

## ELECTIONS.

NO. 8. FORM OF PLEA BY THE LANDLORD WHEN DEFENDING JOINTLY WITH  
THE TENANT IN POSSESSION.

[State the court and action, as in form number four, and then say]:

And the said C. D., together with R. S., who is admitted to defend this action as landlord, by ———, their attorney, appear and defend the action, &c. [as in form number four or five, according to the circumstances of the case].

NO. 9. FORM OF PLEA WHERE ANY PERSON OTHER THAN THE LANDLORD IS  
ADMITTED TO DEFEND AND DEFENDS JOINTLY WITH THE TENANT IN  
POSSESSION.

[If any other person than the landlord be admitted to defend, and defend jointly with the tenant in possession, then after stating the court and action, as in form number four, say]:

And the said C. D., together with N. O., who is admitted as a proper person to defend this action, by ———, their attorney, appear and defend the action, &c. [as in form number four or five, according to the circumstances of the case].

## Elections.

## I. OF ELECTIONS GENERALLY.

## 1. OF THE GENERAL ELECTION.

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25. Superseded by section 235, &c.
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30. Ballot-boxes to be exhibited.
31. Time of opening and closing polls.
32. Proceedings on adjournment of board during election.
33. Judge and inspectors to keep keys of ballot-box.
34. Clerk to provide and keep poll-book.
35. How entries to be made in poll-book in cities.

36. Ballots to be delivered to judge or inspector of election.
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38. When judge and inspectors to challenge.
39. Oath of person challenged as an alien.
40. Members of board may examine claimant.
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42. Entry at the foot of the list of voters.
43. Votes to be canvassed.
44. Mode of canvassing votes.
45. In what cases ballots not counted.
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56. Time and place of meeting. Oath.
57. If county clerk absent, his place how supplied.
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62. County clerk to lay statements before board.
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65. Form of statement.
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67. Form of such statement.
68. Grounds on which statements are founded.
69. Certified copies to be delivered to persons elected.
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75. Oath.
76. Clerk appointed if secretary of state absent.
77. Vacancies, how supplied.
78. Proceedings, statement of result to be made.
79. Secretary of state to produce papers.
80. Ground on which statements are to be made.
81. Proceedings to be public. Member may dissent.
82. Statements, &c., to be filed.
83. Copies to be given to persons elected.
84. Board to estimate votes given for governor.
85. What to be *prima facie* evidence of right to seats in legislature.
86. Statements sent for by secretary of state or county clerk to be delivered to messenger.
87. Power of boards of election and state and county canvassers to commit disorderly persons.

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89. Petition to be delivered to president of senate.
90. Two houses to convene, &c.
91. Proceedings for electing committee to try case.
92. Process of striking off names.
93. Names of remaining members drawn.
94. Organization of committee.
95. When to sit.
96. Powers.
97. Report of decision to be made.
98. Mode of proceeding in committee.
99. Fees and expenses.

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100. Amended by section 342.
101. For what causes elections may be contested.
102. Term "incumbent" defined.
103. What misconduct will set aside election.
104. Contestant to file petition. Bond.
105. What to be set forth in the petition.
106. When trial to proceed.
107. Proceeding to be similar to action at law.
108. Power of court. Fees.
109. What witness may be required to answer.
110. Liability of parties for costs.
111. Court to pronounce judgment.
112. Court may issue order to carry into effect judgment.
113. Appeal to supreme court for error of law.
114. Appeal to take precedence on list.
115. Mode of enforcing judgment on appeal.

#### 10. CONTESTED ELECTIONS FOR MEMBERS OF LEGISLATURE AND CONGRESS.

116. Notice of contest to be given.
117. Subpoenas, by whom issued.
118. Notice of taking depositions.
119. Manner of taking depositions.
120. To whom and by whom depositions are to be transmitted.
121. Penalty for non-attendance as a witness.

#### 11. FEES.

122. Amended by sections 184, 199 and 200.
123. Fees of persons named for certain services.
124. Amended by section 184.

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125. Who ineligible to office of member of congress or elector.
126. Who incapable of holding more than one of certain offices.
127. Betting on elections prohibited.
128. Punishment for false swearing.
129. Punishment for robbing ballot-box.
130. Punishment of secretary of state and county clerk for certain misdemeanors.
131. Construction of word "township."
132. Additional penalty for sale of liquor on election day.
133. Duty of sheriffs and constables on election day.

#### II. OF PARTICULAR ELECTIONS. OF PRESIDENTIAL ELECTORS AND MEMBERS OF CONGRESS.

134. Time of choosing electors.
135. When election for representatives and electors to be held.
136. Certificate of election of members of congress to be sent to clerk of house of representatives.
137. Time and place of meeting of electors.

#### III. OF ELECTIONS TO SUPPLY VACANCIES.

138. Vacancies in legislature, how supplied.
139. Amended by section 224.
140. Seat in legislature declared forfeited in certain cases.
141. Vacancies in electoral college, how supplied.
142. Vacancies in representation in congress, how supplied.
143. Vacancies in offices of clerk, register and surrogate, how supplied.
144. Writs of election, what to contain.
145. Copies to be delivered to county clerks.
146. Clerks to give notice of election to fill vacancy.

#### IV. OF ELECTIONS BY SOLDIERS AND SAILORS ABSENT FROM THE STATE IN TIME OF WAR.

147. Soldiers and sailors absent from state in time of war to vote.
148. May by instrument in writing authorize casting of ballot.
149. Affidavit to be taken by absent voter.
150. Ballot to be inclosed with instrument.
151. Form of instrument.
152. Mode of casting vote of absent voter.
153. Affidavit and instrument to be filed.
154. Receipt for letter with ballot to be given to postmaster.
155. Person receiving ballot, on receiving same to make oath.
156. Penalty for refusal or neglect to perform duties.
157. Penalty for false swearing.
158. Penalty for altering or forging ballot.
159. Penalty for officer, &c., controlling or corrupting voter.
160. Secretary of state to have prepared necessary blanks.

#### V. REGISTRATION OF VOTERS IN CITIES OF OVER 10,000 INHABITANTS.

161. Superseded by section 309, &c.
162. Superseded by section 309, &c.
163. Superseded by section 309, &c.
164. Superseded by section 309, &c.
165. Superseded by section 309, &c.
166. Superseded by section 309, &c.
167. Superseded by section 309, &c.
168. Superseded by section 309, &c.
169. Superseded by section 309, &c.
170. Superseded by section 309, &c.
171. Superseded by section 309, &c.
172. Superseded by section 309, &c.
173. Superseded by section 360.
174. Superseded by sections 359 and 360.
175. Superseded by section 309, &c.
176. Superseded by section 309, &c.
177. Eight hours a day's labor on election day.
178. Oath of person challenged may be required to be reduced to writing.
179. Construction of words "ward," "aldermanic district," &c.

#### VI. SUPPLEMENTS TO GENERAL ELECTION ACT.

180. Delivery of ballot-boxes by county clerk to election officers.
181. Penalty for member failing to attend meeting of county canvassers, &c.
182. Superseded by sections 359 and 360.
183. Publication of notices of election and registry.
184. Fees of secretary of state and county clerk.
185. Repealer.
186. Statement of result of election by board of election, how made.
187. Second adjournment of county canvassers.
188. Proceedings in case of adjournment.
189. Superseded by section 201.
190. Repealer.
191. Ballots, &c., to be deposited in ballot-box. Custody of ballot-box.

192. Secretary of state to furnish blanks, &c. Duty of county clerks.
193. Repealer.
194. When day for municipal election falls on registry day, registry day to be held on following day.
195. Power of justice of supreme court to order recount on application of candidate for senate or general assembly. Certificate by the justice.
196. County clerk to deliver certified copy to candidate and secretary of state.
197. Applicant for recount to file bond. Costs, how paid.
198. Repealer.
199. Repealer.
200. Fees of officers for election services.
201. Eight hours a day's work for election officers.
202. Superseded by section 336.
203. Superseded by section 309, &c.
204. Amended by section 336.
205. Description of boundary lines of election districts to be filed.
206. Superseded by section 359.
207. Repealer.
208. Superseded by section 360.
209. Amended by section 220.
210. Record of delivery of ballot-box to city clerk to be kept.
211. Ballot-box to be delivered to city clerk in all elections in cities.
212. Repealer.
213. Penalty for violating act.
214. Superseded by section 216.
215. Superseded by section 309, &c.
216. Fees of election officers when charter and general elections are held together.
217. Office of ward clerk abolished.
218. Repealer.
219. Amended by section 351.
220. In cities, ballot-boxes to be delivered to city clerk.
221. Repealer.
222. Superseded by section 223.
223. Hour of opening and closing polls.
224. Special election to be held on one day only.
225. Charter election not to be held on day of general election.
226. Day for holding charter elections may be changed.
227. May change day to first Tuesday in December.
228. General registry to be used at charter election.
229. Amended by section 232.
230. Boundaries of election districts to be filed.
231. When township to be divided into two election districts.
232. When additional polling places in township may be established.
233. Superseded by section 357.
234. Superseded by sections 308, 358, 359 and 360.
235. Members of board of registry and election to take oath.
236. Amended by section 309.
237. Amended by section 310.
238. Board to certify names on register and post copy thereof.
239. Amended by section 311.
240. One register to be filed with county clerk.
241. County clerk to publish notice of registry of voters.
242. Names of voters, how arranged on register.
243. Proceedings of board to be open to public.
244. Boards of election to consist of whom.
245. Register to be used on election day. Penalty for illegally registering or refusing to register names, &c.
246. Poll-list to be kept, and register used on election day checked and filed.
247. Penalty for false registration by voter.
248. Names may be added to register on affidavit, which must be filed.
249. Registration of persons removing from one district to another.
250. Revision of registers by court of common pleas.
251. Amended by sections 312 and 335.
252. Amended by section 313.
253. Amended by section 314.
254. Where boundaries of election districts are the same in all elections, the registration of voters used at general election may be revised and used at municipal election.
255. Where boundaries of election districts are not the same at all elections, new registry required for municipal election.
256. Amended by section 315.
257. Ballots to be printed at public expense.
258. Amended by section 338.
259. How nominations shall be certified. Names to distinguish factions in same party, how selected.
260. Amended by sections 316 and 339.
261. Names of president and vice president may be included in certificate of nomination and printed on ballot.
262. Amended by section 323.
263. Amended by section 324.
264. Amended by section 325.
265. Amended by sections 317 and 340.
266. Amended by section 318.
267. County clerks to deliver ballots and envelopes to township and municipal clerks. Delivery of same to election clerks and boards.
268. When unofficial ballots may be prepared and used.
269. Amended by section 326.
270. How ballots distributed amongst voters and voted.
271. Marked ballots and envelopes make ballot void.
272. Voter may erase and write or paste names on ballot. When ballots to be ready for distribution.
273. Proceedings when person nominated to office declines.
274. Vacancies created by death of candidate, or declination, how filled and how certified.
275. Questions to be voted on may be printed on ballots.
276. Amended by section 307.
277. Proceedings when error has occurred in printing ballots.
278. Township and municipal clerks to provide polling-rooms and give notice thereof. How to be furnished.
279. Requirements when voter enters polling-room to vote.
280. Amended by section 320.
281. Agents or challengers for each polling place, how appointed. Their powers.
282. Amended by section 319.
283. Votes, how canvassed and returned.
284. Proceedings before justice of supreme court to have election set aside, and new election had, on account of fraud, bribery, &c.
285. County and municipal clerks, how paid for services.
286. Costs and expenses of county and municipal clerks, how paid.
287. Expenses for polling-rooms and other election expenses, how paid.
288. Powers of election officers to preserve the peace. May appoint special officers and call to their aid the police force.
289. Amended by section 321.
290. Terms of all other election officers declared to be ended.
291. Secretary of state to provide canvassing-books, &c.
292. Penalty for destroying certificate of nomination, &c.
293. Penalty for removing ballots from booth, &c.
294. Penalty for violation of duty by public officer.
295. Amended by section 322.
296. Penalty for falsely printing ballots, &c.
297. Penalty for placing distinguishing mark on ballot, &c.
298. Penalty for disclosing how any person has voted, &c.
299. Penalty for bribing any voter by offer of money, &c.
300. Penalty for bribing any voter by offer of employment, &c.
301. Penalty for advancing money, &c., for bribery.
302. Penalty for receiving bribe, &c.
303. Penalty for intimidating workmen, &c.
304. Witness on indictment not excused from answer on the ground that answer might tend to incriminate him.
305. Offenders may also be disfranchised and disqualified from holding office.
306. Repealer.
307. Certificate of nomination deemed valid unless objected to within five days. Proceedings in case of objection.
308. Superseded by sections 358, 359 and 360.
309. First meeting of boards of registry and election. House-to-house canvass.
310. Second meeting of boards of registry and election. Preparation of registers.
311. Third meeting of boards of registry and election. Revision and correction of registers, &c.
312. Amended by section 335.
313. Appointment of boards of registry and election for certain municipal elections.
314. Duty of such boards.
315. How elections conducted in such municipalities.
316. Amended by section 339.
317. Amended by section 340.
318. Official ballots and envelopes, how provided, printed, furnished to voters, counted, strung, &c.

319. Certain provisions of the act not to apply to certain municipalities, or to town meetings. Provisions concerning town meetings.
320. Assistance to blind or disabled voter.
321. Compensation of members of election boards.
322. Electioneering within 100 feet of polling place prohibited. Official ballots and envelopes to be used. Penalty for marking same.
323. When certificates and petitions of nomination to be filed with respective officers. How nomination to be accepted.
324. Secretary to certify nominees to county clerks.
325. When county clerk to provide ballots. When municipal clerk to do so. How to be printed.
326. When county or municipal clerk to furnish ballots to voters.
327. Repealer.
328. Boards of registration and election appointed by county board to hold all elections.
329. Repealer.
330. Procedure where part of an election district has been annexed to another township.
331. What voters shall vote in the remaining district.
332. Combined district to be subdivided if it contain more than 600 voters.
333. Repealer.
334. County board of registry to appoint board of registration and election for altered or new districts.
335. Boards of registry and election to conduct general elections and town meetings. Register to be used at town meetings. Revision of such registers.
336. When and how election districts shall be altered or new ones created.
337. Repealer.
338. By whom candidates to office may be nominated.
339. Nominations may be made by petition. Requisites of petition.
340. What to be printed on back of ballots. Number to be provided.
341. Repealer.
342. Circuit court to hear contested election cases.
343. Repealer.
344. Contested election cases to be tried by court without jury.
345. Repealer.
346. Repealer.
347. Congressional districts defined.
348. When congressmen to be elected.
349. Reference to municipalities, &c., in the act defined.
350. Repealer.
351. Ballot-boxes, how to be constructed and provided.
352. Repealer.
353. County canvassers to make duplicate certificates of returns and file the same. Secretary of state to furnish certificates to persons elected.
354. Circuit court to have jurisdiction to hear contested election cases.
355. When certain townships may be divided into three election districts.
356. Election districts may be equalized.
357. County board of elections to be appointed by governor annually in July. Nominations may be made to him.
358. County board of elections, when and how organized.
359. County boards to appoint district boards of registry and election. Nominations to the county board may be made. When to be appointed. Power to remove appointee from office.
360. Terms of district boards. Vacancies, how filled. Boards, when and how organized. Votes, how canvassed.
361. First meeting of district boards for registration of voters in cities having over 40,000 inhabitants.
362. Second and third meetings of such district boards for revising and correcting registers. Requisites of the registry.
363. County boards of elections to issue permits to challengers. Nominations of persons as challengers, how made.
364. Provisions concerning the canvassing of votes by district boards.
365. County board of elections to act as board of county canvassers. County clerk to act as clerk of county canvassers.
366. Board of freeholders to pay election expenses.
367. Compensation allowed to district boards in cities having over 40,000 inhabitants.
368. Proceedings when returns have not been delivered to proper person or place.
369. Proceedings to obtain a recount of votes.
370. County board of elections to sit on certain days to grant certificates to voters whose names have been omitted from registers.
371. Penalty for obstructing polling place or voters, &c.
372. Penalty for counterfeiting official ballot, &c.
373. Persons having knowledge of violation of act may be subpoenaed as witnesses for examination.
374. When voter has been falsely impersonated, he may vote on submitting proper proof.
375. Question for determination in case of challenge.
376. Penalty for mutilating or destroying registry lists.
377. Repealer.

