifteen days before the commencement of the legislative year, (or a shorter time before such commencement, if the board of chosen freeholders make

Vacancies in legislature, how supplied.

Writ of election.

TITLE XIII.
CHAP. I.

the requirement hereinafter mentioned,) it shall be the duty of the governor forthwith to issue a writ of election to fill the said vacancy, unless he shall be of opinion that the services of a person in the office then vacant will not be required during the legislative year, or the residue thereof; but the neglect of the governor to issue a writ for filling such vacancy shall not preclude the house in which such vacancy may have happened from causing the same to be filled, if they judge it advisable; *provided also*, that if the board of chosen freeholders of such county shall signify in writing to the governor, in case such vacancy occurs during the recess of the legislature, or after the annual election, and before the commencement of the legislative year, or to such house, when in session, the desire of such board that the vacancy shall be filled, then such house, or the governor, as the case may be, shall forthwith, after such signification, issue such writ.

Proviso.

12. *And be it enacted*, That every special election shall be held on one day only, which shall be Tuesday.

Special elections.

13. *And be it enacted*, That if any person who shall be elected a member of the Senate or General Assembly of this state shall neglect or refuse, for ten days next after the commencement of the session of such house, to take his seat therein, or to send to such house a satisfactory excuse, or shall, during any session of such house, be absent unremittingly for ten days (unless expressly excused by such house from attendance thereon), or shall remove from and cease to be a resident of this state, his office shall be deemed vacant.

Seat in legislature declared to be vacated in certain cases.

14. *And be it enacted*, That when any vacancy shall happen in the college of electors of this state, or when any elector shall fail to attend, by the hour of three o'clock in the afternoon of the day fixed by the Congress of the United States for the meeting of the college of electors, at the place of holding such meeting, those of the said electors who shall be assembled at the said hour and place, shall immediately after that hour proceed to fill, by ballot and by a majority of votes, all such vacancies in the electoral college.

Vacancies in college of electors, how supplied.

15. *And be it enacted*, That whenever any vacancy or vacancies shall happen in the representation of this state in the House of Representatives, it shall be the duty of the governor forthwith to issue a writ of election to fill such vacancy or vacancies, unless the term of service for which the person or persons whose office or offices shall have become vacant will expire within two months next after the happening of such vacancy or vacancies.

Vacancies in representation in Congress, how supplied.

16. *And be it enacted*, That if any person who shall at any such election have been elected to the office of sheriff, shall neglect, refuse, or be unable to give bond with sufficient sureties, or shall

Vacancies in office of sheriff, how supplied.

neglect or refuse to take the oath or affirmation of office, as is required by law, at the time appointed for giving such bond and taking such oath or affirmation, then such office shall be deemed and taken to be vacant; and it shall be the duty of the judges of the court of common pleas of the county, or any three of them, in which such vacancy shall have happened, forthwith after such vacancy, to direct the clerk of such court to certify the fact of such vacancy to the governor; and the clerk of such court shall forthwith certify the same, under his hand and the seal of such county, to the governor, who shall forthwith, on the receipt of such certificate, issue a writ of election to fill such vacancy.

17. *And be it enacted*, That every writ of election which shall be issued under the provisions of this act shall be of the nature of a proclamation, and be signed by the governor or by the president of the Senate or the speaker of the House of Assembly, as the case may be, and shall specify the cause and purpose of such election, the name of the officer in whose office the vacancy has occurred, and the day on which such election shall be held, which shall not be less than fifteen days, nor more than forty days, from the date of such writ.

18. *And be it enacted*, That every such writ shall, by the officer issuing the same, be delivered forthwith after the date thereof to the secretary of state, who shall forthwith, after receiving the same, affix thereto the seal of this state, and file the same in his office, as an official paper; and in case such vacancy or vacancies shall have happened in the representation of any county in the Senate or Assembly, he shall make, or cause to be made, a copy of such writ, certify the same to be true and correct under his hand, and cause such copy thus certified to be delivered to the clerk of such county; and in case such vacancy or vacancies shall have happened in the representation of this state in the House of Representatives, he shall cause as many copies of such writ to be made as there shall be counties, certify each of the same to be true and correct under his hand, and cause one of such copies to be delivered to the clerk of each county.

19. *And be it enacted*, That the clerk of each county shall, forthwith after the receipt of any such copy, cause the same to be published, at least once a week, until the time of such election, in each of the newspapers which shall be printed or published in such county, or if no newspaper shall be printed or published in such county, then in at least two newspapers circulating most generally therein; and if such election shall be held to fill a vacancy or vacancies in the representation of such county in the Senate or Assembly, such publication shall be made at the expense of such

TITLE XIII
CHAP. 1.

county; and if such election shall be held to fill a vacancy or vacancies in the House of Representatives, such publication shall be made at the expense of this state.

Who ineligible to office of electors.

20. *And be it enacted*, That no person shall be elected a member of the House of Representatives, or an elector of president and vice president, who shall hold any office of trust or profit under the United States; and no person shall be elected to the office of such elector who shall hold the office of senator or member of the House of Representatives of the United States.

Who incapable of holding more than one of certain offices.

21. *And be it enacted*, That no persons shall hold at the same time more than one of the following offices: elector of president and vice president of the United States, member of the House of Representatives of the United States, members of the Senate or of the General Assembly of this state, clerk or surrogate of a county, sheriff, or coroner; and if any person who shall have been elected or appointed to any such office shall, during the term for which he shall have been elected or appointed, be elected or appointed to another of such offices, and shall accept the same, such acceptance shall be deemed to make vacant the office to which he shall have been previously elected or appointed; and if any person shall, at any election, be elected to two or more of such offices, he shall accept but one of the same, and the other or others shall be deemed vacant.

Judges of election.

22. *And be it enacted*, That at the next and every subsequent annual meeting in each township, the persons who shall be qualified to vote therein shall choose one of their number, who shall be a respectable freeholder, to be a judge of election; and the person so chosen shall be the chairman of the board of election in such township, and shall, together with the persons who shall be chosen assessor and collector, constitute such board; and such board shall preside at and conduct all such elections to be held during the year next following such annual meeting in such township; and the persons who shall be chosen as such assessor and collector shall, for the purposes of this act, be styled judges of election, and have equal powers in presiding at and conducting such elections with the person chosen as such judge; and the decision of a majority of such board, on any question, shall be deemed and taken to be the decision of such board, and final.

Who to constitute board of election.

Decision of majority final.

Clerk to provide ballot-box.

23. *And be it enacted*, That the clerk of each township shall from time to time, as occasion shall require, provide and keep in good repair, at the expense of the county in which such township shall be situated, a ballot-box for the use of such township, which box shall be made one foot in depth, width, and length, as near as may be, measuring the same on the exterior thereof, and strapped

Description of.

and secured on each corner thereof with iron or brass, so as to prevent it from being easily broken, and shall have a lid thereto, which shall be fastened with brass or iron hinges; and there shall be on the lid thereof three locks of different construction, so that neither of them can be opened with the key belonging to another of them; and there shall be in the lid thereof an aperture, not larger than shall be sufficient to admit a single closed ballot therein at one time; and the interior of the lid thereof shall be so provided with a bar or bolt that the aperture in the same can be covered thereby, in such manner that when the ballot-box shall be locked no ballot or other thing can be inserted in the same.

24. *And be it enacted*, That the clerk of each township shall, at least eight days prior to, and within thirty days next preceding the day of election, put up, or cause to be put up, an advertisement in at least five of the most public places within such township, which advertisement shall make known the time, place, and purpose of holding such election, and be signed by such clerk.

25. *And be it enacted*, That the judges of election of each township shall meet at the time and place when and where any such election shall be appointed to be held therein, and shall, at the hour of eight o'clock in the morning of the day thereof, organize themselves as a board of election, for the purpose of presiding at and conducting such election; and the clerk of such township shall meet with such board, and be the clerk thereof.

26. *And be it enacted*, That no such judge or clerk shall be elected to any office to be filled at the election in which he shall serve; and if any such judge or clerk shall be voted for in any such election, the person or persons, to the number to be elected therein, who shall by law be qualified for the office or offices to be filled at such election, for whom the greatest number of votes shall have been given therein, other than such judge or clerk, shall be deemed and taken to be elected, and the votes which shall be given to such judge or clerk shall be deemed and taken to be null and void.

27. *And be it enacted*, That if, at the hour of eight o'clock on the morning of the day of any such election, any one or more of the judges of election of any township shall be absent from the place where such election shall be appointed to be held, or shall be disqualified, or, being present, shall neglect or refuse to serve as one of the board of election, it shall be lawful for the persons then and there present, who shall be entitled to vote in such election in such township, by a majority of voices, or, on a division, by a majority of polls, forthwith to choose one or more of the persons then and there present, who shall be entitled to vote in such election in such township, and shall be a respectable freeholder, to fill

TITLE XIII.
CHAP. I.

To give notice of election.

Organization of board of election.

Judges and clerk of election not to be chosen to office.

Time and mode of supplying vacancies in the board.