## VII. MISCELLANEOUS ACTS.

378. Persons entitled to vote at primary meeting.
379. Penalty for illegal voting, &c.
380. Member of police force not to be election officer.
381. Penalty for bribing or offering to bribe voters at any election.
382. Penalty for bribing or offering to bribe delegates.
383. Penalty for bribing or procuring others to bribe voters or delegates.
384. Persons may be compelled to testify.
385. Sheriff to issue proclamation.
386. Magistrates required to aid sheriff in enforcing proclamation.
387. Repealer.
388. Officers of primary elections to take oath before entering upon duties.
389. Penalty for acting before taking oath.
390. Repealer.
391. Who may vote for municipal officers.
392. Repealer.
393. Members of general assembly shall be elected by the legal voters of the counties respectively.

## I. Of elections, generally.

## 1. OF THE GENERAL ELECTION.

## An act to regulate elections.

Approved April 18, 1876. P. L. 1876, p. 163.

1. That on the Tuesday next after the first Monday in November, in each year hereafter, an election shall be held in the several assembly districts 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; which election shall be known as the general election. (a)

(a) Acts of the legislature providing for the division of a county into assembly districts, and the election of a member of the general assembly by each such district, are unconstitutional. The members of the general assembly to which a county is

entitled, are to be voted for by all the voters of the county. *State v. Wrightson*, 27 Fr. 126. The legislature has now expressly provided for constitutional election. See Sec. 393, *post*.

Town meeting to  
fix place for.  
R. S. 408, § 2.

2. 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.

3. [Superseded by Sec. 223, *post.*]

Secretary of state  
to give notice of  
expiration of  
senatorial terms.  
Ib., § 4.

4. 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 ninth section of this act, a notice that a senator for said county is to be chosen at the ensuing election.

Duty of township  
clerk.

Time and mode of  
electing sheriffs,  
coroners, clerks,  
registers and  
surrogates.  
Ib., § 5.  
Amended.

5. That the sheriffs and coroners shall be elected by the people of their respective counties at the time of electing members of the general assembly once in every three years; and the clerks, register of deeds and surrogates of counties shall be elected by the people of their respective counties, at the time of electing members of the general assembly once in every five years, and 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, register of deeds or surrogate of such county, to direct and cause to be delivered to the clerk of each township or ward in said county a notice that a clerk, register of deeds or surrogate of such 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, register of deeds 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 ninth section of this act, a notice that a clerk, register of deeds, or surrogate of said county, or both, as the case may be, is to be chosen at the ensuing election.

Duty of township  
clerk.

Time and mode  
of electing gov-  
ernor.  
Ib., § 6.

6. 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 person 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 election.  
Ib., § 7.

7. 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 office of the governor, direct and cause to be delivered to the clerk of every county a notice stating such fact, and that a governor is to be elected at the ensuing 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 delivered 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 ninth section of this act, a notice that a governor is to be chosen at the ensuing election.

Duty of township  
clerk.

Who deemed  
elected.  
Ib., § 58.

8. 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.

9. That the clerk of each ward and 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. [See Secs. 4, 5 and 7, *ante.*]

Township clerk to give notice of election.  
Ib., § 24.

10. 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 such election shall be appointed to be held.

Military duty not to be performed on election day.  
Ib., § 33.

## 2. OF THE QUALIFIED ELECTORS.

11. 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; (a) 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.

Who entitled to vote, and where.  
Ib., § 41.

12. 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, 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 labor not exceeding two years, or both.

Challenge for conviction of crime.  
Ib., § 49.

13. 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.  
Ib., § 32.

## 3. ELECTION OFFICERS, POWERS AND DUTIES.

14. [Superseded by provisions relating to appointment of boards of registry and election, in Sec. 359, *post.*]

15. [Superseded by provisions relating to appointment of boards of registry and election, in Sec. 359, *post.*]

16. That the said judge and inspectors so elected shall constitute the election board of each ward and township, and the decision of a majority of such boards, on any question, shall be deemed and taken to be the decision of such board, and final; and 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

How member of election board to record dissent.

(a) The residence required to entitle a person to vote means his fixed domicile or permanent home, and is not changed or altered by his occasional absence with or without his family. *Cadwalader v. Howell*, 3 Har. 138.

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.

**17.** [Superseded by Secs. 204, 205, 336, 229, 230, 232, 231, 355 and 356, *post.*]

**18.** [Superseded by provisions relating to appointment of boards of registry and election, in Sec. 359, *post.*]

**19.** [Superseded by provision relating to organization of board of registry and election, in Sec. 360, *post.*]

To what offices  
members of elec-  
tion board not to  
be elected.

**20.** That no such judge, inspector, or clerk, <sup>(a)</sup> shall be elected to any office to be filled at the election in which he shall serve, except it be to fill the office of judge, inspector, or clerk; and if any such judge, inspector, or clerk, shall be voted for in any such election except as aforesaid, 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, inspector, or clerk, shall be deemed and taken to be elected, and the votes which shall be given to such judge, inspector, or clerk, shall be deemed and taken to be null and void.

**21.** [Superseded by provisions relating to manner of filling vacancies in boards of registry and election, contained in Secs. 359 and 360, *post.*]

**22.** [Superseded by the provisions relating to designation of clerks of election, contained in Sec. 360, *post.*]

**23.** [Superseded by the provisions relating to clerks of election, contained in Sec. 360, *post.*]

**24.** [Superseded by the provisions relating to oath to be taken by members of board of registry and election, contained in Secs. 235, 236 and 309, *post.*]

**25.** [Superseded by the provisions relating to oath to be taken by members of board of registry and election, contained in Secs. 235, 236 and 309, *post.*]

Punishment of  
election officers for  
misdemeanors in  
office.  
Ib., § 111.

**26.** That if any judge or inspector of election shall, at any election held in pursuance of this act, knowingly and willfully 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 willfully 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 willfully 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, willfully 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 or inspector 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 [see, also, Secs. 60 and 181, *post.*], 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 labor for any term not exceeding two years, or both.

<sup>(a)</sup> The provisions of sections 18 and 19, which relate to the election of judge, inspectors and clerk of election and the organization of the board of election, are omitted because

superseded by the provisions of the ballot reform law contained in sections 359 and 360, *post.*, but section 20 is printed, as it may still have some force.

## 4. MODE OF CONDUCTING ELECTIONS.

**27.** [Amended by Secs. 219 and 351, *post.*]

**28.** 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. [See Secs. 233, 238, 241 and 248, *post.*]

Voting to be by ballot.  
R. S. 408, § 34.

**29.** 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.

Proclamation to be made of opening of election.  
Ib., § 35.

**30.** 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.

Ballot-boxes to be exhibited.  
Ib., § 36.

**31.** 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 seven o'clock in the morning [see Sec. 223, *post.*] 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.

Time of opening and closing polls.  
Ib., § 37.

**32.** 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 clerks 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 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 possession and under the care of one or more of the board 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.

Adjournment.

Proceedings on adjournment of board during election.  
Ib., § 38.

Charge of ballot-box.

**33.** That the judge and each inspector 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 members of the board, or any other person, on any pretense, 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 or inspector, who shall have the key belonging thereto as directed by this act.

Judge and inspectors to keep keys of ballot-box.  
Ib., § 39.

**34.** That the clerk of such board shall provide and have at such election a book, to be denominated a poll-book<sup>(a)</sup> 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

Clerks to provide and keep poll-book.  
Ib., § 40.

(a) The poll-books are now provided by the secretary of state. See Sec. 291, *post.*

the same from one onward, until the election shall be finally closed ; and such clerk shall write a heading to the list of names as recorded, in the following, or like form :

“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.

How entries to be made on poll-book in cities.

**35.** That the clerk of each ward or district, in incorporated cities and towns, in addition to the duties now prescribed by law, shall enter on the poll-list the place of residence of each person voting, and every person in said incorporated cities and towns, at the time of offering his vote, shall truly state the street in which he resides, and, if the house, lodging or tenement in which he resides is numbered, the number thereof, and in case of refusal to make the statement aforesaid, the vote of such person shall not be received.

Ballots to be delivered to judge or inspector of election.  
R. S. 408, § 42.

**36.** 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 the judge or one of the inspectors of election, and be by him deposited in the ballot-box ; and in no case shall the ballot be taken by any such judge or inspector, until the board of election shall have decided to receive the same ; nor shall the ballot, in any case, be by any such judge or inspector 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. (a)

Votes may be challenged.  
Ib., § 44.

**37.** 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. (b)

When judge and inspectors to challenge.  
Ib., § 45.

**38.** That the judge and inspectors 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 an alien.  
Ib., § 46.

**39.** 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 :

“You do swear (or affirm, as the case may be), that, to the best of your knowledge, information, and belief, you were 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 :

“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 :

“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

(a) This section is modified by Secs. 279 and 360, *post*.  
(b) See provisions respecting “challengers” in Secs. 278 and 281, *post*.

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.

40. That the board 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 hereinbefore restricted; and if any member of such board shall receive, or assent to receive the vote of any person challenged, without requiring such person to take the oath or affirmation hereinbefore prescribed, such person shall not be qualified and entitled to vote, such member so receiving, or assenting to receive, such vote shall be deemed and taken to have received the same knowing it to be illegal.

Members of board  
may examine  
claimant.  
Ib., § 47.

41. 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  
challenge.  
Ib., § 48.

"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.

42. 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.

Entry at the foot  
of the list of  
voters.  
Ib., § 52.

43. 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 without adjournment, 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. [See Sec. 364, *post.*]

Votes to be  
canvassed.  
Ib., § 54.

44. 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 board of election, to be appointed by the board for that purpose; and such member 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 board, to be appointed by such board for the purpose, to be examined and numbered; and such member shall take and examine the same, and there-

Mode of canvass-  
ing and estimating  
the votes received.  
Ib., § 55.

upon, 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 remaining member of such board to be examined and strung; and such member 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; [see Sec. 318, *post*] 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 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.  
Ib., § 56.

**45.** 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, 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" [see Sec. 318, *post*], 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.

In what cases ballots to be deemed null in part.  
P. L. 1862, p. 7.

**46.** That if, in canvassing and estimating the votes received by the board of election, at any election hereafter to be held in this state, any ballot or ballots shall be found to 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, then in every such case the ballot or ballots shall be deemed and taken to be null and of no effect only so far as respects the office for which there are more names than there are persons to be elected to fill such office, or as respects the name of the person thereon for whom no office is designated (as the case may be), and no further.

Statement of result to be made.  
R. S. 408, § 87.

**47.** 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 and register of the county, surrogate, sheriff and coroners, and such other county officers as may be required to be elected at the general election, 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 fifty-first 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 results of the election, and of the certificate thereto, which copy they shall certify and subscribe, inclose, seal up and transmit to the secretary of state, in the time and manner prescribed in the fiftieth section of this act; and the secretary of state, on receiving the same, shall forthwith file the same in his office as an official paper.

Certificate.

Statement of result, &c.  
Ib., § 58.

**48.** That when a governor, a clerk or register 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 relative to the statement of the determination by said board shall apply to said votes for clerk and surrogate.

**49.** [Amended by Sec. 186, *post*.]

50. 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 hereinbefore directed, and shall inclose, 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 :

Additional copy of statement to be made in congressional and electoral elections. *Ib.*, § 61.

“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.

51. That in all elections which shall be held under this act, for state and county officers, the board of election shall make a statement of the result thereof, and a certificate to the same, in the following or like form :

Form of statement. *Ib.*, § 62.

“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 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  
“Attest : \_\_\_\_\_ , } Election.  
“\_\_\_\_\_ , 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 certificate to the same, in a form similar to that above given, as far as the nature of such election will admit.

52. [Amended by Sec. 191, *post.*]

## 5. MEETING AND DUTIES OF BOARD OF COUNTY CANVASSERS.

One member of each board of election to attend meeting of county canvassers.  
R. S. 408, § 63.

**53.** That the board of election in each township, ward or district, in any such election, shall appoint one of the said board of election in such township, ward or district to attend the meeting of the board of county canvassers for such election, in the county in which such township, ward or district shall be situated, as a member thereof, and shall deliver to the member, who shall have been so appointed, the original statement of the result of such election in such township, ward or district, which shall have been made, certified and subscribed, as hereinbefore directed; and it shall be the duty of the members of the several boards 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. [See Sec. 365, *post.*]

**54.** [Superseded by Sec. 365, *post.*]

Majority appointed to form board.  
Ib., § 65.

**55.** That the major part of the members of the several boards of election who shall have been appointed to attend the meeting of such board as members thereof, shall be sufficient to constitute such board.

Time and place of meeting of county canvassers.  
Ib., § 66.

**56.** 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:

Oath.

"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.

If county clerk absent, his place, how supplied.  
Ib., § 67.

**57.** 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:

Oath of clerk.

"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."

Proceedings and duties of county canvassers.  
Ib., § 68.

**58.** 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 members of the several boards of election who shall be present, and constitute such board, shall produce the original statements which shall have been delivered to them, respectively, as hereinbefore 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, wards and districts, 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, ward and district 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, ward and district for each office, and the whole number of votes on the poll-books of the several townships, wards and districts, 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 presence 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. (a)

**59.** 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 inclose and seal up the other thereof, and deliver or safely transmit the same, so inclosed 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 county clerk and secretary of state.  
Ib., § 69.

**60.** That if any one of the members of any board of election 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 hereinbefore directed. [See Sec. 26, *ante*, and Sec. 181, *post*.]