TITLE XIII. the place or places in such board of the person or persons so absent, disqualified, neglecting, or refusing; and, for the purpose of making such choice, it shall be the duty of the person who shall have been elected as judge of election at the annual meeting in such township next preceding such election, or in case of his absence or disqualification, neglect or refusal to serve in such board, then of the person who shall at such annual meeting have been chosen as assessor, or in case of the absence or disqualification, neglect or refusal, of such judge and assessor to serve in such board, then of the person who shall at such annual meeting have been chosen as collector, or in case of the absence or disqualification, neglect or refusal, of such judge, assessor, and collector to serve in such board, then of the person who shall at such annual meeting have been chosen as clerk, forthwith to organize a meeting of the persons then and there present, who shall be entitled to vote in such election in such township, for the purpose of choosing one or more of such persons, who shall be qualified as above mentioned, to fill the place or places of the person or persons so absent, disqualified, neglecting, or refusing; and the person who shall organize such meeting, shall preside thereat, and announce the choice which shall be made as aforesaid; and if all the persons who shall have been chosen at such annual meeting, as such judge, assessor, collector, and clerk, shall be absent or disqualified, or shall neglect or refuse as aforesaid, then it shall be lawful for the persons then and there present, who shall be entitled to vote in such election in such township, to organize themselves into such meeting, by the appointment of one of their number to preside therein, who shall preside therein, and announce the choice which shall be made as aforesaid; and every person so chosen shall be deemed and taken to be, in all respects, a judge of election; and a certificate of such choice shall be made in writing, and signed by the person who shall preside at such choice, and two other respectable freeholders present thereat, and transmitted to the clerk of the court of common pleas of the county, within four days thereafter, and be by him filed in his office as a public record.

Clerk to organize meeting,

or voters present may organize.

Time and mode of supplying vacancies on disqualification of clerk.

28. *And be it enacted,* That if, at the hour of eight o'clock on the morning of the day of such election, or at any other time during such election, the clerk of such township shall be absent from the place where such election shall be appointed to be held, or shall be disqualified, or, being present, shall neglect or refuse to serve as clerk of the board of election, it shall be the duty of such board to appoint some other person, qualified to vote in such election in such township, who shall be then and there present, to be such clerk; and the person so appointed shall be deemed and taken to be, in all respects, the clerk of such board.

29. *And be it enacted*, That any person who may be appointed to fill the place of any one of the judges of election, in consequence of the absence, disqualification, neglect, or refusal to serve of such judge, and any person who may, in like manner, be appointed clerk of the board, in place of the clerk of the township, under the twenty-seventh or twenty-eighth sections of this act, shall be deemed to be, in all respects, a member or clerk of such board, with respect to all matters appertaining to that election; but his powers under such appointment shall not extend to any subsequent election.

TITLE XIII.
CHAP. I.

Person appointed to fill vacancy, to be member of board.

30. *And be it enacted*, That when such board of election shall have been organized, and before they shall receive any vote, it shall be the duty of each of the judges of election to take an oath or affirmation, to be administered by the clerk of the board, in the following form :

Oath of judges of election.

“ You do swear, (or affirm, as the case may be,) that you will faithfully and impartially execute the duties required of you by law, as one of the judges of this election; that you will not knowingly receive, or assent to receive, the vote of any person who is not in all respects qualified and entitled to vote according to law; and that if any person shall offer his vote, whom you shall suspect or believe not to be qualified or entitled to vote in this election, you will challenge his vote, and will refuse to receive the same, unless you shall be made fully satisfied that he is legally entitled to vote therein.”

31. *And be it enacted*, That when the judges of election shall have been sworn or affirmed, as provided in the preceding section of this act, it shall be the duty of the chairman of the board of election, in an open and public manner, to administer to the clerk of such board, and of such clerk to take, an oath or affirmation, in the following form :

Oath of clerk.

“ You do swear, (or affirm, as the case may be,) that you will faithfully and impartially execute the duties required of you by law, as clerk of this board;” and the like oath or affirmation shall be administered to, and taken by any person who may be appointed clerk of such board at any time during such election.

32. *And be it enacted*, That no person who shall have a right to vote at any such election, shall be arrested by virtue of any civil process on the day on which such election shall be held.

Voters privileged from arrest.

33. *And be it enacted*, That no such election shall be appointed to be held on any day on which the militia of this state shall be required to do military duty, nor shall the militia of this state be required to do military duty on any day on which any such election shall be appointed to be held.

Military duty not to be performed on day of election.

TITLE XIII.
CHAP. 1.Voting to be
by ballot.

34. *And be it enacted*, That in all such elections, the persons entitled to vote therein shall vote by ballot; and each voter shall give his vote by a single ballot, which shall be a paper ticket, on which shall be written or printed, or partly written and partly printed, the name or names of the person or persons for whom the person voting intends to vote, and shall designate the office to which each person so named is intended by him to be elected; and no ballot shall contain a greater number of names of persons, as designated to any office, than there are persons to be chosen to fill such office.

Proclama-
tion to be
made of o-
pening elec-
tion.

35. *And be it enacted*, That such board shall, on each day of election, as soon as they have opened the same, and before they shall proceed to receive any vote, make public proclamation of the opening of the election, and of their readiness to receive the votes of voters.

Ballot-box to
be exhibited.

36. *And be it enacted*, That on the day of such election, after proclamation shall have been made of the opening thereof, and immediately before proceeding to receive the votes, such board shall, in an open and public manner, exhibit the ballot-box, so that the bystanders may see that there is nothing contained therein, and thereupon shut and lock the same, leaving open the aperture in the lid thereof.

Time of o-
pening and
closing polls.

37. *And be it enacted*, That when such board shall have become organized, and the members and clerks thereof sworn or affirmed, the election shall be opened, and the same shall be kept open during the whole of the day of election, between the hours of eight o'clock in the morning and seven o'clock in the evening; but said board may adjourn the proceeding in such election from one o'clock until two o'clock in the afternoon, or for any shorter time between those hours, as they shall see fit.

Proceedings
on adjourn-
ment of
board dur-
ing election.

38. *And be it enacted*, That whenever, before the close of the election on such day, an adjournment shall be ordered by the board of election, they shall state in the poll-book, immediately after the last name therein, in words written at full length, the whole number of the names of the voters in the poll-book, to which the judges and clerk shall sign their names, and shall unlock and open the ballot-box, place and secure the bar or bolt in the lid thereof, in such a manner as to prevent the insertion in the ballot-box of any ballot or other thing, place therein the poll-book, and shut and lock the same; and when the period of adjournment shall have expired, such board shall unlock and open the ballot-box, take therefrom the poll-book, remove such bar or bolt, so as to leave open the aperture in the lid thereof, and shut and lock the same; and during every such adjournment the ballot-box shall remain in the pos-

Charge of
ballot-box.

session and under the care of one or more of the judges of election, or the clerk of such board, to be appointed by such board for that purpose, who shall keep the same, during such adjournment, in public view.

TITLE XIII.
CHAP. I.

39. *And be it enacted*, That each of the judges of election shall, at the opening thereof, take one of the keys of the locks of the ballot-box, and shall keep the same until a statement of the result thereof shall be made and certified, as directed by this act, and shall not during that time suffer either of the other judges or any other person, on any pretence, to take or have the same; and in all cases in which such board are directed to lock the ballot-box, each of the locks thereof shall be locked by the judge who shall have the key belonging thereto, as directed by this act.

Judges to keep keys of ballot-box.

40. *And be it enacted*, That the clerk of such board shall provide and have at such election a book, to be denominated the poll-book, in which he shall record the names of the persons whose votes shall be received therein, in the order in which they shall be received, and shall, as he records such names, number the same from one onward, until the election shall be finally closed; and such clerk shall write a heading to the list of names so recorded, in the following, or like form:

Clerk to keep poll-book.

“Names of voters at an election held in the township of —, in the county of —, on the — day of —, in the year of our Lord one thousand eight hundred and —, for members of —,” filling up the blanks in the form above given to conform to the facts of the case.

Form.

41. *And be it enacted*, That every person possessing the qualifications required by the constitution, shall be entitled to vote in the township in which he actually resides, and not elsewhere; and every person who shall be so qualified to vote in such election in such township, shall at any time during the same, after proclamation shall have been made of the opening of the same, except during any period for which the board of election shall have adjourned, be at liberty to claim his right to vote therein in such township, and such person shall claim such right in person before such board; and on such claim being made, one of such board shall audibly and publicly announce the name of the claimant; and the ballot of such claimant shall remain in his own hand, until such board shall have decided to receive the same.

Right of voting to be claimed in person.

Duty of board thereon.

42. *And be it enacted*, That each ballot shall, in an open and public manner on the day of election, between the hours mentioned in the third section of this act, be delivered in person by the voter to one of the judges of election, and be by such judge deposited in the ballot-box; and in no case shall the ballot be taken by any

Ballots to be delivered to judge of election.

TITLE XIII.
CHAP. I.

Not to be examined, etc.

such judge until the board of election shall have decided to receive the same; nor shall the ballot, in any case, be by any such judge opened, marked, or examined, or permitted to be opened, marked, or examined, before the same shall be deposited in the ballot-box; and each ballot received shall be separately deposited in the ballot-box.

Member of board may enter dissent in poll-book.

43. *And be it enacted*, That if any member of such board shall dissent from any decision of the same, and shall desire to protect himself from the consequences which may result from such decision, it shall be lawful for such member to record his dissent in the poll-book of such election, signing his name to such record with his own hand, and unless he shall so do, he shall be deemed and taken to have assented to the decision so made.

Votes may be challenged.

44. *And be it enacted*, That any person who shall be qualified to vote in such election, shall be at liberty to challenge the right to vote therein of any person claiming such right.

Judges of election to challenge in certain cases.

45. *And be it enacted*, That the judges of election, respectively, shall, at such election, challenge every person who shall claim to have a right to vote therein, whom they shall know, suspect, or believe not to be qualified or entitled to vote therein.

Oath of person challenged as alien.

46. *And be it enacted*, That if any person shall be challenged, as not qualified or entitled to vote, and the person challenging him shall specify a ground for such challenge to be, that the person so challenged is an alien, the chairman of such board may forthwith tender to him an oath or affirmation, in the following form:

Proof required, if he decline.