Member to send statement if he cannot attend.  
Ib., § 70.

**61.** 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, ward or district 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 hereinbefore directed. [See Secs. 187 and 188, *post*.]

When board shall adjourn one day.

**62.** 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 hereinbefore directed ; and if on that day such board shall not have been organized because the statements from every township, ward or district 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 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.

County clerk to lay statements before board.  
Ib., § 72.

(a) The board of county canvassers must make their statement of the result upon the statement laid before them. They have no authority to examine the regularity of the proceedings of the township boards, or to look behind the official returns made by them. *The State v. The Governor*, 1 *Dutch*. 331. See

*The State v. Common Council of Rahway*, 4 *Fr*. 111. The result of an election may be investigated by *quo warranto* notwithstanding the determination of the board. *State v. Clerk of Passaic*, 1 *Dutch*. 354.

Proceedings to be public.  
Ib., § 73.

Member may dissent.

Statements to be filed by county clerk.  
Ib., § 74.

Form of statement.  
Ib., § 75.

**63.** 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.

**64.** 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.

**65.** That the statement and certificate, which shall be made as is hereinbefore 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 member 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, wards and districts respectively, and of the ballots rejected, the whole number of the names of the voters in the poll-books of the several townships, wards and districts, the name of each person for whom any vote or votes were given, the number of votes given for each person in each township, ward and district, 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.

“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.”

Statement of congressional election.

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.

**66.** 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 hereinbefore 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 hereinbefore 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  
determination  
to be made.  
Ib., § 76.

**67.** 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:

Form of such  
statement.  
Ib., § 77.

"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."

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.

So in vacancies.

**68.** 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 other county officers, 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 hereinbefore directed.

Grounds on  
which statements  
are to be founded.  
Ib., § 78.

**69.** 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.

Certified copies  
are to be deliv-  
ered to persons  
elected.  
Ib., § 79.

Copies to be sent  
to secretary of  
state.  
Ib., § 80.

**70.** 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, inclose and seal up the same, and transmit the same, so inclosed 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.

Certificate of  
election of sheriff  
or coroner.

**71.** 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, the governor shall forthwith commission such person as such sheriff or coroner; *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."

#### 6. DUTIES OF SECRETARY OF STATE.

Duties of secre-  
tary of state in  
certain contin-  
gencies.  
R. S. 408, § 82.

**72.** 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 hereinbefore 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 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 hereinbefore provided for, he shall ascertain whether or not such statement includes the statement of the result of such election in every township, ward and district of such county; and if it shall appear to him that the statement of the result of such election in any such township, ward or district 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, ward or district 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, ward or district, 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 hereinbefore provided for. [See Secs. 192 and 291, *post*.]

#### 7. BOARD OF STATE CANVASSERS.

Time and place  
of meeting of  
state canvassers.  
Ib., § 82.

**73.** 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, provided said members of the senate shall represent each political party, 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.

**74.** 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.

Board, how constituted.  
Ib., § 84.

**75.** 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 :

Oath.  
Ib., § 85.

“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 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.

**76.** 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 :

Clerk appointed if secretary of state absent.  
Ib., § 86.

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

Oath.

**77.** 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.

Vacancies, how supplied.  
Ib., § 87.

**78.** 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 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

Proceedings and statement of result to be made.  
Ib., § 88.

that given in the sixty-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 sixty-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 withheld.  
Ib., § 88.

**79.** 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.

Ground on which statement are to be made.  
Ib., § 90.

**80.** 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 hereinbefore directed.

Proceedings to be public.  
Ib., § 91.

**81.** 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.

Member may dissent.

**82.** 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, &c., to be filed.  
Ib., § 92.

**83.** 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, &c., to be given to persons elected.  
Ib., § 93.

Board of state canvassers to estimate votes given for governor.  
Ib., § 95.

**84.** That the governor and four or more members 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 seventy-second, seventy-third, seventy-fourth, seventy-fifth, seventy-sixth, seventy-seventh, seventy-eighth, seventy-ninth, eightieth, eighty-first

and eighty-second sections 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 eighty-third section of this act, and shall without delay deliver the same to the person thereby declared to be elected.

**85.** 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 sixty-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.

What to be prima facie evidence of a right to seats in senate and assembly.  
Ib., § 98.

**86.** That the clerk or member of the board of election of any township, ward or district, the clerk or the 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 member of the board of election of any township, ward or district, 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.

Statements sent for by secretary of state or county clerk to be delivered to messenger.  
Ib., § 98.

**87.** That the board of election in each township, ward or district, 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.

Boards of election, county and state canvassers may commit disorderly persons.  
Ib., § 99.

#### 8. CONTESTED ELECTIONS FOR GOVERNOR.

**88.** 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 of residence, with a member of the family over the age of fourteen years.

Contestant to give notice.  
R. S. 445, § 1.

How served.

**89.** 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

Petition to be delivered to president of senate.  
Ib., § 2.

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.

Two houses to convene, &c.  
Ib., § 3.

**90.** 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.

Proceedings for electing committee to try case.  
Ib., § 4.

**91.** 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.

Process of striking off names.  
Ib., § 5.

**92.** 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.

Committee selected.

Names of remaining members drawn.  
Ib., § 6.

**93.** That as soon as the lists shall have been delivered to the parties 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 hereinbefore directed.

94. 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 chosen ; *and provided*, that such vacancy shall be filled before the committee shall have entered upon the hearing of the case.

Organization of committee.  
Ib., § 7.

Vacancy, how filled.

95. 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.

When to sit.  
Ib., § 8.

96. 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.

Powers.  
Ib., § 9.

97. 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.

Report of decision to be made.  
Ib., § 10.

98. 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.

Mode of proceeding in committee.  
Ib., § 11.

99. 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 compensation at the rate of ten dollars per diem, but no fees ; and all expenses incurred shall be taxed by the committee and paid by the treasurer on the certificate of the chairman.

Fees and expenses.  
Ib., § 12.

9. CONTESTED ELECTIONS OF COUNTY AND TOWNSHIP OFFICERS.

100. [Amended by Sec. 342, *post*.]

101. That the election of any person to a county, township or city office may be contested, for :

For what elections may be contested.

I. Malconduct, fraud or corruption on the part of the members of any board of election in any township, ward or district, or of any member of the board of county canvassers sufficient to change the result.

Fraud, &c.

II. When the incumbent was not eligible to the office at the time of the election.

Ineligibility.

III. When the incumbent has been duly convicted before such election of any crime which would render him incompetent to exercise the right of suffrage, and the incumbent has not been pardoned at the time of the election.

Conviction of crime.

IV. When the incumbent has given or offered to any elector or any member of a board of election, clerk or canvasser, any bribe or reward, in money, property or thing of value, for the purpose of procuring his election.

Bribery.

V. When illegal votes have been received or legal votes rejected at the polls sufficient to change the results.

Illegal voting, &c.

Error of canvassers.

VI. For any error in any board of canvassers, in counting the votes or declaring the result of the election, if such error would change the result.

Term "incumbent" defined.

VII. For any other cause which shows that another was the person legally elected. (a)

What misconduct will set aside election.

102. That the term "incumbent" means the person whom the canvassers declare elected.

103. That when the misconduct complained of is on the part of the members of the board of election in any township, ward or district, it shall not be held sufficient to set aside the election, unless the rejection of the vote of such township, ward or district would change the result as to that office.

Contestant to file petition.

104. That the contestant shall file a petition in writing indorsed by at least fifteen qualified electors of the proper county or township, as the case may be, setting forth one or more of the causes specified in section one hundred and one and the particular circumstances of the case, duly verified by the oaths or affirmations of at least two of said petitioners, which shall be filed with the clerk of said court upon the contestants filing with the county clerk a bond to the incumbent with two or more sureties, to be approved by the justice holding such circuit or the county clerk, in the penal sum of five hundred dollars, conditioned to pay all costs in case the election be confirmed, or the petition be dismissed, or the prosecution fail.

Bond to incumbent.

105. That when the reception of illegal, or the rejection of legal votes is alleged as a cause of contest, the names of the persons who so voted, or whose votes were rejected, with the township, ward or district where they voted or offered to vote, shall be set forth in the petition if known; the court shall appoint a suitable time for hearing such complaint, not more than thirty nor less than twenty days thereafter, and the contestant shall cause a notice of such trial, with a copy of the contestant's petition, to be served on the incumbent at least ten days before the day set for trial.

What to be set forth in the petition.

106. That the trial shall proceed at the time appointed unless postponed for good cause shown by either party by affidavit, the terms of which postponement shall be in the discretion of the court; *provided*, the court may for its own necessity or convenience, adjourn to such time not more than thirty days thereafter, as they may see fit, of which adjournment the parties interested shall take notice.

When trial to proceed.

Adjournments.

107. That the proceedings shall be similar to those in an action at law so far as practicable, but shall be under the control and direction of the court, which shall have all the powers necessary to the right hearing and determination of the matter, with power to order any amendments in the petition or proceedings as to form, and to allow adjournments to any time not more than thirty days thereafter for the benefit of either the contestant or incumbent, the grounds for such adjournment being shown by affidavit, on such terms as shall seem reasonable to the court. [See Sec. 344, *post.*]

Proceedings to be similar to action at law, &c.

Power of court.

108. That the said court shall have authority and power to compel the attendance of any officer of such election, and of any other person capable of testifying concerning the same, and also to compel the production of all books, papers, tally lists, ballots and other documents which may be required at such hearing, and the style, form and manner of service of process and papers, and the fees of officers and witnesses, shall be the same as in the circuit court in other cases, as far as the nature of the case admits.

Fees of witnesses.

What witness may be required to answer.

109. That the court may require any person called as a witness who voted at such election, to answer touching his qualification as a voter, and if the court, from his examination, or otherwise, is satisfied that he was not a qualified voter in the county when he voted, then the court can compel him to answer for whom he voted; and if the witness answer such questions no part of his testimony on that trial shall be used against him in any criminal proceeding.

(a) For authorities on sections 100 to 115, see Sec. 342, *post.*, note (a).

**110.** That the contestant and incumbent shall be liable to the officers and witnesses for the costs made by them respectively ; but if the election be confirmed, or the petition dismissed, or the prosecution fail, judgment shall be rendered against the contestant and petitioner for costs ; and if the judgment be against the incumbent, or the election be set aside, then he shall pay the costs at the discretion of the court, and after recording the judgment of the court the costs may be collected by attachment or otherwise.

Liability of parties for costs.

**111.** That the court shall pronounce judgment, whether the incumbent or any contestant was duly elected, and the person so declared elected will be entitled to his certificate on qualification ; if the judgment be against the incumbent, and he has already received the certificate of election, the judgment shall annul it ; if the court find that no person was duly elected, the judgment shall be that the election be set aside.

Court to pronounce judgment.

**112.** That when either the contestant or incumbent shall be in possession of the office, by holding over or otherwise, the justice who presides at such trial shall, if the judgment be against the party so in possession of the office, and in favor of his antagonist, issue an order to carry into effect the judgment of the court, which order shall be under the seal of the court, and shall command the sheriff of the county to put the successful party into possession of the office without delay, and to deliver to him all books, papers and effects belonging to the same.

Court may issue order to carry into effect judgment.

**113.** That the party against whom judgment is rendered may appeal for error of law only, within twenty days, to the supreme court, but such appeal shall not supersede the execution of the judgment of the court, unless the party so appealing shall become bound to the other party by recognizance, as provided in the thirteenth section of the act entitled "An act respecting writs of error," approved March twenty-seventh, eighteen hundred and seventy-four ; *provided*, the amount of such recognizance shall be fixed by the justice who presided at the trial, and shall be at least double the probable compensation of such officer for six months.

Appeal may be had to supreme court for error of law only.

**114.** That such appeal shall take precedence over all other causes upon the lists of arguments, and shall be set down for hearing, and determined upon the first day of the term, unless otherwise ordered by the court for its convenience ; *provided also*, that the appellant shall give twenty days' notice of argument, unless the judgment of the circuit court shall not have been given in time to notice such appeal for trial on the first day of the term, in which case the same may be noticed for any other day in the term, and shall have the same precedence on such other day.

Appeal to take precedence over other causes.

**115.** That if, upon appeal, the judgment be affirmed, the justice who presided at the trial, or in his absence or inability to act, any other justice of the supreme court shall order the judgment of said circuit court to be enforced, as provided in section one hundred and twelve, if the party against whom judgment is rendered is in possession of the office, and the proceedings on the recognizance shall be as provided for in other cases in said supreme court.

Mode of enforcing judgment on appeal.

#### 10. CONTESTED ELECTIONS FOR MEMBERS OF THE LEGISLATURE AND CONGRESS.

**116.** 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 notice shall particularly set forth the ground or grounds on which such seat will be contested. [See Secs. 195, 196 and 197, *post*.]

Persons intending to contest elections, to give notice to opposite party.  
R. S. 408, § 100.

Subpoenas in cases of contested elections, by whom issued. *Ib.*, § 101.

**117.** 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 subpoena or subpoenas 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 subpoena 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.

Notice to be given of taking depositions. *Ib.*, § 102.

**118.** 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 hundred and sixteenth section of this act is directed to be given.

Manner of taking depositions. *Ib.*, § 103.

**119.** 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 hereinbefore 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 hereinbefore directed.

To whom and by whom depositions are to be transmitted. *Ib.*, § 104.

**120.** That the officer who shall take any such deposition or depositions, shall certify the same under his hand, and shall inclose, 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.

Penalty for non-attendance of witnesses. *Ib.*, § 105.

**121.** 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; and if any person duly subpoenaed as aforesaid shall neglect or refuse to obey the command of such subpoena, it shall be lawful for any justice of the supreme court of this state, on due proof by affidavit of the service of a subpoena on such witness, and of the payment of his legal fees and of his refusal or neglect to obey the command of said subpoena as aforesaid, to issue an attachment against such person to bring him before said justice or before the bar of the supreme court as said justice may direct; and the said justice or court shall have power to proceed against said witness as for a contempt of said court.

Attachment may be issued.

## 11. FEES.

**122.** [This section was amended by Sec. 184, *post*, and re-enacted by Sec. 199 and 200, *post*.]

**123.** 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 :

Fees of persons  
named for certain  
services.  
Ib., § 118.

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.

**124.** [Amended by Sec. 184, *post*.]

## 12. MISCELLANEOUS PROVISIONS.

**125.** 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 ineligible to  
office of member  
of congress or  
elector.  
Ib., § 20.

**126.** 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.

Who incapable of  
holding more than  
one of certain  
offices.  
Ib., § 21.

**127.** 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. (a)

Betting on elec-  
tions prohibited.  
Ib., § 106.

**128.** That if any person shall be guilty of willful and corrupt false swearing or affirming, or by any means shall willfully 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 labor, or both, at the discretion of the court before which such conviction shall be had, and be deemed and taken to be an incompetent wit-

Punishment for  
false swearing.  
Ib., § 107.

(a) See *Smith v. Jones*, 16 N. J. L. J. 245.

ness 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 robbing ballot-box, &c.  
Ib., § 112.

**129.** 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 willfully 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 entrusted 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 labor for any term not exceeding two years, or both.

Punishment of county clerk and secretary of state for certain misdemeanors in office.  
Ib., § 113.

**130.** That if the clerk of any county shall willfully 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 willfully 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 willfully and 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 willfully 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 willfully 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 labor for any term not exceeding seven years, or both.

Construction of word "township."  
Ib., § 114.

**131.** That, for the purposes of this act, the term "township" shall be construed to include every city, borough, ward, election district, or precinct in which any election held under this act is or shall hereafter be by law directed or authorized to be held.

Additional penalty for sale of liquor on election day.  
P. L. 1867, p. 1013, § 3.

**132.** That in addition to the penalties provided by the sixty-third section of "An act concerning crimes" for the violation of the provisions of said section, every person so offending, for every offense shall forfeit and pay the sum of one hundred dollars, to be sued for and recovered in an action of debt, in any court having jurisdiction of that amount, by any citizen of this state, resident in the county where such offense shall be committed, one-half of which penalty shall, when collected, be paid to the county collector of said county, where said offense is committed, for the benefit of said county, and the other half to the person who shall prosecute for the same.

Duty of sheriffs and constables on election day.  
Ib., § 4.

**133.** That it shall be the duty of all sheriffs, under-sheriffs, police officers and constables, on any such election day, between sunrise in the morning and sunset in the evening, to arrest without warrant, all persons who shall be found by them in the actual violation of any of the provisions of section sixty-three of "An act concerning crimes," and take such persons when arrested before some justice of the peace of the county in which such arrest shall be made, to be dealt with by said justice according to law, and it shall be the further duty of such sheriffs, under-sheriffs, police officers,

and constables, to effectually close up all places where they shall have good reason to believe any spirituous, vinous, malt liquors, ale, beer or cider, are being sold or offered or exposed for sale or given away, and keep the same effectually closed up till after sunset on such election day.

## II. Of particular elections.

### OF PRESIDENTIAL ELECTORS AND MEMBERS OF CONGRESS.

**134.** That on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy-six, 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 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.  
R. S. 408, § 9.

**135.** 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 to be held.  
Ib., § 10.

**136.** 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, and shall thereupon affix the seal of the state thereto, and transmit the same forthwith to the clerk of the said house of representatives, 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 president 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 president 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 of election of member of congress to be sent to clerk of house of representatives.  
Ib., § 94.

Certificate in case of electors.

**137.** 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 electoral 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.

Time and place of meeting of electors.  
Ib., § 97.

## III. Of elections to supply vacancies.

**138.** 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

Vacancies in legislature, how supplied.  
Ib., § 11.

## ELECTIONS.

before the commencement of the legislative year (or a shorter time before such commencement, if the board of chosen freeholders make 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.

**139.** [Amended by Sec. 224, *post.*]

Seat in legislature  
declared forfeited  
in certain cases.  
*Ib.*, § 13.

**140.** 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, or of the county or assembly district for which he may have been elected, his office shall be deemed vacant.

Vacancies in  
electoral college,  
how supplied.  
*Ib.*, § 14.

**141.** 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  
representation in  
congress, how  
supplied.  
*Ib.*, § 15.

**142.** 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  
offices of clerk,  
register and sur-  
rogate.

**143.** That all vacancies happening in the offices of clerks, registers and surrogates of counties shall be supplied at the general election next succeeding the happening thereof.

Writs of election,  
what to contain.  
R. S. 408, § 17.

**144.** 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.

Copies to be  
delivered to  
county clerks.  
*Ib.*, § 18.

**145.** 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.

**146.** 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 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.

Clerks to give notice of election to fill vacancy. *Ib.*, § 19.

#### IV. Of elections by soldiers and sailors absent from the state in time of war.

**147.** That whenever in time of war, any of the qualified electors of this state shall be in the actual military service of this state, or of the United States, in the army or navy thereof, by the authority of this state, or under a requisition from the president of the United States, and as such shall be absent from the election districts in which they reside, on the days appointed by law for holding any general or special election within this state, or within any congressional district, county, city, borough, town, township or municipality therein, such electors shall be entitled, at such times, to exercise the right of suffrage in their several districts in the manner and form hereinafter prescribed.

Soldiers and sailors absent from state in time of war to vote.

**148.** That such absent elector shall by an instrument in writing, executed by him not more than sixty days previous to any general or special election to be held in this state, authorize and empower any elector of the election district in which the said absent elector shall reside, on the day of said election, to cast for him his vote or ballot, in the manner prescribed in this act, for all officers for whom he would have a right to vote if he were present at such election; said instrument shall be signed by such absent elector, attested by two subscribing witnesses, and sworn (or affirmed) to before any field officer, captain, adjutant or commander of any regiment, company, battalion or detachment of any vessel or naval station to which the said absent elector may belong or be attached, and such officers are hereby duly authorized to administer oaths and affirmations for the purposes specified in this act, and they shall attach to their signatures their official designations.

Such absent elector may by instrument in writing authorize the casting of his ballot.

**149.** That the said absent elector shall make and subscribe an affidavit in the form or of the effect following:

Affidavit to be taken by absent voter.

"I, A. B., do solemnly swear (or affirm), that I am a citizen of the United States, that I am now of the age of twenty-one years, that I have been (or will have been) a resident of the state of New Jersey for one year, and of the county of \_\_\_\_\_, for five months, next preceding the election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, eighteen hundred and \_\_\_\_\_, and that I am now a resident of the \_\_\_\_\_ ward of the city (or town) of \_\_\_\_\_, and that I am (or will be) in all respects qualified to vote in said city (or town) at said election and until said election intend to be a resident thereof; and I do further swear that I am in the actual military service of the state of New Jersey (or of the United States), in the army (or navy) thereof, and that I am a member of company \_\_\_\_\_ of the \_\_\_\_\_ regiment (describing the organization or vessel to which he belongs), now at or near \_\_\_\_\_, in the state (or territory or country) of \_\_\_\_\_; sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, anno domini eighteen hundred and \_\_\_\_\_."

**150.** That the said absent elector in the service as aforesaid shall prepare and fold the ballot he designs to cast at such election, and inclose the same, together with the instrument described in the one hundred and forty-eighth section of this act, in an envelope, duly sealed, having on the outside thereof, either written or printed, the affidavit prescribed in the last preceding section of this act, sworn to and subscribed as therein required;

Ballot to be inclosed with instrument in writing.

## ELECTIONS.

the said envelope prepared as aforesaid shall be inclosed by him in another envelope, marked "soldier's (or sailor's) vote," sealed and directed to the elector empowered by the instrument described in the one hundred and forty-eighth section of this act to cast the ballot of said absent elector, and the said absent elector may then transmit the same to the person to whom it is directed by mail or otherwise.

Form of instrument.

**151.** That the instrument described in the one hundred and forty-eighth section of this act, shall be in the words or of the effect following, namely :

"I, A. B., a resident and elector of the (——— ward of the) city (or township, or as the case may be), of ——, in the county of ——, in the state of New Jersey, but absent from my election district in the military service of the state of New Jersey (or of the United States), and now at ——, in the state of ——, in company —— of the —— regiment of —— under the command of ——, do hereby authorize, empower, and direct C. D., of the election district above mentioned, to cast for me the ballot herewith inclosed, at the election to be held in said election district, on the —— day of ——, anno domini eighteen hundred and ——, in the manner provided by the laws of the state of New Jersey."

Mode of casting vote of absent voter.

**152.** That the elector to whom such letter shall be directed may open the outer envelope thereof, but he shall not open the inner envelope; on the day of such election, and between the opening and the closing of the polls thereof, he shall deliver such inner envelope to the board of election of the proper election district, and at the polls thereof, and if the person whose name shall be signed to the affidavit on the outside of said envelope shall be determined by the said board of election to be a duly-qualified voter in such election district, said envelope shall be by the said board publicly opened, and the vote or ballot therein contained shall be duly deposited in the ballot-box prepared to receive the ballots of voters, and the name of such absent elector shall be entered upon the poll-list, together with the name of the person delivering the ballot at the polls; in any election district where it is required that the names of the persons entitled to vote shall be registered, as hereinafter provided in this act, prior to the day of election, no envelope containing a soldier's or sailor's ballot shall be opened by the board of election unless the name of the person signing the affidavit on the outside of said envelope shall be found upon the registry list of the district where such person claims to reside, or unless an affidavit be made and subscribed by a voter of the district, to the effect that he knows that said person whose vote is so offered is a resident of said district; the ballots contained in any such envelope which shall have been opened or unsealed before the same shall have been delivered to the board of election, shall not be deposited in the ballot-box, but shall be rejected.

Affidavits and instruments to be filed.

**153.** That the affidavits and instruments described in sections one hundred and forty-eight and one hundred and forty-nine of this act and all envelopes marked "soldier's or sailor's" votes, not opened at such elections, shall be kept and filed by the clerk of the election district in the same manner and place as the poll-lists of such election are required by law to be filed and kept.

Receipt for letter to be given to postmaster, &c.

**154.** That any person who shall be entitled to receive any letter or envelope marked as herein provided, before he shall take away the same, shall sign and deliver to the postmaster or his deputy or clerk, a receipt therefor, which receipt shall specify how many such letters or envelopes he has received, and otherwise, as far as may be, specify the particulars of the description thereof; and any willful omission to comply with the provisions of this section shall be adjudged a misdemeanor, and any person convicted thereof shall be punished accordingly.

Person receiving soldier's ballot on delivering same to make oath.

**155.** That the person to whom any soldier's or sailor's ballot shall be sent as herein provided, shall at the time of delivering the same to the board of election to be deposited in the ballot-box, also present his oath or affirmation in writing setting forth that the ballot or ballots therewith presented have been received by him to deliver to said board of election,

and that he has not in any manner changed, altered or opened the said ballot or ballots, or the inner envelopes thereof, and that he believes the same have not been changed, altered or opened by any other person.

**156.** That any member of any board of election and any elector to whom said ballot shall be sent, who shall willfully neglect or refuse to perform any of the duties required of him by this act or in any manner willfully violate or abuse any trust or duty hereby imposed, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than two hundred and fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for a period not exceeding six months, or both.

Penalty for neglect or refusal to perform duties required by this act.

**157.** That every person who shall be guilty of willful and corrupt false swearing or affirming in taking any oath or affirmation prescribed by this act, shall be deemed guilty of willful and corrupt perjury, and suffer the penalty prescribed therefor, and every person who shall make or sign a false certificate to any instrument or affidavit authorized by this act, shall be deemed guilty of a misdemeanor.

Penalty for false swearing.

**158.** That every person who shall deliver or present to the board of election, under this act, any false, forged, altered or changed ballot, envelope or instrument required or provided for by this act, knowing the same to be so altered forged or changed, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labor for any period not exceeding two years, or both.

Penalty for altering or forging ballot.

**159.** That any officer of this state, or of the United States, or any other person, who shall directly or indirectly control, or attempt to control, any such enlisted elector as aforesaid in the exercise of any of his rights under this act, by menace, bribery, fear of punishment, hope of reward, or any other corrupt or arbitrary measure or resort whatever, or to annoy, injure or otherwise punish any such absent elector for the manner in which he may have exercised any such right, shall be deemed guilty of an offense against the government and dignity of this state, which shall be punished as a misdemeanor, and for which he may be indicted and tried at any future time when he may be found within the limits of this state, and upon conviction he shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labor not exceeding two years, or both, and he shall thenceforth, after conviction thereof, be ineligible to hold any office, or exercise the right of suffrage, in this state.

Penalty for officer, &c., controlling or corrupting voter.

**160.** That the secretary of state is hereby authorized and required to prepare and have printed, at the cost of this state, the necessary blank forms and envelopes required to carry out the provisions of this act, and shall cause the affidavits required by the one hundred and forty-ninth section of this act to be printed in blank upon the proper envelopes to contain the instrument required by the one hundred and forty-eighth section of this act, and shall at least two months previous to any general or special election cause such blank forms and envelopes, and copies of those sections of this act relating thereto, to be forwarded to the several regiments from this state, in the service of this state or of the United States, in the field, and to the several hospitals, posts, and naval stations, in sufficient quantity to furnish one copy of each blank form, envelope, and of the sections of this act required to be printed as aforesaid, to each person in actual military service of this state, or of the United States, in the army and navy thereof, from this state, and absent therefrom.

Secretary of state to have prepared necessary blank forms, &c.

#### V. Registration of voters in cities of over ten thousand inhabitants.

**161.** [This section, which is amended by Secs. 203 and 215, *post*, and Secs. 162 to 176, *post*, are superseded by the registry provisions of the ballot reform law, Secs. 309, &c., and 361, &c., *post*.]

162. [Superseded by Sec. 309, &c., *post.*]

163. [Superseded by Sec. 309, &c., *post.*]

164. [Superseded by Sec. 309, &c., *post.*]

165. [Superseded by Sec. 309, &c., *post.*]

166. [Superseded by Sec. 309, &c., *post.*]

167. [Superseded by Sec. 309, &c., *post.*]

168. [Superseded by Sec. 309, &c., *post.*]

169. [Superseded by Sec. 309, &c., *post.*]

170. [Superseded by Sec. 309, &c., *post.*]

171. [Superseded by Sec. 309, &c., *post.*]

172. [Superseded by Sec. 309, &c., *post.*]

173. [This section, which is amended by Sec. 208, *post.*, is superseded by the provisions of the ballot reform law, Sec. 360, *post.*]

174. [Amended by Sec. 182, and superseded by Secs. 359 and 360, *post.*]

175. [Superseded by Sec. 309, &c., *post.*]

176. [Superseded by Sec. 309, &c., *post.*]

177. That eight hours shall constitute a day's labor on any day whereon any general or municipal election shall be held. [See Secs. 201 and 321, *post.*]

178. That any member of the board of registry may require any oath administered to any person whose right to register shall be challenged to be reduced to writing and subscribed before such member; every oath in writing taken before any board of registry or election, on any day of registry or day of election, shall be preserved and filed with the clerk of the county, as hereinbefore provided in this act, for the poll-book and ballots. [See Secs. 310, &c., and 361, &c., *post.*]

179. That for the purpose of this act the term "ward" shall be construed to include every "aldermanic district" and every "election precinct" in any city; the terms "election districts" and "election district," shall be construed to include "election precincts" and "election precinct" in any city; the term "judges," wherever in this act applied to judges of election, shall be construed to be "the judge and the inspectors of election;" the term "common council" shall be construed to include "a council," "a board of aldermen" and any similar body by whatever name designated.

## VI. Supplements to general election act.

### Supplement.

Approved February 14, 1877.

P. L. 1877, p. 16.

Delivery of ballot-boxes by county clerk to election officers.