“You do swear, (or affirm, as the case may be,) that, to the best of your knowledge, information, and belief, you was born a citizen of the United States, and that you do not owe allegiance to any foreign prince, potentate, state, or sovereignty;” and if the person so challenged shall refuse to take the oath or affirmation so tendered to him, he shall be deemed and taken to be an alien, unless he shall produce, at the time of claiming his vote, to such board a lawful certificate, issued out and under the seal of some court of record having authority to admit aliens to the rights of a citizen of the United States, showing, in case the person producing the same shall claim to be the person named therein, that he has been admitted to the rights of a citizen of the United States; or in case the person producing the same shall claim to have derived the rights of such citizen through the naturalization of his parent, then that the person alleged to be such parent has been admitted to the rights of such citizen; and in the former case, the chairman of such board shall tender to the person so challenged an oath or affirmation, in the following form:

Right derived from parent.

“You do swear, (or affirm, as the case may be,) that you are the

person named in the certificate of naturalization which you have produced to this board ;” and in the latter case, an oath or affirmation, in the following form: TITLE XIII.
CHAP. 1.

“ You do swear, (or affirm, as the case may be,) to the best of your knowledge, information, and belief, that the person named in the certificate of naturalization which you have produced to this board was your parent, and that you were at the time of the naturalization of your parent under the age of twenty-one years, and resident in the United States ;” and if the person so challenged shall, in either case, refuse to take the oath or affirmation so tendered to him, he shall be deemed and taken to be an alien.

47. *And be it enacted*, That the judges of election shall in no case receive the vote of any person, unless they shall be satisfied that such person is in all respects qualified and entitled to vote ; and, for the purpose of satisfying themselves as to the right of any person who shall claim a right to vote, they shall have power to examine such person, and any other person or persons, under oath or affirmation touching such right, except as herein before restricted ; and if either of such judges shall receive, or assent to receive, the vote of any person challenged, without requiring such person to take the oath or affirmation herein before prescribed, and such person shall not be qualified and entitled to vote, such judge so receiving, or assenting to receive, such vote shall be deemed and taken to have received the same, knowing it to be illegal. Judges may
examine
claimant.

Penalty on
judges.

48. *And be it enacted*, That if any person shall be challenged, as not qualified or entitled to vote, the chairman of such board may forthwith tender to the person so challenged an oath or affirmation, in the following form : Form of
oath on chal-
lenge.

“ You do swear, (or affirm, as the case may be,) that you are a citizen of the United States ; that you have resided in this state one year, and in this county five months, next before this election, and not elsewhere ; that you are now a resident in this township (or ward, as the case may be) ; that, as far as you know and verily believe, you are twenty-one years of age, and in all respects qualified to vote in this election in this township (or ward, as the case may be), and that you have not voted elsewhere in this election ;” and if the person so challenged shall refuse to take the oath or affirmation so tendered to him, he shall be deemed not to be qualified or entitled to vote.

49. *And be it enacted*, That if a person be challenged, as convicted of any crime which excludes him from the right of suffrage under the provisions of the constitution of this state, he shall not be required to answer any questions in relation to such alleged conviction, nor shall any proof of such conviction be received, Challenge
for conviction
of crime,
etc.

TITLE XIII.
CHAP. I.

other than the duly authenticated record thereof, except such proof as may be necessary to establish his identity with the person named in such record, or may be adduced by him to rebut the evidence of identity produced on behalf of the challenge; but if any person so convicted shall vote at any such election, unless he shall have been pardoned or restored by law to the right of suffrage, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding two hundred dollars, or imprisonment at hard labour not exceeding two years, or both.

Penalty for
fraudulent
voting.

50. *And be it enacted*, That any person who shall vote, or shall fraudulently offer to vote, at any election held under this act, or at any township or ward election, who shall not have been a resident of this state for one year, and of the county in which he votes five months, next before the election, or who at the time of the election is not twenty-one years of age, knowing that he is not twenty-one years of age, or who is not a citizen of the United States, knowing that he is not such citizen, or who, by reason of any disability, is not duly qualified to vote at the place where and time when his vote is given or offered, knowing that he is not duly qualified, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or imprisonment not exceeding one year, or both, at the discretion of the court before which such conviction is had.

Penalty for
advising to
vote illegally.

51. *And be it enacted*, That any person who shall procure, aid, assist, counsel, or advise another to give his vote, knowing that such other person, from any disability, is not duly qualified to vote at the place where and time when the vote is to be given, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or imprisonment not exceeding one year, or both, at the discretion of the court before which such conviction shall be had.

Entry at the
foot of the
list of voters.

52. *And be it enacted*, That, before proceeding to the estimate and canvass of the votes which shall have been received, the clerk of such board shall state in the poll-book, immediately after the last name therein, in words written at full length, the whole number of the names of the voters in the poll-book, in the following, or like form :

“The whole number of the names of the persons whose votes have been received during this election is —;” filling up the blank, in the form above given, to conform to the fact; and the judges of election, together with such clerk, shall sign their names thereto with their own hands.

Who deemed
elected.

53. *And be it enacted*, That at every such election the person or persons, to the number to be elected therein, who shall by law

be qualified for the office or offices to be filled at such election, and for whom the greatest number of votes shall have been given therein for such office or offices, shall be deemed and taken to be elected to such office or offices; and whenever in any such election an equal number of votes shall have been given to two or more persons to fill any office for which they shall by law be qualified, by reason whereof it shall happen that such office shall not be filled, then the same shall be deemed and taken to be vacant.

TITLE XIII.
CHAP. I.

54. *And be it enacted,* That as soon as the hour of seven o'clock in the evening of the day of election shall arrive, the board shall proceed, in an open and public manner, to estimate and canvass the votes received, and shall complete the same without any unnecessary delay; and, on completing the same, shall audibly and publicly announce the result thereof, particularly specifying the whole number of the names of the voters in the poll-book, the name of each person for whom any vote shall have been given for any office to be filled at such election, and the number of votes given for each person for the office designated for him by such votes.

Votes to be
canvassed.

55. *And be it enacted,* That such board shall proceed in canvassing and estimating the votes which shall have been received, in the following manner: they shall first ascertain the number of the names of the voters in the poll-book, and state the same in writing, for the purpose of a memorandum for their own use, and thereupon unlock and open the ballot-box; the ballots contained therein shall then be taken singly and separately therefrom by one of the judges of election, to be appointed by the board for that purpose; and such judge shall, while each ballot shall remain in his hands, audibly and publicly read the same, and then, before taking another ballot from the box, shall deliver the same to another of such judges, to be appointed by such board for the purpose, to be examined and numbered; and such judge shall take and examine the same, and thereupon, if he shall be satisfied that the same has been correctly read, write on the back thereof the number of such ballot, in the order in which the same shall have been taken from the box, and then deliver the same to the other and remaining one of such judges, to be examined and strung; and such judge shall take and examine the same, and if he shall be satisfied that the same has been correctly read, shall string the same in the order in which the same shall be taken from the box and numbered, by means of a needle and twine, to be provided for that purpose; and the ballots shall be numbered from one onward; the clerk of such board, under the inspection and direction of such board, shall make a list of the names of all persons for whom one or more votes shall have been given, designating the office or offices for which such person

Mode of canvassing and estimating the votes received.

TITLE XIII
CHAP. I.

shall be voted for, and as each ballot shall be read he shall write the figure 1 opposite the name of each person whose name shall be contained therein, as designated for any office; when all the votes which shall have been received shall have been read, examined, numbered, and strung, as above directed, such board shall carefully and truly cast up the votes given for each person for any office to be filled at such election.

In what cases ballots not counted.

56. *And be it enacted,* That if, in canvassing and estimating the votes, the number of ballots shall be found to exceed the number of the names of the voters in the poll-book, then the ballots which shall remain in the box, after canvassing and estimating as many ballots as there are of such names, shall be deemed and taken to be null and of no effect; if two or more ballots shall be found rolled or folded together, or any ballot shall be wholly blank, or contain more names for any office than there are persons to be elected to fill such office, or have the name of any person thereon for whom no office is designated, or shall appear to the board to be fraudulent, then and in every such case the ballot shall be deemed and taken to be null and of no effect; and in every case in which a ballot shall be declared null and of no effect, the same shall not, in any respect, be canvassed, estimated, or numbered, but one of the judges shall write thereon the word "rejected," and the same shall then be strung in the same manner in which the other ballots are directed to be strung, but on a different twine.

Statement of result to be made.

57. *And be it enacted,* That in all elections which shall be held under this act for the choice of a governor, a member of the state Senate, members of the General Assembly, clerk of the county, surrogate, sheriff, and coroners, or any of them, the board of election shall make a statement of the result thereof, and a certificate, in like form with that prescribed in the sixty-second section of this act, and agreeably to the directions therein contained; and whenever an election is held for the choice of a governor, the township board of election shall cause to be made an additional copy of the statement of the result of the election, and of the certificate thereto, which copy they shall certify and subscribe, enclose, seal up, and transmit to the secretary of state, in the time and manner prescribed by the sixty-first section of this act; and the secretary of state, on receiving the same, shall forthwith file it in his office as an official paper.

Certificate.

Governor's election.

Statement of result of, etc.

58. *And be it enacted,* That when a governor, a clerk of a county, or a surrogate, shall be voted for at any election, the provisions of this act relative to the statement of the result by the board of county canvassers shall apply and be extended to the votes for such officers respectively; and the several provisions rela-

tive to the statement of the determination by said board shall apply to said votes for clerk and surrogate. TITLE XIII.
CHAP. I.

59. *And be it enacted*, That the board of election shall make, or cause to be made, a copy of the statement of the result of such election, and the certificate thereto, which shall be made under the fifty-seventh section of this act, and each of the judges shall sign his name thereto with his own hand; and the clerk of such board shall attest the signing of the same by such judges, by signing his own name thereto with his own hand. Copy of
statement to
be made.