180. SEC. 1. That it shall be the duty of the county clerk with whom the ballot-boxes are deposited, pursuant to the fifty-second section of the act to which this is a further supplement [see Sec. 191, *post.*], to deliver to any of the judges or inspectors of election of any township, ward or election district or precinct, the ballot-box pertaining to such township, ward or election district or precinct, ten days before any election to be held therein, notwithstanding the period of six months may not have elapsed since the same may have been deposited with him.

Penalty for member failing to attend meeting of board of county canvassers, &c.

181. SEC. 2. That if any member of a board of election of any township, ward or district, who shall have been appointed by such board to attend the meeting of the board of county canvassers for such election, shall neglect or fail to attend such meeting at the time appointed therefor, or to deliver or safely transmit, at or before the hour of twelve o'clock noon of the day appointed for such meeting, to the clerk of the county, the original statement of the result of the election, pursuant to the sixtieth section of the act to which this is a further supplement, such member shall forfeit and pay to the county collector of such county, for the use of the county, the sum of one hundred dollars, to be sued for and recovered by such county collector, with costs, in any court of competent jurisdiction; and it shall be the duty of the clerk of the board of county canvassers, immediately upon the adjournment of the board, to certify to the county collector the names of all members so failing to attend said board of county canvassers, or to deliver or transmit such original statement; and the said county collector shall forthwith thereafter institute proceedings to recover said penalty. [See Secs. 26 and 60, *ante.*]

## Supplement.

Approved February 27, 1879. P. L. 1879, p. 61.

**182.** SEC. 1. [This section, which amends Sec. 174, *ante*, and prescribes the manner of filling vacancies in boards of election, is superseded by Secs. 359 and 360, *post*.]

## Supplement.

Approved March 12, 1879. P. L. 1879, p. 122.

**183.** SEC. 1. That the notices of election and registry, required to be given by the act to which this is a supplement, shall not hereafter be published in any newspaper, whether daily or weekly, published in any city or county of this state, unless said newspaper has been published for one year continuously prior to the time when said notices are required to be published. [See Sec. 241, *post*.]

## Supplement.

Approved March 14, 1879. P. L. 1879, p. 226.

**184.** SEC. 1. That sections one hundred and twenty-two and one hundred and twenty-four of said act, and which read as follows, to wit [see Rev. p. 358], be and the same are hereby respectively amended so as to read as follows, to wit [Sec. 122, which was amended by this supplement, was re-enacted by Secs. 199 and 200 *post*, and Sec. 124 is amended so as to read as follows]:

[That the officers hereinafter named shall, for the services herein mentioned, receive the fees thereto attached, to wit: the secretary of state, for giving to the clerk of a county such notice of election as is required by the fourth and seventh sections of the act to which this is a supplement, the sum of twenty-five 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 the 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 twenty-five 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 service shall be performed.]

Fees of secretary of state, &amp;c., for notice to county clerk.

Fees of county clerk.

**185.** SEC. 2. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

## Supplement.

Approved March 14, 1879. P. L. 1879, p. 330.

**186.** SEC. 1. That section forty-nine of an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six, which reads as follows [see Rev. p. 345], be amended so as to read as follows:

[That the board of election shall make, or cause to be made, a true and exact copy of the statement of the result of such election, and the certificate thereto, which shall be made under the forty-seventh section of this act, and each member of the board shall sign his name thereto, with his own hand, and the clerk of such board shall attest the signing of the same by such board by signing his own name thereto, with his own hand [see Sec. 364, *post*], and where there are two polling districts in any township, the officers thereof shall perform their duties in like manner, and forward the return thereof to the clerk of the county within the time provided by law, and such copy shall then be delivered by such board to the clerk thereof; and if such clerk shall be the clerk of the city or township in which the election shall have been held, he shall, as the clerk of such city or township, preserve such copy so delivered to him among the papers of such city or 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 city or township, he shall, within

Statement of the result of election and certificate thereto by board of election, how made and executed.

two days next after the day of such election, deliver the same to the clerk of such city or township, to be by him preserved and delivered over to his successor as above directed ; and every such copy in the possession of the clerk of any city or township shall be open and subject to the inspection of every person who shall apply to such clerk for that purpose ; and it shall be the duty of every such clerk to furnish a certified copy thereof to any legal voter in said city or township who shall apply for the same and make payment in advance at the rate of ten cents for every one hundred words.]

Second adjournment of county canvassers.

**187. SEC. 2.** That any such board of county canvassers may, if necessary, in addition to the adjournment provided for in section sixty-one of the act to which this is a supplement, make a second adjournment, but not for a longer period than three days. [See Sec. 61, *ante.*]

Proceedings in case of adjournment.

**188. SEC. 3.** That whenever any board of county canvassers shall find it necessary to adjourn, as provided in the foregoing section, and in the aforementioned section sixty-one of the act to which this is a supplement, all statements of the result of an election in any township, ward or district which shall have been delivered to such board, or to any member thereof, shall in the presence of such board, and before it shall adjourn, be securely inclosed and sealed by the chairman thereof, and by him delivered to the county clerk for safe keeping until the next meeting of such board.

**189. SEC. 4.** [Superseded by Sec. 201, *post.*]

Repealer.

**190. SEC. 5.** That all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

#### Supplement.

Approved March 3, 1880.

P. L. 1880, p. 108.

**191. SEC. 1.** That the fifty-second section of the act to which this is amendatory, and which reads as follows [see Rev. p. 346], shall be and the same is hereby amended to read and be as follows :

Ballots, oaths, &c., to be deposited in ballot-boxes after election finished.

[That as soon as the election shall be finished, all ballots which have been cast, whether the same have been estimated and canvassed or rejected for any cause, the poll-list, the tally papers, the oaths or affirmations of the judges, inspectors and clerks shall all be carefully collected and deposited in the ballot-box ; and such ballot-box, after being locked and bound with tape and sealed, shall remain in the township, under the care and in the custody of the township clerk, or, if in a ward of a city, in the custody of the clerk of the city, but the said clerk shall not have the keys of the said ballot-box in his possession until required for the next ensuing election, unless twenty freeholders, resident in such polling district and legal voters therein, by request in writing, signed by them and delivered to the judge or one of the inspectors of election, on or before the day of such election, request said ballot-box to be removed to the clerk's office of said county, in which case said ballot-box, after being locked as aforesaid, shall be closely bound with red tape and sealed by the judge and inspectors of election, and within one day thereafter delivered by one of the inspectors to the clerk of the county, who shall keep such boxes containing the tickets and other documents ; and said clerk shall not take or open, nor permit to be taken or opened, any ballot-box deposited as aforesaid for the space of six months after the same has been deposited as aforesaid, or until the time of the next town or general election, except when he shall be called upon by some court or other tribunal authorized to try the merits of such election or take testimony regarding the same ; and after such trial or investigation, it shall be the duty of the clerk to have said box or boxes returned and deposited as aforesaid, the cost of delivering such ballot-box to the clerk of the county and of returning it to the township to which it belongs, to be paid by the treasurer of the township in which said election is held.] [See Sec. 180, *ante*, and Secs. 209 to 213, and 220, *post.*]

Ballot-boxes to remain in custody of clerk of townships or cities.

Boxes may be removed to county clerk's office.

## Supplement.

Approved March 10, 1880.

P. L. 1880, p. 171.

**192. SEC. 1.** That it shall be the duty of the secretary of state, on or before the first day of October of each year, to prepare and send to the county clerks of the several counties in this state the necessary blanks for election returns for use at annual elections and elections for justices of the peace and other county officers, together with a printed copy of the election laws of this state in force at that time; and it shall be the duty of the county clerks by whom such blanks are received, to send the same during the months of October of each year to each township clerk and the clerks of election boards in their respective counties, for use at the annual elections and elections for justices of the peace and other county officers; and the officers of election shall, at the close of the election, place the copy of the election law so received in the ballot-box for use at the next election. [See Sec. 291, *post.*]

Secretary of state to prepare and furnish election blanks, &c.

Duty of county clerks.

**193. SEC. 2.** That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Repealer.

## Supplement.

Approved March 11, 1880.

P. L. 1880, p. 194.

**194. SEC. 1.** That whenever the time fixed by any law of this state for holding a municipal election in any city of the state falls upon the day fixed by law for the meeting of the boards of registry to prepare a register for the ensuing state and county election, such meeting of the boards of registry shall be held upon the day following such municipal election. [See Secs. 216 and 225, *post.*]

When day of municipal election falls upon registry day, registry to be held on the day following.

## Supplement.

Approved March 11, 1880.

P. L. 1880, p. 229.

**195. SEC. 1.** That whenever any candidate at any election in this state for member of the senate or member of the assembly shall have reason to believe that an error has been made in any board of election or of canvassers in counting the vote or declaring the result of such election, whereby the result of such election has been changed, such candidate shall, within ten days after such election, be empowered to apply to any justice of the supreme court of this state, who shall be authorized to order and cause a recount of such votes to be publicly made under the direction of the court, by the county clerk or such other officer as the said justice may designate, after due notice to the parties interested of the time and place of such recount; and if it shall appear upon such recount of the ballots cast at such election that an error has been made sufficient to change the result of such election, as declared by any board of canvassers, then such justices of the supreme court shall be authorized and empowered to revoke the certificate of election already issued to any person as member of the senate or member of the assembly, and shall order to be issued in its place another certificate, duly attested under the seal of the county, to the party who shall be found to have received a majority of the votes cast at such election, which latter certificate shall supersede all others, and entitle the holder thereof to the same rights and privileges as a member of the senate or member of the assembly, as if said certificate had been issued by the county board of canvassers. (*a*)

Justice of supreme court may order a recount of votes upon application of candidate for senate or assembly.

Justice authorized to revoke certificate of election if an error has been made sufficient to change result, and issue a certificate.

**196. SEC. 2.** That whenever any such certificate shall be issued by any justices of the supreme court, the clerk of the county shall certify the same to be full, true and correct, and shall sign his name thereto with his own hand and affix thereto the seal of the county, and shall, without delay,

Certificate of justices to be certified by county clerk.

(*a*) The duties of the justice under this act are merely ministerial. *Ruh v. Frambach*, 18 Vr. 85. He cannot take evidence to determine if the ballot-boxes have been tampered with, but has power only to count the votes, to ascertain who received a majority of the votes cast. *Id.* The result of a recount cannot take from the house the constitutional right of seating the member in fact elected, although the position of sitting member and contestant is reversed. *Id.* The supreme court has no power to review the action of the justice making the

recount. *Id.* There is a difference between the requisites of a petition under this act and a petition under Secs. 100 to 115, *ante*. See *In re Election of Register of Essex Co.*, 12 N. J. L. J. 271, and Sec. 342, *post*, note (*a*). This act does not purport to confer upon the supreme court any judicial power to determine who is elected, or to take testimony. That power is conferred by the constitution upon the respective branches of the legislature. The duties of the justice under the above act are purely ministerial. *Kearns v. Edwards*, 17 N. J. L. J. 51.

County clerk to transmit to secretary of state a copy.

Applicants for recount to file bond conditioned for payment of costs.

Compensation and expenses of recount, &c., how fixed and determined.

Repealer.

deliver the same to any person who shall be so elected; and said clerk shall, within five days thereafter, transmit to the secretary of state, at Trenton, a copy of such certificate, signed with his own hand and attested by the seal of the county.

**197. SEC. 3.** That any applicant for such recount shall file with the county clerk a bond with two or more sureties, to be approved by the justice holding the county circuit, or the county clerk, in the penal sum of five hundred dollars, conditioned to pay all costs in case the original count be confirmed or the result of such recount is not sufficient to change the result as declared by the board of county canvassers; and that said justice shall be empowered to fix and determine the amount of compensation to be paid for making such recount of the ballots; and if it shall appear that an error sufficient to change the result shall have been made by any board of canvassers, then the expense of such recount shall be paid by the collector of the county, upon the warrant of said justice, the same as other election expenses are paid; but if no error shall appear sufficient to change such result, then the expenses of such recount shall be paid by the party making the application.

**198. SEC. 4.** That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

An act to repeal so much of chapter one hundred and thirty-eight of the laws of one thousand eight hundred and seventy-nine, entitled "A supplement to an act entitled 'An act to regulate elections.'"

P. L. 1880, p. 300.

Approved March 12, 1880.

Repealer.

**199. SEC. 1.** That so much of chapter one hundred and thirty-eight of the laws of one thousand eight hundred and seventy-nine, entitled "A supplement to an act entitled 'An act to regulate elections,'" as regulates the pay of election officers, be and the same is hereby repealed. [See Sec. 184, *ante*.]

**200. SEC. 2.** That section one hundred and twenty-two of said act, which reads as follows, to wit:

Fees of officers for election services.

"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 said election, one dollar and fifty cents;

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

"Each member of the boards of election, for each day's service, three dollars;

"Each member of any board of county canvassers, for each day's service, three 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,"

be and the same is hereby re-enacted, and that all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

Eight hours a day's work for election boards.

**201. SEC. 3.** That eight hours shall constitute, with the fractional parts thereof, a day's work for the members of election boards. [See Sec. 177, *ante*, and Sec. 321, *post*.]

#### Supplement.

Approved March 25, 1881.

P. L. 1881, p. 253.

**202. SEC. 1.** [This section, which amends Sec. 17, *ante*, is superseded by Sec. 204, as amended by Sec. 336, *post*.]

## Supplement.

Approved March 10, 1883. P. L. 1883, p. 95.

**203. SEC. 1.** [This section, which amends Sec. 161, *ante*, and is again amended by Sec. 215, *post*, is superseded by the registry provisions of the ballot reform law, Secs. 309, &c., and 361, &c., *post*.]

## Supplement.

Approved April 28, 1885. P. L. 1885, p. 296.

**204. SEC. 1.** [Amended by Sec. 336, *post*.]

**205. SEC. 2.** That at the time when any township, ward in any city or election district shall be divided into two or more election districts, or when the boundary lines of any election district or districts shall be changed or such districts re-adjusted, the mayor and common council or township committee shall forthwith cause a description of the boundaries of such new election district or districts, and of the election district or districts affected by such division, change or re-adjustment, to be filed in the county clerk's office, and a duplicate thereof in the office of the city or township clerk, as the case may be; and in case any error shall be or shall have been made in fixing the boundary lines of any election district or districts, the said mayor and common council or township committee, as the case may be, shall, upon being informed thereof, forthwith investigate the same, and if such boundary lines shall be found to be incorrect, they shall, without unnecessary delay, correct such error and change said boundary lines or re-adjust the districts affected thereby, and shall cause descriptions thereof to be filed as aforesaid. [See Sec. 17, *ante*, and Secs. 336, 229, 230, 231, 232, 355 and 356, *post*.]

When township or ward is divided into districts, &c., description of boundary lines to be filed.

**206. SEC. 3.** [Superseded by provisions of ballot reform law relating to appointment of board of registry and election, Sec. 359, *post*.]

**207. SEC. 4.** That all acts and parts of acts inconsistent herewith are hereby repealed, and that this act shall take effect immediately.

Repealer.

## Supplement.

Approved February 9, 1886. P. L. 1886, p. 18.

**208. SEC. 1.** [This section, which amends Sec. 173, *ante*, is superseded by the provisions of the ballot reform law, Sec. 360, *post*.]

## Supplement.

Approved March 16, 1886. P. L. 1886, p. 95.

**209. SEC. 1.** [Amended by Sec. 220, *post*.]

**210. SEC. 2.** That the clerk of the city in which such election may be held, or his subordinate, whom he may have appointed to act in his stead, shall enter in a book to be kept for that purpose, the exact time when each ballot-box may be delivered at said office, the precinct whence it was brought, the names of the inspectors delivering it, and the name of the police officer or other witness who may accompany them, and such other particulars as he may deem important; said book shall be filed in the office of the city clerk and be a public record.

Record to be kept of delivery of ballot-box, &c.

**211. SEC. 3.** That this act shall apply to all elections hereafter held in incorporated cities, whether the same be general or special or charter elections.

Act to apply to all elections.

**212. SEC. 4.** That so much of the act to which this is a supplement, and so much of any special act as conflicts with this act, be and the same is hereby repealed.

Repealer.

**213. SEC. 5.** That any person who shall willfully violate any of the provisions of this act, or who shall obstruct or interfere with the inspector or inspectors on the way from the polls to the office of the city clerk, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding five hundred dollars, or by imprisonment at hard labor for any term not exceeding two years, or both.

Penalty for violation of act.

## Supplement.

P. L. 1886, p. 165.

Approved March 30, 1886.

**214.** SEC. 1. [Superseded by Sec. 216, *post.*]

## Supplement.

P. L. 1886, p. 198.

Passed April 6, 1886.

**215.** SEC. 1. [This section, which amends Secs. 161 and 203, *ante*, is superseded by the registry provisions of the ballot reform law, Secs. 309, &c., and 361, &c., *post.*]

## Supplement.

P. L. 1887, p. 69.

Approved March 29, 1887.

Compensation of boards of elections when charter and general elections are held together.

**216.** SEC. 1. That whenever it shall so happen in any city, township, borough or other municipality in this state, that the charter or municipal election of such city, township, borough or other municipality falls and shall be held upon the day now fixed for the holding of the general election for members of the general assembly, or the election for members of the board of chosen freeholders, that in every such case the clerks of election and each member of the boards of election in such city, township, borough or other municipality shall be entitled to demand and receive for their services the sum of four dollars per day and no more for each day's service, one half of which shall be paid by the city, township, borough or other municipality wherein said election shall have taken place, and the other half to be paid by the collector of the county in which said election shall have taken place. [See Secs. 194 and 214, *ante*, and Sec. 225, *post.*]

Compensation, by whom paid.

## Supplement.

P. L. 1887, p. 71.

Approved March 30, 1887.

Office of ward clerk abolished.

**217.** SEC. 1. That where the wards in any of the cities of this state have been, or shall hereafter be, divided into two or more election districts, that in every such ward the office of ward clerk shall be and the same hereby is abolished.

Repealer.

**218.** SEC. 2. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

## Supplement.

P. L. 1887, p. 228.

Approved April 28, 1887.

**219.** SEC. 1. [This section, which amends Sec. 27, *ante*, is amended by Sec. 351, *post.*]

## Supplement.

P. L. 1888, p. 65.

Approved February 15, 1888.

Ballot-boxes, &c., where deposited.

**220.** SEC. 1. That section one of the act entitled "A supplement to an act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six, which supplement was approved March sixteenth, one thousand eight hundred and eighty-six [see Sec. 209, *ante*], be and the same is hereby amended so as to read as follows :

City clerks to keep office open on election day.

[That in all incorporated cities in this state, as soon as the election shall be finished and the ballots, poll-lists, tally-papers, and oaths and affirmations deposited in the ballot-box, and the same sealed as now required by law, the ballot-box shall be immediately taken in charge by the two inspectors of election of the precinct, and by them forthwith carried to the office of the city clerk of the city in which such election may be held, by the most direct route, and without delay ; and said inspectors shall not stop at any place between the polls and the city clerk's office ; the clerk of any city in which the election shall be held, shall attend at his said office on election day, and keep his office open from the time the polls shall be closed until all the ballot-boxes used at the various polls in said city at such

election shall have been delivered at his office; and he shall thereupon keep such boxes containing the tickets and other documents, and said clerk shall not open nor permit to be taken or opened, any ballot-box deposited as aforesaid, for the space of three months after the same has been deposited as aforesaid, except when he shall be called upon by some court or other tribunal authorized to try the merits of such election, or take testimony regarding the same; and after such trial or investigation, it shall be the duty of the clerk to have said box or boxes returned and deposited in his office; the city clerk shall either attend personally at his office, or appoint one of the clerks in his office to act for him; *provided*, that when any special election is required to be held for any purpose, within the time that said ballot-boxes are required to remain in the custody of said city clerk, it shall be lawful for the judge of the circuit court of the county, upon application of the city council or other governing body, to direct the contents thereof to be removed and carefully preserved, and the said ballot-boxes to be used at said special election.] [See Secs. 52, 191 and 209, *ante*.]

Proviso.

**221. SEC. 2.** That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

## Supplement.

Passed March 23, 1888

P. L. 1888, p. 223.

**222. SEC. 1.** [Superseded by Sec. 223, *post*.]

## Supplement.

Approved January 28, 1889.

P. L. 1889, p. 11.

**223. SEC. 1.** That in all elections, general, local or charter, to be held in this state, the polls shall open at six o'clock in the morning and close at seven o'clock in the evening, and shall be kept open during the whole day of election, between the hours aforesaid; *provided*, the board of election may adjourn the proceedings in such election from one o'clock until two o'clock in the afternoon, or for such shorter time, between those hours, as they shall see fit. [See Secs. 3, 31 and 222, *ante*.]

Hour of opening and closing of polls.

Proviso.

## Supplement.

Approved March 19, 1889.

P. L. 1889, p. 70

**224. SEC. 1.** That section one hundred and thirty-nine of the act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six, which is in these words, "that every special election shall be held on one day only, which shall be Tuesday," (a) be amended so as to read, "that every special election shall be held on one day only."

Special election to be held on one day only.

## Supplement.

Approved March 25, 1889.

P. L. 1889, p. 89.

WHEREAS, It is deemed for the best interest of municipal government that elections for local officers should not be held on general election days; therefore,

Preamble.

**225. SEC. 1.** That no local or charter election shall be held in this state on the same day fixed for the holding of a general election, or on the day when members of the general assembly are now elected by law. [See Secs. 194, 214 and 216, *ante*.]

When charter elections are not to be held.

**226. SEC. 2.** That in all cities in this state where such charter elections are now held upon the first Tuesday succeeding the first Monday in November, in any year, they shall hereafter be held upon the first Tuesday of December next thereafter.

Day of holding charter elections may be changed.

(a) Before this amendment, it was held that the general election law requiring special elections to be held on Tuesday, did not apply to an election held under the act entitled "An act to

regulate the sale of intoxicating and brewed liquors." P. L. 1888, p. 142. See *Paul v. Gloucester Co.*, 21 Vt. 612.

Cities authorized to change day of holding charter elections to first Tuesday in December.

**227. SEC. 3.** That it shall and may be lawful for the city council or board of aldermen, or other governing body of any city in this state wherein the charter election of any such city now falls upon a different day from the day fixed for the holding of the general election, to alter the time for holding such local or charter election, by a majority vote, to the said first Tuesday in December in each or any year.

General registry to be used.

**228. SEC. 4.** That in any city to which the provisions of the registry law apply, the time of the local or charter election in which may, by the provisions of this act, be changed to the said first Tuesday in December in any year, the registry made for the general election shall be used, except that the board of registry shall meet on the Thursday preceding the said first Tuesday of December, for the purpose of revising the same in the same manner as is now done upon the last meeting of said board prior to the annual general election; *provided, however*, if such Thursday should happen to fall upon thanksgiving day, then, and in that case, such meeting for the revision and correction of the registry shall be held upon the preceding Wednesday.

Proviso.

#### Supplement.

Approved May 6, 1889.

P. L. 1889, p. 351.

To file description of boundaries of election districts.

**229. SEC. 1.** [Amended by Sec. 232, *post*.]  
**230. SEC. 2.** That the township committee are hereby required, whenever such polling place shall be established as required by this act, to file a description of the boundaries of the district within which such polling place is situated, one copy in the county clerk's office and one copy in the township clerk's office. [Balance of section superseded by ballot reform law, Sec. 359, &c., *post*.]

#### Supplement.

Approved March 31, 1890.

P. L. 1890, p. 155.

When townships to be divided into two election districts.

**231. SEC. 1.** That in any township of this state where there is a part of its inhabited territory separated from the mainland or other inhabited part thereof by at least three miles of bay and marsh, across which there is no road, it shall be the duty of the township committee to divide such township into at least two election precincts, so that at least one such precinct shall be on each side of said bay and marsh. [See Secs. 17, 204, 205, 229 and 230, *ante*, and Secs. 336, 355 and 356, *post*.]

#### Supplement.

Passed April 8, 1890.

P. L. 1890, p. 240.

When additional polling places to be established.

**232. SEC. 1.** That section one of an act entitled "Further supplement to an act entitled 'An act to regulate elections,' approved April eighteenth, one thousand eight hundred and seventy-six," approved May sixth, one thousand eight hundred and eighty-nine [see Sec. 229, *ante*], be amended so that the same shall read as follows:

[That whenever, in a township not divided into wards, it shall appear that two hundred or more voters in any one section of such township have to travel a distance of four miles or more to vote, that in every such case the township committee may establish an additional polling place in such section, and that in townships containing more than five hundred voters at the last presidential election, and having but one polling place, and where some of the voters have to travel a distance of four miles or more to vote, it shall be the duty of, and the township committee are required, to forthwith establish an additional polling place in such township.] [See Secs. 17, 204, 205, 229, 230 and 231, *ante*, and Secs. 336, 355 and 356, *post*.]

#### Supplement (Ballot Reform Law).

Approved May 23, 1890.

P. L. 1890, p. 361.

**233. SEC. 1.** [Superseded by Sec. 357, *post*.]  
**234. SEC. 2.** [This section, as amended by Sec. 308, *post*, is superseded by the provisions of Secs. 358, 359 and 360, *post*.]

**235. SEC. 3.** That the members of said boards of registry and election, and said registry or poll clerks, (*a*) shall, before entering upon the performance of their duties, each severally take and subscribe an oath or affirmation, in writing, before a duly-qualified officer, faithfully and impartially to discharge all their duties as such officers, under this or any other law of this state, to the best of their skill and ability, which oaths or affirmations shall be forthwith forwarded to the county clerk and by him filed in his office.

Members of board of registry and election to take oath.

Filed with county clerk

**236. SEC. 4.** [Amended by Sec. 309, *post.*]

**237. SEC. 5.** [Amended by Sec. 310, *post.*]

**238. SEC. 6.** That when on the day of their meeting, as provided in the next preceding section, the board of registry and election shall have completed said two registers, they shall certify on each of them, and announce publicly, the number of names entered thereon; that on the day succeeding such meeting a correct list of the names entered on said registers, with residences and street numbers, if any, shall be posted by each of said clerks, in handbill form, in some conspicuous public place within such election district; both of said lists shall be certified by the board of registry and election, or a majority thereof, to be correct copies of the original registers. [See Sec. 309, *post.*, note (*a*).]

Board to certify registers.

Correct list of names on register to be posted.

**239. SEC. 7.** [Amended by Sec. 311, *post.*]

**240. SEC. 8.** That on the day succeeding the final completion of said registers, one thereof shall be forwarded to and filed with the county clerk.

One register filed with county clerk.

**241. SEC. 9.** That at least two weeks preceding the meeting of the said boards of registry and election on the third Tuesday before election, as hereinbefore provided, the county clerk of each county shall cause a notice to be published in such and so many of the newspapers of his county as he and the presiding judge of the court of common pleas of his county shall previously have designated for that purpose, not exceeding six in all, setting forth that the boards of registry and election in and for each and every election district or voting precinct in his county will meet on the days and between the hours aforesaid for the purpose of making said registration of voters; said publication shall be published, as nearly as may be, equally in newspapers of the different political parties, and so as to afford the widest possible information to all voters of every political party, and such notice shall be continued in such newspapers at least once a week for at least four weeks successively; *provided*, that such publication shall not be made in any daily newspaper more than twice in any one week. [See Sec. 183, *ante.*]

County clerk to publish notice of the meeting of the boards of registry to make the registration of voters.

How published.

Proviso.

**242. SEC. 10.** That in the registers made as aforesaid the names shall be arranged in the alphabetical order of surnames, in such manner as to show the names at full length, the residence by the street number (if there be a number), and the name of the street, court, alley or other location of the dwelling place of the voter. (*b*)

How names, &c., of voters to be arranged on registers.

**243. SEC. 11.** That the proceedings of the boards of registry shall be open to the public, and all persons entitled to the right of suffrage in the election district shall be entitled to be freely heard in relation to the revision and correction of the registers.

Proceedings of boards open to the public.

**244. SEC. 12.** That hereafter, except as in this act otherwise provided, in each and every of the election districts or voting precincts of this state, the boards of election shall be composed of the four members of the board of registry appointed as aforesaid in and for such election district or voting precinct, and there shall be two election or poll clerks to said board of election, instead of one as heretofore, which clerks shall be said two registry or poll clerks appointed as aforesaid, (*c*) anything in any existing law to the contrary notwithstanding.

Boards of election to consist of the boards of registry appointed under this act.

(*a*) The office of registry or poll clerk, created by section 234, is abolished. Their duties are to be performed by the two clerks of election designated in the manner provided in Sec. 360, *post.*  
 (*b*) In cities having over 40,000 inhabitants, the registers are

arranged in the alphabetical order of streets, and by street numbers, and not in the alphabetical order of the names of voters. See Sec. 361, *post.*  
 (*c*) See Sec. 235, *ante*, note (*a*).

Register not filed with county clerk to be preserved by board of registry for use as the board of election.

Penalty for illegally registering or refusing to register names.

Or for receiving vote of person whose name is not on register.

Poll-list to be kept and register checked and filed with county clerk.

Penalty for false registration by voters.

Names may be added to register on affidavit, which must be filed.

Penalty for false swearing.

Registration of persons removing from one election precinct into another.

Proviso.