60. *And be it enacted*, That as soon as the said statement, and the copy thereof, shall be made, certified, and subscribed, as herein before directed, such board shall deliver to the clerk thereof, such copy, the poll-book of the election, and the ballots which shall have been received therein, as well those which shall have been deemed and taken to be null and of no effect as those which shall have been estimated and canvassed; and if such clerk shall be the clerk of the township in which the election shall have been held, he shall, as the clerk of such township, preserve such copy, the poll-book, and the ballots, so delivered to him, among the papers of such township in his possession, and deliver over the same to his successor, to be by him preserved in the same manner; and if the clerk of such board shall not be the clerk of such township, he shall, within two days next after the day of such election, deliver the same to the clerk of such township, to be by him preserved and delivered over to his successor, as above directed; and every such copy and poll-book in the possession of the clerk of any township, shall be open and subject to the inspection of every person who shall apply to such clerk for that purpose. Poll-books,
etc., to be
delivered to
clerk.

To be pre-
served.

May be in-
spected.

61. *And be it enacted*, That whenever an election shall be held for the choice of a member or members of the House of Representatives, or electors of president and vice president, such board shall make, or cause to be made, an additional copy of the statement of the result of such election, and of the certificate thereto, which copy they shall certify and subscribe as is herein before directed, and shall enclose, seal up, and transmit the same by mail to the secretary of state, within five days next after such election, directing the same in the following manner:

“To the Secretary of the State of New Jersey,
Trenton, New Jersey.”

And the secretary of state, on receiving such copy, shall forthwith file the same in his office as an official paper.

62. *And be it enacted*, That in all elections which shall be held under the first section of this act, the board of election shall make Form of
statement.

ELECTIONS.

TITLE XIII. a statement of the result thereof, and a certificate to the same, in
 CHAP. I. the following, or like form :

“ A statement of the result of an election held in the township of —, in the county of —, on the — day of November, in the year of our Lord one thousand eight hundred and —, for a member of the Senate, members of the General Assembly, a sheriff, and three coroners, for said county :

The whole number of the names on the poll list is —;

The whole number of ballots rejected is —;

For member of the Senate,

received votes ;

received votes ;

For members of the General Assembly,

received votes ;

received votes ;

For sheriff,

received votes ;

received votes ;

For coroners,

received votes ;

received votes.

We do certify that the foregoing is a true, full, and correct statement of the result of the election above mentioned, and that the same exhibits the whole number of the names on the poll-book and of the ballots rejected, the name of each person for whom any vote or votes were given for any office designated for him in such vote or votes, and the number of votes given for each person for the office or offices so designated for him.

In witness whereof, we have hereunto set our hands, respectively, this — day of November, in the year of our Lord one thousand eight hundred and —.

} *Judges*
 of
 } *Election.*

ATTEST.

Clerk.”

Making under each head a list of the names of all the persons for whom any vote or votes were given for the office or offices designated therein, and stating opposite to the same, in words written at full length, as before directed, the number of votes given for each person for such office or offices, and filling up all other blanks in the form above given to conform to the facts of the case ; and in every other election which shall be held under this act, the board of election shall make a statement of the result thereof, and a cer-

tificate to the same, in a form similar to that above given, as far as the nature of such election will admit.

TITLE XIII
CHAP. I.

63. *And be it enacted*, That the board of election in each township, in any such election, shall appoint one of the judges of election in such township to attend the meeting of the board of county canvassers for such election, in the county in which such township shall be situated, as a member thereof, and shall deliver to the judge, who shall have been so appointed, the original statement of the result of such election in such township, which shall have been made, certified, and subscribed, as herein before directed; and it shall be the duty of the judges of election, who shall have been so appointed, to attend the meeting of the board of county canvassers for such election, in the county in which they shall have been appointed, as members thereof.

Judge of election to attend meeting of county canvassers.

64. *And be it enacted*, That the judges of election, to whom the original statements of the result of such election in the townships to which they respectively belong shall have been delivered, as directed in the preceding section of this act, shall constitute the board of county canvassers for such election, in the county in which such township shall be situated; and the clerk of such county shall be the clerk of such board.

Board of county canvassers, how constituted.

65. *And be it enacted*, That the major part of the judges who shall have been appointed to attend the meeting of such board, as members thereof, shall be sufficient to constitute such board; and if the clerk of the county shall be absent from such meeting, at the time appointed therefor, such board shall appoint some other fit person to be the clerk of such board; and the person who shall be so appointed, shall be deemed and taken, in all respects, to be the clerk of such board.

Majority of judges to form board.

66. *And be it enacted*, That such board shall meet on the Friday next after such election, at twelve o'clock, noon, of that day, at the court-house of such county, and at that hour, without any delay, the members of such board who shall be then present shall proceed to choose one of their number, who shall be the chairman thereof; and as soon as such chairman shall be appointed, it shall be the duty of such chairman to administer to each of the other members, and of each of the other members to take an oath or affirmation in the following form:

Time and place of meeting of county canvassers.

“You do swear, (or affirm, as the case may be,) that you will faithfully and impartially execute the duties of a member of this board of canvassers according to law;” and thereupon one of the members of such board, to be appointed by such board for that purpose, shall administer to such chairman, and such chairman shall take an oath or affirmation in the same form as that taken by the other members of such board.

Oath of county canvassers.

TITLE XIII.
CHAP. I.

If clerk
absent, his
place sup-
plied.

Oath of
clerk.

Proceedings
and duties of
county can-
vassers.

67. *And be it enacted*, That if the clerk of such county shall be absent at such meeting, at the time appointed therefor, the board shall forthwith, after the oaths or affirmations shall have been administered and taken, as directed in the preceding section of this act, proceed to appoint a fit person to be the clerk of such board; and, before proceeding to canvass and estimate the votes in such county, the chairman of the board shall administer to the clerk thereof, and the clerk thereof shall take an oath or affirmation, in the following form:

“You do swear, (or affirm, as the case may be,) that you will faithfully execute the duties of clerk of this board according to law.”

68. *And be it enacted*, That as soon as the clerk of such board shall have been sworn or affirmed, as directed in the preceding section of this act, the judges of election who shall be present, and constitute such board, shall produce the original statements which shall have been delivered to them, respectively, as herein before directed, and lay the same before such board; and such board shall then forthwith proceed to make two statements of the result of such election in such county, each of which statements shall contain the whole number of the names of the voters in the poll-books of the townships, respectively, and of the ballots rejected, the names of all the persons for whom any vote or votes shall have been given for any office or offices to be filled by such election, and the whole number of votes which shall have been given for each person for any such office or offices, mentioning the office or offices for which each person shall have been designated; and shall particularly contain the name of each township, the number of the names of the voters on the poll-books of the townships, respectively, and of the ballots rejected, the number of votes given in each township for each person for whom any vote or votes shall have been given for any such office, mentioning the office or offices for which each person shall have been designated; and in such statement the name of each person for whom any vote or votes shall have been given, the whole number of votes that shall have been given for each person, and the name of each township, shall be in words written at full length; and the number of the names on the poll-book of each township, the number of votes which shall have been given for each person in each township for each office, and the whole number of votes on the poll-books of the several townships, and of the ballots rejected, may be in figures; and each of such statements shall be certified to be true and correct, by a certificate which shall be appended to the same; and the chairman of such board shall sign his name thereto with his own hand, in the pre-

sence of the clerk of such board, and such clerk shall attest the signing of the same by such chairman, by signing his name thereto with his own hand. TITLE XIII.
CHAP. 1.

69. *And be it enacted*, That such board shall deliver one of the statements which shall have been made, certified, and subscribed, as directed in the preceding section of this act, to the clerk of the county, who shall forthwith file the same in his office as an official paper; and the chairman of such board shall enclose and seal up the other thereof, and deliver or safely transmit the same, so enclosed and sealed up, to the secretary of this state, so that such secretary shall receive the same at Trenton within seven days next after the meeting of such board; and the secretary of state, on receiving such statement, shall forthwith file the same in his office as an official paper. Copies of
statement to
be sent to
secretary of
state and
county clerk,

and filed.

70. *And be it enacted*, That if any one of the judges who shall have been appointed to attend the meeting of such board for any county, as a member thereof, shall be unable to attend such meeting, on the day appointed therefor, he shall, at or before the hour of twelve o'clock, noon, of that day, deliver or safely transmit to the clerk of such county the original statement of the result of the election, which shall have been delivered to him as herein before directed. Judge to
send state-
ment, if he
cannot at-
tend.

71. *And be it enacted*, That if, on the day appointed for the meeting of such board, a major part of such board shall not attend at the court-house of such county at the hour of twelve o'clock, noon, of that day, or if at that time the statements of the result of such election from every township in such county shall not be produced, the canvassers then present shall adjourn to some convenient hour on the next day; and at the hour to which such adjournment shall have been ordered, the canvassers then present, whether or not they shall be a major part of the whole, shall organize themselves as a board, and proceed as herein before directed. When board
shall adjourn
one day.

72. *And be it enacted*, That the clerk of such county shall produce and lay before such board all such statements as shall have been delivered to him at or before the hour of twelve o'clock, noon, of the Friday next after such election, as herein before directed; and if on that day such board shall not have been organized because the statements from every township have not been produced, then such clerk shall forthwith, by a special messenger or otherwise, at the expense of such county, obtain such statement or statements as shall be deficient, in time to be produced to such board at their next meeting, and for this purpose either the original statement, or the copy thereof, directed to be delivered to the clerk of the township in which such original statements shall have County clerk
to lay state-
ments before
board.

Special mes-
senger sent.

TITLE XIII. CHAP. I. been made, shall be sufficient; and the clerk of such board shall produce and lay before such board, at their meeting on the next day, all such statements and certified copies as he shall have obtained as above directed.

Proceedings to be public. 73. *And be it enacted,* That all the proceedings of such board shall be open and public, and the decision of a major part of the members thereof, who shall be present at the meeting thereof, shall be deemed and taken to be the decision of such board; and if any member of such board shall dissent from a decision of the board, and shall desire to protect himself against any consequences which may result from such decision, he shall state his dissent in writing, and deliver the same to the clerk of such county, who shall file the same in his office.

Statements to be filed by county clerk. 74. *And be it enacted,* That all the statements and copies of statements which shall be produced and laid before such board shall, by such board, be delivered to the clerk of such county, and shall be by him filed in his office as official papers.

Form of statement of result of election for senators, etc. 75. *And be it enacted,* That the statement and certificate, which shall be made as is herein before directed, shall, in case of an election for a member of the Senate, members of the General Assembly, a sheriff and coroners, or any of them, be in the following, or like form:

“A statement of the result of an election held in the county of — on the — day in November, in the year of our Lord one thousand eight hundred and —, to elect a member of the Senate, members of the General Assembly, a sheriff and coroners, of said county, made by the board of county canvassers for said county:

Names of persons voted for, and the offices designated for each.	Names of townships, and the number of votes given for each person in each township.						Whole number of votes in the county.	Whole number of votes received by each person.
For member of Senate.								
For members of Assembly,								
For sheriff,								
For coroners,								
Number of names on the poll-book of each township,								
Number of ballots rejected,								

I do hereby certify, that the foregoing is a true, full, and correct statement of the result of the election above mentioned, as the same is exhibited by the statements produced and laid before the board of county canvassers according to law, and that the same exhibits the number of the names of the voters in the poll-books of the townships, respectively, and of the ballots rejected, the whole number of the names of the voters in the poll-books of the several townships, the name of each person for whom any vote or votes were given, the number of votes given for each person in each township, and the whole number of votes given for each person for each office designated for him, as they appear by the statements so produced and laid before the said board.

TITLE XIII.
CHAP. I.

In witness whereof, I have hereunto set my hand, this — day
of —, in the year of our Lord one thousand eight hundred
and —.

Chairman of the board of canvassers.

ATTEST.

Clerk."

And the blanks in the form above given shall be filled up to conform to the facts of the case; and the statement and certificate which shall be made in the case of an election of member or members of the House of Representatives of the United States, or of electors of president and vice president of the United States, shall be in a form similar to that above given, as far as the nature of the election will admit.

Statement on
congressional
election.

76. *And be it enacted*, That the board of county canvassers, in case the election shall have been held for a member of the Senate and members of the General Assembly, a sheriff and coroners, or for any such officer, shall proceed to determine the person or persons who shall, by the greatest number of votes, have been duly elected to the office or offices for which he or they shall have been designated, as is herein before directed; and thereupon such board shall make a statement of their determination, which shall be certified to be true and correct, by a certificate which shall be appended to the same, and signed by the chairman of such board, with his own hand, in the presence of the clerk of such board; and the clerk of such board shall attest the signing of the same by such chairman, by signing his name thereto, with his own hand; and the statement of such determination, and the certificate thereto, so made and subscribed, shall be annexed to the statement which shall have been made, certified, and subscribed, as herein before directed, and shall be delivered therewith to the clerk of the county, and shall by him be filed in his office as an official paper.

Statement of
determina-
tion to be
made.

TITLE XIII.
CHAP. 1.

Form of said
statement.

77. *And be it enacted*, That the statement of the determination of such board, in case of a stated election for a member of the Senate, members of the General Assembly, a sheriff and coroners, shall be in the following, or like form :

“A statement of the determination of the board of county canvassers relative to an election held in the county of — on the — day of November, in the year of our Lord one thousand eight hundred and —, for the election of a member of the Senate, members of the General Assembly of this state, and a sheriff and coroners for said county, for the ensuing year :

The said board do determine that, at the said election, — was duly elected a member of the Senate of this state; — were duly elected members of the General Assembly; — was duly elected sheriff, and — were duly elected coroners for said county.

I do certify that the foregoing is a true, full, and correct statement of the determination of the board of canvassers therein mentioned.

In witness whereof, I have hereunto set my hand this — day of November, in the year of our Lord one thousand eight hundred and —.

Chairman of the board of canvassers.

ATTEST.

Clerk.”

So in vacancies.

And in case of a special election to fill a vacancy or vacancies in the Senate or General Assembly, or in the office of sheriff, the statement of the determination of such board, and the certificate thereof, shall be in a form similar to that above given, as far as the nature of the case will admit.

Grounds on which statements are to be founded.

78. *And be it enacted*, That the board of county canvassers, in the case of an election for a member of the Senate, members of the General Assembly, a sheriff and coroners, or any of them, for any county, shall make the statement of the result thereof, and their determination as to the person or persons who shall be elected therein; and in all other cases shall make the statement of the result of the election in such county upon, and only upon, the statements which shall be produced and laid before the board, as directed in this act, by the members thereof, respectively, to whom such statements shall have been delivered, and the statements and copies of statements which shall be produced and laid before them by the clerk of such county, as is herein before directed.

Certified copies to be delivered to persons elected.

79. *And be it enacted*, That the clerk of such county shall make as many copies of the statement of the determination of such board, and the certificate appended thereto, in the case of an

election for a member of the Senate, members of the General Assembly, a sheriff and coroners, or any of them, as there shall be persons declared to be elected, and shall certify such copies to be true, full, and correct, by a certificate appended to each of them, and shall sign his name thereto with his own hand, and affix thereto the seal of the county, and shall without delay deliver one of the same to each person who shall be so elected.

TITLE XIII.
CHAP. I.

80. *And be it enacted*, That the clerk of such county shall make out a copy of such statement of the determination of such board, and the certificate appended thereto, and certify the same in the manner directed in the preceding section of this act, enclose and seal up the same, and transmit the same, so enclosed and sealed up, to the secretary of this state, at Trenton, within five days next after the meeting of such board; and the said secretary shall file the same in his office as an official paper.

Copies to be sent to secretary of state.

81. *And be it enacted*, That when any person who shall at any such election have been elected to the office of sheriff or coroner, shall produce before the governor such a certified copy as is above mentioned, to which there shall be added the certificate of six freeholders of the county in which such election shall have been held, certifying that such person has been so elected, the governor shall forthwith commission such person as such sheriff or coroner; and the certificate of such freeholders shall be in the following, or like form:

Certificate of election of sheriff, etc.

“We, —, six freeholders of the county of —, do hereby certify, that — is duly elected — of the said county for the ensuing year.

In witness whereof, we have hereunto set our hands, respectively, this — day of —, in the year of our Lord one thousand eight hundred and —;” *provided always*, that nothing in this section contained shall be construed to render unnecessary the certificate of the judges of the court of common pleas, required by “An act concerning sheriffs.”

TITLE XXX.

82. *And be it enacted*, That in case of any election for one or more members of the House of Representatives, or for members of the House of Representatives and electors of president and vice president, or governor, if it shall so happen that the secretary of state shall not, on or before the seventh day after the time appointed for the meeting of the board of canvassers in the several counties, have received the statements of the result of such election in every county, which are herein before directed to be delivered or transmitted to him by the chairman of such board, such secretary shall forthwith, by a special messenger or otherwise, obtain such statement or statements as are deficient, and for this purpose

Provisions for certain contingencies.

Special messengers to be sent, in what cases.

TITLE XIII.
CHAP. I.

the original statement directed to be filed by the clerk of the county in which such statement shall have been made, shall be sufficient; and whenever and so soon as such secretary shall receive or obtain any statement of the result of such election in any county, in the manner herein before provided for, he shall ascertain whether or not such statement includes the statement of the result of such election in every township of such county; and if it shall appear to him that the statement of the result of such election in any such township is not exhibited by or included in the statement of the result of such election in such county, he shall forthwith ascertain whether or not a copy of the statement of the result of such election in such township has been received in his office, as provided for by this act; and if it shall appear to him that such copy has not been so received, he shall forthwith, by a special messenger or otherwise, obtain such copy, and for this purpose the original statement directed to be filed by the clerk of such county, or the copy thereof, directed to be filed by the clerk of such township, shall be sufficient; and such secretary shall, on the twenty-first day next after the day of such election, produce and lay before the board of state canvassers all such statements and copies as shall relate to such election, which shall have been received or obtained by him as herein before provided for.

Time and
place of
meeting of
state can-
vassers.

83. *And be it enacted*, That it shall be the duty of the governor to attend at Trenton on the twenty-first day next after the day of such election, and to summon to attend him, on that day, four or more of the members of the Senate, for the purpose of canvassing and estimating the votes given for each person for whom any vote or votes shall have been given for any office or offices to be filled at such election, and of determining and declaring the person or persons who shall, by the greatest number of votes, have been duly elected to such office or offices; and it shall be the duty of such members of the Senate as shall be summoned, to attend at Trenton on that day for that purpose.

Board con-
stituted.

84. *And be it enacted*, That, for the purpose of canvassing and estimating the votes as above mentioned, and of determining and declaring the person or persons who shall have been elected at such election, the governor and the members of the Senate, who shall have been summoned as aforesaid, shall meet in the chamber of the Senate, or some other convenient place at Trenton, at the hour of two o'clock in the afternoon of the day appointed for that purpose, and shall constitute a board of state canvassers; and the governor shall be the chairman thereof, and the secretary of this state shall be the clerk thereof.

85. *And be it enacted*, That the chairman of such board, as soon

as the same shall have met, shall administer to each member thereof, and each member thereof shall take an oath or affirmation in the following form: TITLE XIII.
CHAP. I.

“You do swear, (or affirm, as the case may be,) that you will ^{Oath.} faithfully and impartially execute the duties of a member of this board according to law;” and thereupon one of the members of such board, to be appointed by such board for that purpose, shall administer to the chairman thereof, an oath or affirmation, in the same form as that which shall have been taken by the other members of such board.