**245. SEC. 13.** That the original register not filed with the county clerk, as hereinbefore provided, shall be carefully preserved by the board of registry for use by them as the board of election on the day of election, and no person, except as hereinafter provided, shall be allowed to vote unless his name shall be found on the register; and if any member of the board of registry and election shall willfully refuse to enter in the canvassing-books or upon the registers any person legally entitled to vote, or shall at the meeting of the board of registry, on the Tuesday three weeks preceding the election, register the name of any person, except those on the canvassing-books, who shall not have appeared before the board to require the registry of his name, or be shown to have voted in that election district at the last preceding election for members of the general assembly, or who shall be shown, by the affidavit in writing of some voter in that election district, to be a legal voter therein, or shall at the meeting of said board one week before the election, as hereinbefore provided, register the name of any person who shall not have appeared before said board to require it, or be shown by affidavit to be a legal voter therein, as herein provided, or if, when acting as a member of said board of election, on the day of election, shall receive the vote of any person whose name shall not appear on the revised and corrected registers, unless such name shall have been ordered added thereto in the manner hereinafter provided, such member shall be punished, on conviction, by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both, in the discretion of the court.

**246. SEC. 14.** That on the day of election each of said registry or poll clerks shall keep a poll-list in form now required by law, and one of the board of election shall check or erase from the register the name of the person voting, and that after the canvass of the votes the register so kept and checked and one of the poll-lists shall be attached together and filed with the clerk of the county within one day thereafter, and the other shall be deposited in the ballot-box as now required by law. (a)

**247. SEC. 15.** That any person who shall cause or procure his name to be registered in more than one election district, or shall cause or procure his name, or that of any other person, to be registered, knowing that he, or the person whose name he has procured to be registered, is not entitled to vote in the election district or ward wherein said registry is made at the next election to be held therein, or who shall falsely personate any registered voter, shall be punished for each and every offense by a fine not exceeding one thousand dollars or imprisonment for a term not exceeding five years, or both, at the discretion of the court.

**248. SEC. 16.** That said boards of registry and election shall place or cause to be placed upon said registers the name of any person who shall appear before them and satisfy them by an affidavit in writing, to be filed with them and by them forwarded within two days to the county clerk, and by him filed in his office, that such person will, on the day of the next ensuing election, be entitled, under the constitution and laws of this state, to exercise the right of suffrage in that election district; and any person swearing falsely in any such affidavit as is mentioned in this section shall be guilty of perjury, and incur the penalty thereof. (b)

**249. SEC. 17.** That if any person shall, after being registered in one election precinct, move into another election precinct in the same county, he may apply to the board of registry and election, on election day, to have his name erased from the register and a certificate given him to that effect, which certificate shall be signed by said board or a majority thereof and attested by the poll clerks, and on presentation of such certificate to the board of election of the precinct where he then resides, his name and residence shall be placed on the register of such precinct, and he shall then be allowed to vote; *provided*, that said latter board may

(a) Only one poll-list is now kept, there being no registry or poll clerks. See Sec. 360, *post*. That poll-list must be deposited in the ballot-box. See Secs. 191 and 220, *ante*. The checked register must be delivered to the county clerk as required by section 246.

(b) For provisions for registering votes in cities having over 40,000 inhabitants, see Secs. 361 and 362, *post*.

require him to make a statement, under oath, to satisfy themselves of his right to vote; the presentation of such certificate shall be noted on the register and the certificate preserved, and at the close of election attached to the register and filed therewith with the county clerk. [See Sec. 370, *post.*]

- 250. SEC. 18.** That on the Thursday next preceding the annual election for members of the general assembly, and from day to day thereafter as may be necessary, the courts of common pleas of the several counties of the state shall be in session at the court-houses in their respective counties for the purpose of revising and correcting the registers of voters so as aforesaid on the day succeeding the final completion thereof, to be filed with the county clerk, and the clerk shall produce such of said registers as may be required at the sessions of the court; said court in the revision and correction of said registers shall proceed in a summary manner, and shall order erased therefrom the name of any person who shall be shown to the satisfaction of the court, for any cause, not to be entitled to vote at the next election in the election district wherein he is registered; *provided*, that no name shall be ordered erased from any such register in the absence of a person to be affected thereby, unless it shall appear to the court, by affidavit of some qualified voter of the same election precinct wherein said person is registered, that notice has been given such person either personally or by leaving the same at his assigned place of residence with some person above the age of fourteen years, at least two entire days before such session of the court, that at such session of the court application would be made to have the name of such registered person stricken from the register, and the grounds on which said application would be based; said court may also order added to said registers the name or names of any person who shall prove to its satisfaction, by affidavit or affidavits or otherwise, his right to vote at the ensuing election, but whose name, through absence, sickness, inadvertence or other sufficient cause, has been omitted therefrom; when any name shall be stricken from any register filed with the county clerk, a certificate, under the seal of the court and attested by the county clerk, stating the name erased and the cause therefor, and from what election district, shall be given to the person applying to have the name of such person erased, and on the delivery of such certificate to the board of registry the name of such person shall be erased from the register in their possession, and his vote not received if he presents the same; to any person whose name shall be ordered added to the registry of any election precinct shall be given a certificate under the seal of the court and attested by the clerk that such person is entitled to vote in that precinct at said election, and on the delivery of such certificate to the board of election of the proper precinct, the name of said person shall be added to the registry and his vote received; the receipt of said certificate shall be noted on the register and the certificates forwarded with such register to the county clerk. (*a*)
- 251. SEC. 19.** [Amended by Secs. 312 and 335, *post.*]
- 252. SEC. 20.** [Amended by Sec. 313, *post.*]
- 253. SEC. 21.** [Amended by Sec. 314, *post.*]
- 254. SEC. 22.** That in all cases where the territorial limits and boundaries of the election districts or precincts within any such municipality as is mentioned and referred to in sections twenty and twenty-one [Secs. 313 and 314] hereof shall be the same in all elections held therein, whether for members of the general assembly or other officers, the registration of voters for all elections whatsoever, held within such municipalities, shall be the same registration provided for in the first nineteen sections of this act; but such registration shall and may be revised, corrected or altered by said boards of registry and election provided for in section twenty [Sec. 313] hereof, at such times and in such manner as the governing bodies of such municipalities may respectively order and direct; *provided*, that no name shall be stricken from or added to said registry by any of said boards of registry and election without the concurrence of a majority of all the members of said board.

Revision of registers by court of common pleas.

Proviso.

Court may order names added.

When names stricken from register, certificate to be given.

Board of registry to erase name.

Certificate given when name added

Board to add name.

Receipt of certificate noted and forwarded to county clerk.

Where boundaries of election districts are the same in all elections, registration to be the same.

Registration to be revised.

Proviso.

(*a*) This section is almost, if not wholly, superseded by Sec. 370, *post.* It is printed because it may still have some force.

When boundaries of election districts not the same as at general elections, boards to make registration of voters.

How made.

Proviso.

Ballots printed at public expense, and none others counted.

How nominations certified.

Officers to sign certificate of nomination and make oaths to the same.

Certificate as to oath to be attached.

Secretary of state or clerk to give preference in case of division, &c.

How preference given when two or more conventions called.

Names of candidates for president or vice president may be included in certificate or petition.

Names to be printed on ballots.

**255. SEC. 23.** That when in any election for public officers to be held within any of the municipalities of this state, the territorial limits and boundaries of the election districts shall not be the same as at the annual election for members of the general assembly, then and in such cases it shall be the duty of the said boards of registry and election provided for in section twenty [Sec. 313] hereof to make a complete registration of all the legal voters within their respective election districts; and in the making of such registration said boards of registry and election shall conform as nearly as may be to the directions and requirements contained in section four [Sec. 309] hereof; *provided*, that the governing body of such municipality shall and may designate the time when such boards of registry and election shall begin canvassing for such registry and the day or days on which said boards shall meet for transferring the names from the canvassing-books to the register, and for altering, revising and correcting such registry.

**256. SEC. 24.** [Amended by Sec. 315, *post.*]

**257. SEC. 25.** That all ballots cast at any election for any public officer or officers hereafter held with any municipality of this state shall (except as herein otherwise provided) be printed and distributed at public expense, and no ballots shall be cast or counted at any such election except such as are by this act provided for.

**258. SEC. 26.** [Amended by Sec. 338, *post.*]

**259. SEC. 27.** That all nominations made by any such convention of delegates or nominating body shall be certified in a written or printed, or partly-written and partly-printed "certificate of nomination" as follows: such certificate of nomination shall contain the name of each person nominated, his residence and post-office address, the office for which he is named, and shall designate, in not more than three words, the title or name of the party or principles which such convention or nominating body represented; said certificate shall be signed by the presiding officer and secretary of such convention or nominating body, who shall add to their signatures their respective places of residence and post-office address, and severally make oath before an officer qualified to administer the same, that the affiants were respectively such officers of such convention or nominating body, and that said certificate and the statements therein contained are true as they verily believe; and a certificate that such oath has been taken shall be made and signed by the officer administering the same and indorsed upon or attached to such certificate of nomination; in case of a division in any party and claim by two or more factions to the same party name or title, the secretary of state or the county or municipal clerk, as the case may be, shall give the preference of name or title to the convention of delegates or nominating body held at the time and place designated in the call of the regularly-constituted party authorities, and if the other faction shall present no other party, name or title, the secretary of state or county or municipal clerk, as the case may require, shall select a name or title and place the same at the head of the list of candidates of said faction on the ballot; if two or more conventions be called by authorities or bodies claiming to be the regularly-constituted authority or body of any party, the secretary of state or county or municipal clerk, as the case may require, shall select suitable names or titles to distinguish the several factions, and the ballots shall be printed accordingly.

**260. SEC. 28.** [Amended by Secs. 316 and 339, *post.*]

**261. SEC. 29.** That when electors for president and vice president of the United States are to be voted for, the names of the candidates for president and vice president, for whom the electors named in any certificate or petition are nominated to vote, may be included in such certificate or petition, and when so included the names of such presidential and vice presidential candidates, together with the party names and political appellations, names of other candidates for any offices, if any, designated in the certificate or petition, shall be printed upon the ballots in the manner hereinafter directed.

**262. SEC. 30.** [Amended by Sec. 323, *post.*]

**263.** SEC. 31. [Amended by Sec. 324, *post.*]

**264.** SEC. 32. [Amended by Sec. 325, *post.*]

**265.** SEC. 33. [Amended by Secs. 317 and 340, *post.*]

**266.** SEC. 34. [Amended by Sec. 318, *post.*]

**267.** SEC. 35. That the county clerks of the various counties in the state shall, three days prior to any election wherefor they are required by this act to provide the ballots, cause to be delivered to the clerk of each township, city or other municipality within his county, as may be required, the proper number of ballots and envelopes, as hereinbefore required provided for the use of the voters for each and every election district or voting precinct within his township, city or municipality at such election; the same shall be sent in sealed packages, one for each election district of said township, city or other municipality, with marks or directions on the outside of each clearly stating the election district or voting precinct for which it is intended, together with the number of ballots and envelopes inclosed; receipts for ballots and envelopes thus delivered shall be given by the clerk receiving the same and filed with the county clerk, who shall also keep a record of the time when and the manner in which each of said packages was sent; the said township or other clerk shall, on the day preceding any such election (but on the Saturday preceding when such election occurs on a Monday), deliver to one of the clerks of each election district or voting precinct within his township, city or other municipality the ballots and envelopes by him received from the county clerk for such election district or voting precinct, and take the receipt of such election clerk therefor, which last-mentioned receipt the clerk of such township, city or municipality shall file and preserve with other papers entrusted to his keeping; said election clerk shall, on the morning of election and before proclamation of the opening of the polls, deliver the packages of ballots and envelopes by them received to the election boards of their respective election districts or voting precincts, with the seals thereof unbroken, and shall take receipts therefor from said election board, which receipts said election clerks shall carefully preserve for at least one year; in cases of elections within and for a single municipality of any county, where, under this act, the ballots and envelopes are required to be provided by the clerks of such municipalities, the duties by this section imposed upon the county clerks, with reference to the delivery of the ballots and envelopes, shall, the necessary changes being made, devolve upon and be performed by the clerks of such municipalities.

**268.** SEC. 36. That if at any election the ballots to be furnished therefor as herein provided shall not be delivered at the time above mentioned, or if after delivery they should be destroyed or stolen and other official ballots cannot be obtained in time for such election, it shall be the duty of the clerk of such township, city or other municipality, or of the clerk or board of election, as the case may require, to cause other ballots to be prepared as nearly in the form prescribed in section thirty-three hereof [Sec. 340] as practicable, but without the indorsement or mark on the back thereof; and upon receipt of ballots thus prepared from the clerk of such township, city or municipality, accompanied by a statement, under oath, of the persons preparing the same, that the same have been so prepared and furnished because the original ballots have so failed to be received or have been destroyed or stolen, and that other official ballots could not be obtained in time for such election, or where such board of election has caused such unofficial ballots to be prepared, the board of election shall cause the ballots so substituted to be used at the election; if from any cause neither the official ballots nor ballots otherwise prepared as herein prescribed shall be ready for distribution at any polling place, or if the supply of ballots shall be exhausted before the polls are closed, unofficial ballots, made as nearly as possible in the form of the official ballot, may be used; where unofficial ballots are used in pursuance of this section they shall be inclosed in the official envelopes, if such envelopes are to be had, otherwise no envelopes shall be used; should the official envelopes provided for any election district be lost, stolen or de-

County clerks to cause ballots and envelopes to be delivered to the clerks of municipalities.

How sent.

Receipts to be given and filed, and record kept.

Clerks of municipalities to deliver ballots and envelopes to clerks of election districts.

Take and file receipt.

Election clerk to deliver ballots and envelopes to election board, and take receipt.

When delivered by clerks of municipalities.

How ballots not delivered in time or being destroyed or stolen, shall be prepared.

When unofficial ballots may be used.

To be inclosed in official envelopes.

How official ballots voted when envelopes are lost, &c.

How voting done when official ballots and envelopes are not used.

How ballots distributed and voted.

Ballot bearing any mark, &c., other than permitted by this act to be void.

And so as to envelope.

Voter not prevented from erasing or adding names on ballot.

Ink or lead pencil used to be black in color or ballot void.

Pasters printed on white paper only.

When ballots to be printed and opened for inspection.

How mistakes corrected.

When notice of declination given, nomination to be void.

Officer to inform parties of declination.

Vacancies may be filled in same manner as original nominations.

stroyed, the official ballots, if such are being used at such election, shall be voted by folding the same so as to disclose the official stamp on the back thereof without inclosing the ballot in any envelope; where the use of the official ballots and envelopes, or either of them, is, for any of the reasons aforesaid, dispensed with, the mode and manner of voting shall, nevertheless, in all respects, conform as near as possible to the directions and requirements of section forty-seven [Sec. 279] hereof.

**269. SEC. 37.** [Amended by Sec. 326, *post.*]

**270. SEC. 38.** That such ballots so as aforesaid printed for and delivered to any such voter, may be distributed before election day, and the same may be voted by any voter desiring so to do under the restrictions and regulations hereinafter prescribed.