86. *And be it enacted,* That if the secretary of state shall be absent at such meeting, at the time appointed therefor, such board shall forthwith, after the oaths or affirmations shall have been administered and taken, as directed in the preceding section of this act, proceed to appoint a fit person to be the clerk of such board; and before proceeding to canvass and estimate the votes, the chairman of such board shall administer to the clerk thereof, and such clerk shall take an oath or affirmation in the following form:

“You do swear, (or affirm, as the case may be,) that you will ^{Oath.} faithfully execute the duties of clerk of this board.”

87. *And be it enacted,* That such board shall consist of at least five persons, including the chairman thereof; and if a number of the members of the Senate who shall have been summoned as members of such board, sufficient to constitute such board, shall not attend the meeting thereof, it shall be the duty of the governor to summon, as members of such board, as many fit persons, who shall possess the qualifications required for members of the Senate, as shall be necessary to complete the number required to constitute such board. Clerk appointed, if secretary absent.

88. *And be it enacted,* That as soon as such board shall have been organized, and the members and clerk thereof sworn or affirmed, the secretary of state shall produce and lay before such board all such statements and copies as relate to such election which he shall have received or obtained; and such board shall then forthwith proceed to make a statement of the result of such election in the state, which statement shall contain the whole number of the names of the voters in all the poll-books in the state, the names of all the persons for whom any vote or votes shall have been given for any office or offices to be filled at such election, and the whole number of the votes which shall have been given to each person for any such office or offices, mentioning the office or offices for which each person shall have been designated, and shall contain the name of each county, the number of names in the poll-books in the counties respectively, the number of votes given for Proceedings, and statement of result to be made.

TITLE XIII.
CHAP. I.

each person in each county for any such office or offices; and in such statement the name of each person for whom any vote or votes shall have been given, the whole number of votes given for each person, and the name of each county, shall be in words written at full length; and the whole number of the names of the voters in all the poll-books in the state, the number of the names in the poll-books in the counties respectively, and the number of votes given for each person in each county, may be in figures, and such statement shall be certified to be true and correct, by a certificate which shall be appended to the same; and the chairman of such board shall sign his name thereto with his own hand, in the presence of the clerk of the board, and such clerk shall attest the signing of the same by such chairman, by signing his name thereto with his own hand; and the statement, and certificate appended thereto, which shall be made as above directed, shall be made in a form similar to that given in the seventy-fifth section of this act, as far as the nature of such election will admit; and when the statement and certificate above mentioned shall have been made and subscribed, such board shall proceed to determine the person or persons who shall, by the greatest number of votes, have been duly elected to the office or offices for which he or they shall have been designated, and thereupon such board shall make a statement of their determination, and such statement shall be certified to be true and correct by a certificate, which shall be appended to the same; and the chairman of such board shall sign his name thereto with his own hand, in the presence of the clerk thereof, and such clerk shall attest the signing of the same by such chairman, by signing his name thereto with his own hand; and the statement of such determination, and the certificate appended thereto, so made and subscribed, shall be made in a form similar to that given in the seventy-seventh section of this act, as far as the nature of such election will admit, and shall be annexed to the statement of the result of such election, and the certificate appended thereto, so made and subscribed as above mentioned; and both of such statements and certificates shall forthwith, after the completion of the same, be delivered to the secretary of state, who shall, as soon as the same shall be delivered to him, file the same in his office as official papers.

Secretary of
state may be
summoned
to appear,
and produce
papers with-
held.

89. *And be it enacted,* That if the secretary of state shall neglect to produce and lay before such board all such statements and copies as shall have been received or obtained by him, or shall withhold any such statement or copy, the chairman of such board shall forthwith summon such secretary to appear before such board, to produce and lay before the board such statement or copy as he

shall have neglected to produce and lay before such board, or shall have withheld, and thereupon such secretary shall forthwith produce and lay the same before such board. TITLE XIII.
CHAP. I.

90. *And be it enacted*, That such board shall make the statement of the result of such election in the state, and their determination as to the person or persons who shall have been elected therein, upon, and only upon, the statements of the result of such election, or the copies of such statements which shall have been made by the board of county canvassers in the several counties, and produced and laid before such board; *provided*, that if it shall appear, by any such statement from any county, that the statement of the result of such election in any township of such county is not exhibited by or included in such statement, such board shall give full force and effect to the statement of the result of such election in such township, or the copy of such statement, which shall be produced and laid before such board by the secretary of state, as is herein before directed. Grounds upon which statements are to be made.

91. *And be it enacted*, That the proceedings of such board shall be open and public, and the decision of a majority of the members thereof shall be deemed and taken to be the decision thereof; and if any member of such board shall dissent from such decision, and shall desire to protect himself against any consequences which may result from such decision, he shall state his dissent in writing, and deliver the same to the secretary of state, who shall file the same in his office. Proceedings to be public.

92. *And be it enacted*, That all the statements and copies of statements which shall have been produced and laid before such board, shall be delivered to the secretary of state, and be by him filed in his office as official papers. Statements, etc., to be filed.

93. *And be it enacted*, That the secretary of state shall make as many copies of the statement of the determination of such board, and the certificate thereto, as there shall be persons thereby declared to be elected, and shall certify such copies to be true, full, and correct, by a certificate appended to each of them, and shall sign his name thereto with his own hand, and affix thereto the seal of the state, and shall, without delay, deliver one of the same to each of the persons who shall be so elected. Copies of statements, etc., to be given to persons elected.

94. *And be it enacted*, That in case of an election for one or more members of the House of Representatives, the secretary of state shall prepare a general certificate of the election of such member or members, and lay the same before the governor, who shall sign his name thereto with his own hand, in the presence of such secretary; and such secretary shall attest the signing of the same by the governor, by signing his name thereto with his own hand, Certificate of election of members of Congress to be sent to clerk of H. of Representatives.

TITLE XIII. and shall thereupon affix the seal of the state thereto, and transmit
 CHAP. 1. — the same forthwith to the clerk of the said House of Representa-
 tives, if they shall then be in session, and if not in session, then at
 their first meeting; and in case of an election for electors of presi-
 dent and vice president of the United States, such secretary shall
 prepare a general certificate of the election of such electors, and
 lay the same before the governor, who shall sign his name thereto
 with his own hand, in the presence of such secretary; and such
 secretary shall attest the signing of the same by the governor, by
 signing his name thereto with his own hand, and shall thereupon
 affix the seal of the state thereto, and deliver the same to the pre-
 sident of the college of electors of this state, on the day and at the
 time and place appointed for the meeting of such college.

Certificate in
 case of elect-
 ors.

Board of
 state can-
 vassers, how
 constituted.

95. *And be it enacted*, That the governor, and four or more mem-
 bers of the Senate, to be summoned by him, shall constitute a
 board of state canvassers, for the purpose of estimating the votes
 given for governor; and the provisions of the eighty-second, eighty-
 third, eighty-fourth, eighty-fifth, eighty-sixth, eighty-seventh, eighty-
 eighth, eighty-ninth, ninetieth, ninety-first, and ninety-second sec-
 tions of this act shall extend to the canvass of the votes for the
 office of governor; and the secretary of state shall make out a
 copy of the statement of the determination of the board, and certify
 the same, agreeably to the provisions of the ninety-third section of
 this act, and shall without delay deliver the same to the person
 thereby declared to be elected.

What to be
 evidence of
 right to seats
 in Senate and
 Assembly.

96. *And be it enacted*, That the Senate and General Assembly
 shall convene and hold their sessions in the state-house at Trenton;
 and in the organization of each house, the certified copies of the
 statements of determination made under the direction of the seventy-
 ninth section of this act, shall be deemed and taken to be prima
 facie evidence of the right of the persons therein mentioned to
 seats in the houses, respectively, to which they shall have been so
 determined to be elected.

Time and
 place of
 meeting of
 electors.

97. *And be it enacted*, That the electors of president and vice
 president shall convene in the state-house at Trenton, on the day
 appointed by Congress for that purpose, and constitute an elec-
 toral college, at the hour of three o'clock in the afternoon of that
 day, and, after choosing a president and secretary from their own
 body, shall proceed to perform the duties required of them by the
 constitution and laws of the United States.

Statements
 sent for by
 secretary of
 state to be
 delivered to
 messenger.

98. *And be it enacted*, That the clerk or judge of election of any
 township, the clerk or chairman of the board of canvassers of any
 county, or any other person who shall be in possession of any
 statement, or copy of any statement, which shall have been made

and subscribed under the provisions of this act, shall forthwith, on application by any messenger who shall have been despatched for the same by the secretary of state, deliver to such messenger such statement or copy; and the clerk or judge of election of any township, or any other person who shall be in possession of any statement, or copy of any statement, which shall have been made and subscribed under the provisions of this act, shall forthwith, on application by any messenger who shall have been despatched for the same by the clerk of such county, deliver to such messenger such statement or copy; and such messenger, in either case, shall be commissioned as such in writing, under the hand and official seal of the officers by whom he shall have been despatched, and shall exhibit his commission to the person to whom he shall apply for such statement or copy; and when he shall have obtained such statement or copy, shall forthwith deliver the same to the officer who shall have despatched him.

99. *And be it enacted*, That the board of election in each township, the board of county canvassers in each county, and the board of state canvassers, shall, respectively, possess full power and authority to maintain regularity and order, and to enforce obedience to their lawful commands during their sessions, respectively; and if any person shall refuse to obey the lawful command of any such board, or, by disorderly conduct in their hearing or presence, shall interrupt or disturb their proceedings, they may, by an order in writing, signed by the chairman, and attested by the clerk of such board, commit the person so offending to the common jail of the county in which they shall have met, for a period not exceeding thirty days; and such order shall be executed by any sheriff or constable to whom the same shall be delivered, or, if a sheriff or constable shall not be present, or refuse to act, by any other person who shall be deputed by such board in writing; and the keeper of such jail shall receive the person so committed, and safely keep him for such time as shall be mentioned in the commitment.

100. *And be it enacted*, That if any person shall intend to contest the right of any person who shall have been declared, at any such election, to be duly elected a member of the Senate, a member of the General Assembly, or a member of the House of Representatives of the United States, to a seat in the house of which he shall have been declared to be elected a member, the person so intending shall, within thirty days next after the day of such election, give notice in writing of such intention to the person whose seat he shall intend to contest; which notice shall be delivered to such person, or shall be left open at his usual place of residence, with one of the family above the age of fourteen years; and such

TITLE XIII.
CHAP. I.

Boards of election and county canvassers may commit disorderly persons.

Persons intending to contest elections, to give notice to opposite party.

TITLE XIII.
CHAP. I. notice shall particularly set forth the ground or grounds on which such seat will be contested.

Subpœnas in cases of contested elections, by whom issued.

101. *And be it enacted*, That the judges of the court of common pleas, the commissioners to take bail and affidavits in the supreme court, and the masters in chancery, respectively, shall have power, and are hereby required, at any time, on application to them by any person who shall intend to contest the right of any person to a seat as above mentioned, or whose right to a seat shall be contested, to issue a subpœna or subpœnas to any person or persons whose testimony the person so applying shall be desirous to take, and to appoint some time, not less than ten nor more than twenty days after such application shall be made to him, and some place for the examination of such person or persons; *provided*, that no officer shall issue any such subpœna or appoint such time, unless he shall be satisfied that such notice has been given as is directed in the preceding section of this act.

Proviso.

Notice to be given of taking depositions.

102. *And be it enacted*, That when such time and place shall have been appointed, the person who shall have made such application shall forthwith give at least eight days notice of such time and place, and of the name of the officer who is to take the testimony, to the opposite party; which notice shall be in writing, and shall contain the name or names of the witness or witnesses intended to be examined, and shall be given in the same manner as the notice mentioned in the one hundredth section of this act is directed to be given.

Manner of taking depositions.

103. *And be it enacted*, That, at the time and place which shall have been so appointed, the officer appointing them shall attend and take the deposition or depositions of such person or persons as shall appear before him; which deposition or depositions shall be taken in writing, and shall be in the handwriting of such officer, or of the person or persons, respectively, who shall be examined, and shall be signed by the person or persons, respectively, who shall be examined; *provided*, that such officer shall not proceed to take the testimony of any person, unless he shall be satisfied that such notice has been given as is herein before directed, and that he shall take the testimony of no other person than such as shall be mentioned in such notice; and that no testimony shall be taken which shall not relate to some ground of contest specified in the notice which shall have been given, as is herein before directed.

To whom and by whom depositions are to be transmitted.

104. *And be it enacted*, That the officer who shall take any such deposition or depositions, shall certify the same under his hand, and shall enclose, seal up, and transmit or deliver the same, in case the intended contest shall relate to a seat in the Senate, to the president of that body; in case it shall relate to a seat in the General

Assembly, then to the speaker of that body; and in case it shall relate to a seat in the House of Representatives of the United States, then to the speaker of that body. TITLE XIII.
CHAP. I.

105. *And be it enacted*, That it shall be the duty of every person upon whom a subpoena, issued under and by virtue of this act, shall have been served, and to whom the lawful fees shall have been paid or tendered, to obey the command of such subpoena, under the penalty of fifty dollars, to be sued for and recovered, with costs, in an action of debt, before any court of competent jurisdiction, by the person on whose application such subpoena shall have been issued; *provided always*, that no person shall, in any case, be required to attend any such examination as a witness out of the county in which he resides. Penalty for
non-attend-
ance of wit-
nesses.

106. *And be it enacted*, That no person shall make, lay, or deposit any bet, wager, or stake, to be decided by the result of any such election, by the election or defeat of one or more persons at such election, or by any contingency connected with or growing out of any such election; and all contracts for or on account of any money, property, or thing in action, so bet, wagered, or staked, shall be void; and any person who shall pay, deliver, or deposit any money, property, or thing in action upon the event of any bet, wager, or stake, prohibited by this section, may sue for and recover the same of the winner or winners, or person or persons, to whom the same, or any part thereof, shall have been paid or delivered, or with whom the same, or any part thereof, shall have been deposited, whether he or they shall have been a stakeholder or stakeholders, or other person or persons, whether or not the same shall have been paid over by such stakeholder, or whether or not such bet, wager, or stake shall have been lost. Betting on
elections
prohibited.

107. *And be it enacted*, That if any person shall be guilty of wilful and corrupt false swearing or affirming, or by any means shall wilfully and corruptly suborn or procure any person to swear or affirm falsely as aforesaid, in taking any oath, affirmation, or deposition prescribed or authorized by this act, he shall be deemed and taken to be guilty of a high misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment at hard labour, or both, at the discretion of the court before which such conviction shall be had, and be deemed and taken to be an incompetent witness thereafter for any purpose within this state, until such time as the judgment of such court, given against him therefor, shall be reversed; *provided*, that in no case shall such fine exceed the sum of eight hundred dollars, or such imprisonment the term of seven years. Punishment
for false
swearing.

108. *And be it enacted*, That no person shall in any way, Bribery pro-
hibited.

TITLE XIII
CHAP. I.

directly or indirectly, offer, promise, procure, confer, accept, receive, or take any money, property, thing in action, victuals, drink, preferment, or other consideration, by way of fee, reward, gift, or gratuity, for giving, or refusing to give, any vote in any such election; nor shall any person, at any such election, by menace or other corrupt means or device, directly or indirectly attempt to influence any person in giving, or refusing to give, his vote therein, or to deter or dissuade any person from giving his vote therein, or to disturb, hinder, persuade, threaten, or intimidate any person from giving his vote therein; nor shall any person, at any such election, knowingly and wilfully make any false assertion or propagate any false report concerning any person who shall be a candidate thereat, which shall have a tendency to prevent his election, or with a view thereto; nor shall any officer or other person summon, call out, or request any company or body of militia to appear, parade, or exercise on the day of any such election, except in case of invasion or insurrection.

Militia not to be called out.

Acts prohibited by preceding section, how punished.

Proviso.

Penalty for offering to vote a second time.

Punishment of judges and clerks for certain misdemeanors.

109. *And be it enacted*, That if any person shall be guilty of any act forbidden or declared to be unlawful by the preceding section of this act, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment, or both, at the discretion of the court before which such conviction shall be had; *provided*, that in no case shall such fine exceed the sum of two hundred and fifty dollars, or such imprisonment the term of six months.

110. *And be it enacted*, That if any person, who shall have voted in any such election in any township, shall offer himself a second time as a voter in the same or any other township in such election, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment at hard labour, or both, at the discretion of the court before which such conviction shall be had; *provided*, that in no case shall such fine exceed the sum of five hundred dollars, or such imprisonment the term of one year.

111. *And be it enacted*, That if any judge of election shall, at any election held in pursuance of this act, knowingly and wilfully receive, or assent to receive, the vote of any person who is not by law entitled and qualified to vote at such election, or shall wilfully and designedly make or sign any false or untrue statement or certificate of the result of any such election, or suppress, destroy, withhold, mutilate, change, or alter any such statement or certificate, or any copy thereof, made in pursuance of this act, or if any clerk of any such election shall knowingly and wilfully make any false or untrue entry in any poll-book, or sign or attest any false or

untrue statement or certificate of the result of any such election, or copy thereof, or shall, in canvassing and estimating the votes received at any such election, wilfully and corruptly write any figure or mark opposite the name of any person voted for at such election, or refuse or omit to write any such figure or mark, when he is by this act required so to do, or if any judge of election, who shall be appointed to attend any meeting of the board of county canvassers, shall corruptly and without sufficient excuse refuse or omit to attend such meeting at the time and place appointed therefor, or shall corruptly and without sufficient excuse omit or refuse to produce and lay before the said board, or to deliver or transmit to the clerk of such county, within the time by this act prescribed, the statement of the result of any such election, which shall have been delivered to him to be produced and laid before such board, every person so offending, his aiders, procurers, and abettors, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labour for any term not exceeding two years, or both.

TITLE XIII.
CHAP. I.

112. *And be it enacted,* That if any person shall rob or plunder any election-box, or unlawfully and by stealth or violence take therefrom any ballot, ticket, or other paper, or exchange, alter, or destroy any ballot or ticket contained therein, or if any person, other than the clerk of any county or the secretary of state, shall wilfully and corruptly suppress, withhold, mutilate, destroy, alter, or change any return, statement, or certificate, or any copy thereof, which shall have been made in pursuance of this act, and delivered to him to be filed, or which shall have been intrusted or delivered to him to be delivered or transmitted to any other person or persons in pursuance of this act, every such person, his aiders, procurers, and abettors, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment at hard labour for any term not exceeding two years, or both.

Punishment
for robbing
ballot-box,
etc.

113. *And be it enacted,* That if the clerk of any county shall wilfully and corruptly suppress, destroy, mutilate, change, or alter any statement or certificate of the result of any election, or any copy thereof, made in pursuance of this act, which shall have been delivered to or received by him, or omit or refuse to produce and lay the same before the board of county canvassers, or if the chairman or clerk of any such board shall wilfully and knowingly certify, sign, or attest any false or untrue statement of the result of any election, or any false or untrue statement of the determination of any such board, or of the certificate thereto, or shall wilfully and

Punishment
of secretary
of state and
county clerk
for certain
misdemean-
ors in office.

TITLE XIII.
CHAP. 1.

corruptly refuse or omit to certify, sign, or attest any such certificate which he is by this act required to certify, sign, or attest, or if any secretary of state or clerk of the board of state canvassers shall wilfully and knowingly certify, sign, or attest any false or untrue statement of the result of any election, or any false or untrue statement of the determination of any such board, or of the certificate thereto, or shall wilfully and corruptly suppress, destroy, mutilate, change, or alter any statement or certificate of the result of any election, or any copy thereof, made in pursuance of this act, which shall have been delivered to or received by him, or omit or refuse to produce and lay the same before the board of state canvassers, every such person so offending, his aiders, procurers, or abettors, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labour for any term not exceeding seven years, or both.

Construction
of certain
words in this
act.

114. *And be it enacted*, That, for the purposes of this act, the term "township" shall be construed to include every city, borough, ward, or precinct in which any election held under this act is or shall hereafter be by law directed or authorized to be held, and the term "governor" shall be construed to mean the person who shall for the time being have the supreme executive power of this state.

Compensa-
tion to cer-
tain officers.

115. *And be it enacted*, That the officers named in this section shall be entitled to demand and receive, for the services herein mentioned, the fees thereto respectively annexed, and no more, to be paid by the collectors of the counties, respectively, in which such services shall be performed:

The clerk of each township, for advertising each election, one dollar and fifty cents;

The clerk of election, for each day's service, two dollars;

Each judge of election, for each day's service, two dollars;

Each member of any board of county canvassers, for each day's service, two dollars;

For mileage, in attending any such board, five cents for every mile, out and in, to be computed from the court-house to his residence;

The clerk of each county, for advertising any special election, two dollars;

The clerk of any board of county canvassers, for each day's service, one dollar and fifty cents.

Fees of per-
sons named
for certain
services.

116. *And be it enacted*, That the officers and persons named in this section shall be entitled to demand and receive, for the services herein mentioned, the fees thereto respectively annexed, and no

more, to be paid by the person for whom such services shall be performed : TITLE XIII.
CHAP. 2.

The judge, commissioner, or master, for issuing each subpoena, twenty cents ;

For administering each oath or affirmation, ten cents ;

For taking depositions, twenty cents for each folio ;

The person who shall serve any subpoena, for each subpoena, twenty-five cents ;

Each witness, for each day's attendance, fifty cents.

117. *And be it enacted*, That the officers hereinafter named shall, for the services herein mentioned, receive the fees thereto annexed, to wit: the secretary of state, for giving to the clerk of a county such notice of an election as is required by the fourth and seventh sections of this act, the sum of fifty cents for each notice, and also all postage incurred by him, if any, in giving such notice, to be paid by the treasurer of the state ; the clerk of a county, for making out and transmitting to the clerk of each township a copy of such notice received from the secretary of state, and also for giving such notice as is required by the fifth section of this act, the sum of fifty cents for each notice or copy of notice, together with all postage, if any, necessarily incurred by him in transmitting the same, to be paid by the collectors of the counties, respectively, in which such services shall be performed. Fees of secretary of state and county clerk for notices of election.

CHAPTER 2.

CONTESTED ELECTIONS FOR GOVERNOR.

- | | | |
|--|--|---|
| <ol style="list-style-type: none"> 1. Notice of intention to contest given. 2. Petition and verification. 3. The two houses convened. 4. Process of selecting committee. 5. List reduced by striking. 6. Names not first drawn examined. | | <ol style="list-style-type: none"> 7. Organization of committee. 8. Its sittings. 9. Powers. 10. Decision and report. 11. Proceedings public, parties heard. 12. Fees and expenses. |
|--|--|---|

An Act relative to contested elections for governor.

Revision.....Approved April 17, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person intending to contest the election of governor, shall, within thirty days next after such election, give notice in writing to the person whose election he intends to contest, stating such intention, and setting forth the facts, charges and specifications, upon which he means to rely ; which notice shall be delivered to such person, or be left open at his usual place Contestant to give notice.

How served.

TITLE XIII. of residence, with a white member of the family over the age of
 CHAP. 2. fourteen years.

Petition.

2. *And be it enacted*, That the said contestant shall address and cause to be delivered to the president of the Senate, as soon as that body shall be organized by the election of a president, a petition in writing, setting forth that the said petitioner intends to contest the said election of governor, and the facts, charges and specifications upon which he means to rely, and praying that a joint committee of the two houses of the legislature may be appointed to try the same ; which petition shall be accompanied by the affidavit of the petitioner, that the facts, matters and things in said petition contained are true, as he verily believes ; and shall be also accompanied by due proof that the notice mentioned in the preceding section has been given as is therein directed.

Verified.

Proof of notice.

Two houses to convene.

3. *And be it enacted*, That upon the receipt of such petition, verification and proof, the said president shall immediately give information thereof to both houses of the legislature, who shall, on a day and hour to be agreed upon between them, not exceeding ten days from the delivery of such petition, convene in the senate chamber, and proceed to appoint such committee.

Process of selecting committee to try case.

4. *And be it enacted*, That the president of the Senate shall preside at such meeting ; the names of the members of each house shall be called over, and thereupon the names of the members of the Senate present shall be written on distinct pieces of paper, as nearly similar as may be, and each rolled up and put into a box by the clerk of the Assembly, and after being shaken and intermixed, shall be placed on the president's table, and the secretary of the Senate shall then draw from the said box the papers so rolled up, and deliver them singly to the speaker of the House of Assembly, who shall open and read them aloud as he receives them, and deliver them singly to the president of the Senate, who shall place them open on the table ; and the clerk of the House shall take down the names as they are so called, in writing, until the number of ten names be drawn, when the drawing shall cease ; the names of all the members of the House of Assembly who are present, shall then in like manner be written on similar distinct pieces of paper, and each rolled up and put into a box by the secretary of the Senate, and after being shaken and intermixed, shall be placed on the president's table ; and the clerk of the House shall then draw from the said box the papers so rolled up, and deliver them singly to the president of the Senate, who shall open and read them aloud as he receives them, and deliver them singly to the speaker of the House, who shall place them open on the table, and the secretary of the Senate shall take down the names as they are so

called, in writing, until the number of twenty-nine names shall be drawn, when the drawing shall cease. TITLE XIII.
CHAP. 2.

5. *And be it enacted*, That when the names of ten members of the Senate and twenty-nine members of the House of Assembly, shall have been so drawn, a list of the members so selected shall be given to each of the parties, or their counsel, who shall immediately withdraw to some adjoining room, with a clerk or member appointed by the joint vote of the members present, where they shall proceed alternately to strike off the names upon the said list, the contestant striking first, until the number shall be reduced to four members of the Senate and nine members of the House of Assembly; and within one hour from the time of so withdrawing, shall deliver to the president of the Senate, the names of the said thirteen members remaining on the list, who shall constitute a committee to try the matter in controversy, and shall respectively take an oath or affirmation, to be administered by the president of the Senate, to try the matter of the petition, and to give true judgment thereon, according to evidence; and the time and place for the meeting of the select committee so appointed, shall then be directed by the joint vote of the members of both houses, which shall be within twenty-four hours of the appointment. Process of striking off names.
Committee selected.

6. *And be it enacted*, That as soon as the lists shall have been delivered to the parties as aforesaid, the clerk of the House of Assembly shall proceed to draw out, one by one, the names of the remaining members of the Senate and deliver them singly to the speaker of the House, who shall unfold and read them aloud; and then the secretary of the Senate shall in like manner draw out the names of the remaining members of the House of Assembly, and deliver them singly to the president of the Senate, who shall unfold and read them aloud; and if any unfairness or mistake shall be discovered therein, then the whole proceeding shall be set aside, and the business be renewed in manner and form as is herein before directed. Names of remaining members drawn.

7. *And be it enacted*, That the committee so chosen, shall, on their first meeting, elect a chairman from among themselves, and some competent person as clerk, and in case of the sickness, death, resignation, or inability to act of either, may choose another in his place; and in case of the refusal or inability of any member of the committee so chosen to act, the committee shall by a majority of votes, fill such vacancy by choosing a member to supply his place, if he be a senator, from the Senate, if a member of the Assembly, from the House of Assembly; *provided*, that no member who was stricken from the list of names drawn shall be eligible to be cho- Organization of committee.
Vacancy filled.
Provisoes.

TITLE XIII.
CHAP. 2.— sen; *and provided*, that such vacancy shall be filled before the committee shall have entered upon the hearing of the case.

When to sit. 8. *And be it enacted*, That the said committee shall sit from day to day, Sundays excepted, and attend exclusively to the business before them until they shall have finally decided the case.

Powers. 9. *And be it enacted*, That the said committee shall have power to send for persons, papers, and records, to examine all witnesses who may come before them, upon oath or affirmation, to be administered by the chairman; and any person guilty of taking a false oath or affirmation before them, or of procuring another to do so, shall, upon conviction, be liable to the same punishment as persons convicted of perjury are liable to by law.

Penalty for false swearing.

Report of decision to be final. 10. *And be it enacted*, That all determinations of the said committee shall be by a majority of votes; as soon as the said committee shall have determined whether the election or return referred to them is legal and valid, or the contrary, and who, if any one, is duly elected to the said office of governor, the chairman shall make two reports thereof in writing, one of which he shall deliver to the president of the Senate, and the other to the speaker of the House of Assembly; which reports shall be entered on the journals of the respective houses, and shall be final and conclusive, and the person adjudged to be elected shall be entitled to the office; and if no one shall be adjudged to be elected, then the office shall be declared vacant.

Mode of proceeding in committee. 11. *And be it enacted*, That the proceedings of the committee shall be conducted publicly; the parties shall be at liberty to appear before them in person, or by their counsel, and examine and cross-examine the witnesses produced, and be heard upon the questions that arise in the case.

Fees and expenses.

12. *And be it enacted*, That witnesses attending by order of the committee, shall have the same fees as are allowed at law; the clerk of the committee shall be allowed the same compensation per diem as the clerk of the Assembly, but no fees; and all expenses incurred shall be taxed by the committee and paid by the treasurer on the certificate of the chairman.