**271. SEC. 39.** That if any ballot voted at any election shall have thereon, either on its face or back, any mark, sign, designation or device other than is permitted by this act, whereby such ballot can or may be identified or distinguished from other ballots cast at such election, such ballot shall be absolutely void and shall not be canvassed or counted for any candidate named thereon; and if, on the face or back of any envelope inclosing any ballot, there shall be any mark, sign, designation or device whatsoever, other than is permitted by this act, whereby such envelope can or may be identified or distinguished from any other official envelope used at such election, the ballot inclosed in such envelope shall be absolutely void and shall not be counted for any candidate named thereon. (a)

**272. SEC. 40.** That nothing in this act contained shall prevent any voter from erasing from his ballot any name or names thereon printed, or from writing or pasting thereon the name or names of any person or persons for whom he desires to vote for any office; the ink or lead pencil to be used in writing any name or names upon the ballots shall be black in color, and the use of any other colored ink or pencil shall invalidate the entire ballot; and all pasters used shall be printed on white paper only, and pasters printed on other than white paper shall invalidate the entire ballot; the ballots shall be printed and in possession of the county or municipal clerk at least five days before the election and subject to inspection and examination by the candidates and their agents; if any mistake is discovered it shall be the duty of the county or municipal clerk to correct the same without delay, by causing new ballots to be immediately printed in place of those found to be inaccurate or incomplete, and those found to be inaccurate or incomplete shall be immediately destroyed.

**273. SEC. 41.** That whenever any person nominated for public office by any of the modes in this act provided, shall, at least ten days before the day of election, in a writing signed by him and duly acknowledged, notify the officer with whom the original certificate of his nomination was filed that he declines such nomination, the same shall be void and his name shall not be printed upon the ballots; the officer to whom such notification is given shall forthwith inform, by mail or otherwise, the chairman and secretary whose names are attached to the original certificate of nomination, if the nomination was by certificate, that such nomination has been declined; or if the nomination was by petition, then the officer to whom the notification or declination is given shall forthwith, by mail or otherwise, inform at least five of the persons who signed the petition nominating such candidate that such nomination has been declined.

**274. SEC. 42.** That should any person so nominated die before election day, or decline the nomination as in this act provided, or should any certificate of nomination be insufficient or inoperative, the vacancy or vacancies thus occasioned may be filled in the manner required for original

(a) The objection that the provision that if any ballot shall have thereon a mark, sign, designation or device other than permitted by the act, it shall be void, is unconstitutional, because the voter may lose his vote by the fraud or neglect of those preparing the ballot, is not sound. *Ransom v. Black*, 25 Vr. 446. Fifty ballots cast in the third district of the thirteenth ward of Newark had on the back the designation "eighth district thirteenth ward." *Held*, that these ballots contained a designation by which they could and might be distinguished from

other ballots cast at the election, and were properly rejected under sections 39 and 38 of the ballot reform law. *Ulrich v. Freisenhner*, 15 N. J. L. J. 74. The provision of the above section that a ballot which has upon it any distinguishing mark shall be void, overcomes and supersedes the common-law rule with regard to ascertaining the intention of the voter by means of extraneous evidence in canvassing and counting the votes. *Kearns v. Edwards*, 17 N. J. L. J. 51.

nominations ; if the original nomination was made by a party convention which had delegated to a committee the power to fill vacancies, such committee may, upon the occurring of such vacancies, proceed to fill the same ; the chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an original certificate of nomination ; the certificate so made shall be executed, acknowledged and sworn to by the chairman and secretary of such committee in the manner prescribed for the original certificate of nomination, and shall, upon being filed at least eight days before election, have the same force and effect as an original certificate of nomination ; when such certificate shall be filed with the secretary of state, he shall, in certifying the nominations to the various county clerks, insert the name of the person who has thus been nominated to fill a vacancy in place of that of the original nominee, and in the event that he has already sent forward his certificate, he shall forthwith certify to the clerks of the proper counties the name and description of the person so nominated to fill a vacancy, the office he is nominated for, the party or political principle he represents, and the name of the person for whom such nominee is substituted.

**275. SEC. 43.** That whenever a question or proposition is to be submitted to the people of the state or any subdivision thereof at any election, such proposition or other question to be submitted shall be printed upon each official ballot beneath the list of candidates thereon ; if such question or proposition be marked off or defaced upon the ballot it shall be counted as a vote against the same ; if it be not marked off or defaced it shall be counted as a vote in favor thereof.

**276. SEC. 44.** [Amended by Sec. 307, *post.*]

**277. SEC. 45.** That whenever it shall appear that any error or omission has occurred in the printing of the ballots by any county or municipal clerk, any voter resident in the county where the error or omission occurs may present to the justice of the supreme court holding the circuit court in and for said county, a verified statement setting forth such error or omission, and such justice being satisfied thereof shall thereupon summarily, by his order, require the county or municipal clerk to correct such error or show cause before said justice, at the shortest possible day, why such error should not be corrected.

**278. SEC. 46.** That it shall be the duty of the clerks of the several townships, cities and municipalities of the state, at least thirty days before any election to be held under the provisions of this act, to provide for and secure in each election district or voting precinct of their respective townships, cities and municipalities a suitable room in which to hold the election, and immediately upon procuring such room said township or other clerk shall notify the election or poll clerks<sup>(a)</sup> and the board of registry and election of the precinct or voting district that such room has been procured and where the same is located ; and it shall be the duty of the clerk procuring such room to have constructed therein and ready for use before election day, booths or compartments with swinging doors so arranged that some part of the person of a voter standing in said booths or compartments may be seen from the outside of the compartments when the door is closed, in which booths or compartments voters may, if they so desire, procure and prepare their ballots secretly and screened from the observation of others ; each booth or compartment shall contain a counter or shelf suitably placed to enable voters to place their ballots thereon while preparing the same for voting ; the number of such booths or compartments shall not be less than one for every seventy-five votes cast at the next preceding election held in such district or precinct for members of the general assembly, and not less than five such booths or compartments shall be provided in any polling

Vacancies may be filled by delegated committee of party convention.

Chairman and secretary thereof to make and file certificate.

How executed, &c.

Secretary of state to certify to county clerks the names of persons nominated to fill vacancies.

When question or proposition to be voted on, same must be printed on official ballot.

Proceedings when error or omission has occurred in printing ballots.

Duty of clerks of townships, cities, &c., to provide a room in each election district in which to hold the election.

Notify election clerks and board of registry and election.

And have booths or compartments constructed.

How doors of compartments arranged.

To contain counter or shelf.

Number of booths or compartments to be provided.

(a) This notice should now be given to the election clerks mentioned in Sec. 380, *post.*

To be erected within a railed inclosure.

How arranged.

Each compartment to be kept provided with supply of ballots and lead pencils.

How ballot-boxes arranged.

Inclosure provided with single entrance and exit.

Compartments to be well lighted.

What persons allowed within railed inclosure.

What persons allowed in polling-room outside of inclosure.

Arrangement of polling place, location of compartments, &c., to be same shown by Schedule A annexed to this act.

Requirements when voter enters polling-room to vote.

Proviso.

No person permitted to vote until ballot and envelope are received and carried into a compartment.

Voter to enter compartment and inclose the ballot he intends voting in the official envelope.

place ; said booths or compartments shall be erected within a railed inclosure separating the same from the remainder of the room, and not more than one person, except as hereinafter provided, shall be permitted to enter or be in the same booth or compartment at one time ; the said booths or compartments shall be so arranged and constructed that all the officers conducting the election can see whether more than one person enters or is in any of such booths or compartments at the same time ; each compartment shall be kept provided by said election board with a sufficient supply of official ballots of each party, organization or set of petitioners, and with lead pencils ; the ballot-boxes at every polling place shall be within said railed inclosure and so placed that the voter may deliver his ballot to the election officers after emerging from the compartment, before leaving the railed inclosure within which the compartments and ballot-boxes are placed ; such railed inclosure shall be provided with a single entrance by which voters shall enter, and a single exit by which they shall leave the same ; said compartments shall be at all hours well and sufficiently lighted to enable voters to read and prepare their ballots with ease ; except as in this act otherwise provided, no person shall be allowed within said railed inclosure while the election is in progress, other than the election officers and poll clerks and voters entering the same for the purpose of preparing their ballots and voting at such election, and the agents of the parties or candidates when a person is challenged ; and no person shall be allowed or permitted to be present in the polling-room outside such railed inclosure during the progress of the election, except the officers connected with the election, the several candidates or either of them, the duly-authorized agents of the candidates or political parties as hereinafter specified, such voters as are actually present for the purpose of voting, and such officers as may be duly authorized to be present pursuant to this act, for preserving the peace or enforcing the provisions thereof ; the arrangement of such polling place shall, as to said railed inclosure, and the entrance thereto and exit therefrom, and the location of the compartments and ballot-box within such inclosure, be substantially as shown in and by schedule A to this act annexed and forming part hereof.

**279. SEC. 47.** That immediately on entering said railed inclosure each voter shall be furnished by a member of the board of election<sup>(a)</sup> to be stationed in close proximity to the entrance of said railed inclosure, with at least one of each of the official ballots provided for use in the polling-room at said election, and with one, and only one, of the official envelopes provided for such election ; it shall be the duty of the board of election to see that at least one official ballot of each party, organization or set of petitioners, and one official envelope, is delivered to each voter as he enters said railed inclosure and before his entry into any compartment ; *provided*, that in those cases where, by the provisions of this act, a sufficient number of official ballots for that purpose shall not have been delivered to the board of election by the county or municipal clerk for any organization, party or group of petitioners, it shall and may be lawful for such organization, party or group of petitioners to deliver to the board of election official ballots, in number sufficient to furnish one of such ballots to each voter, and it shall then be the duty of such board of election to provide each voter with such ballots in the manner provided for in this section ; no person shall be permitted to vote at said election until after he shall have received said ballots and envelope, in manner aforesaid, and carried the same with him into one of the compartments ; having obtained said ballots and envelope, the voter shall, with the same in his possession, without delay and without leaving said railed inclosure, retire alone to one of said booths or compartments, and enter the same and close the door thereof, and remain therein such length of time, not exceeding five minutes, until he shall have inclosed in said official envelope the ballot he intends voting in such manner as to conceal all printing, writing or pasters on the face of said ballot, whether said ballot was procured from said elec-

(a) Now to be furnished by the inspector of election. See Sec. 360, *post*.

tion officer or within said compartment or elsewhere ; on leaving the booth or compartment the voter shall, forthwith and before leaving said railed inclosure, deliver his ballot, inclosed in said envelope as aforesaid, unsealed, but with the flap thereof turned down so as to conceal the ballot therein, to a member of the election board at the ballot-box, who shall immediately deposit the same in the ballot-box, in the presence of the voter, after which the voter shall, without unnecessary delay, leave the polling-room ; and no ballot (except as in this act otherwise provided) shall be counted, unless the same shall be inclosed in an unsealed official envelope, in the manner therein provided.

How ballot voted.

No other ballot to be counted.

**280.** SEC. 48. [Amended by Sec. 320, *post.*]

**281.** SEC. 49. That the chairman of the county committee of any political party that has duly nominated any candidate for public office to be voted for at any election by all the voters within said county or any subdivision thereof greater than a single municipality only, or where the election is within and for a single municipality only, or any subdivision thereof, then the chairman of the committee of the political party making such nomination within and for such single municipality or such division thereof, may appoint under his hand two agents for each polling place in his county or municipality, as the case may be ; and any candidate duly nominated by petition for any office, whose name may appear upon the ballot to be used in any election, may likewise appoint under his own hand two agents for each polling place ; *provided, however,* that only two agents shall be allowed for each polling place to represent all the candidates nominated in and by the same petition or group of petitioners ; such agents shall be the authorized agents in section forty-six [Sec. 278, *ante*] of this act mentioned ; they may act as challengers for their respective parties and candidates ; the appointment of agents shall be made in writing, under the hand of the person making the appointment, and shall specify the names and residences of the agents and the election districts for which they are severally appointed ; such appointment papers shall be filed with the respective clerks of the cities, townships and municipalities within which the respective election districts are situate, (a) five days before the election, and the clerks shall thereupon issue, under their hands, to the persons named in such appointment papers, permits for them to act as agents of their respective parties or candidates at the election district specified ; such permits shall be presented by the person named therein to the board of election in the district named therein, as their authority to be present in the polling place ; said agents may also be present inside said railed inclosure while the votes cast at any election at which they were agents are being counted, and hear and see said ballots counted ; the counting of all ballots at any election shall be open and public, but not to the extent that the number present shall hinder, delay or inconvenience the election officers in counting the ballots and ascertaining the result.

Chairman of committee of political party nominating candidates may appoint two agents for each polling place.

Candidate nominated by petition may also appoint agents.

Proviso.

Agents may act as challengers.

How appointed.

Where appointment filed.

Clerks to issue permits to agents.

Permits presented to the board of election.

Agents may be present when votes are counted.

Counting to be open and public.

**282.** SEC. 50. [Amended by Sec. 319, *post.*]

**283.** SEC. 51. That except as herein otherwise directed, the boards of election, in counting, canvassing, certifying and returning the votes cast at any election, shall proceed as now required by law.

Votes, how canvassed and returned.

**284.** SEC. 52. That whenever, within twenty days next succeeding any election in any election district or voting precinct in any county of this state, a petition duly certified as to signatures, legal qualifications as voters and residences of the signers thereto, and establishing *prima facie*, by affidavits thereto annexed, (b) to the satisfaction of the justice to whom the same is presented, the material allegations and statements therein contained, shall be presented to the justice of the supreme court holding the circuit court in and for said county, signed by at least twenty-five legal voters resident in said election district or voting precinct, (c) setting forth that at

Proceedings before justice of supreme court to have election set aside and new election had, on account of fraud, bribery, &amp;c.

(a) The appointment papers are now required to be filed with the county board of elections, whose duty it is to issue permits. See Sec. 363, *post.*

(b) An affidavit alleging that the affiants were present at the counting, tallying and announcing of the votes, and that the facts, matters and things contained in the petition are true to the best of their knowledge, information and belief, is insufficient. *Hance v. Spangenberg*, 18 N. J. L. J. 184.

(c) The terms "election district" and "voting precinct" are synonymous and denote the territory within which there is a single polling place for all the resident voters. The petition must therefore be signed by twenty-five voters resident within a single voting precinct and must aim at the annulment of the election within that precinct only. *In re Mayor of Newark*, 25 Vr. 82.

the last preceding election in such election district or voting precinct fraud or bribery or other illegal practices were resorted to and prevailed sufficiently to affect the result of such election, or that by reason of the death or resignation of any candidate to be voted for at such election, or that by reason of non-supply or an insufficient supply of ballots at such election (such non-supply or insufficient supply of ballots occurring through no fault of the petitioners or any of them), or for any other good and sufficient cause, stated and set forth in said petition, the voters of such election district or voting precinct have been deprived of a fair opportunity to express their choice for any candidate or candidates at such election, it shall be the duty of such justice, in a summary way, to investigate the truth of the statements and allegations in such petition contained, and to that end and for that purpose it shall be the duty of such justice to appoint a time and place within said county, not later than ten days thereafter, when and where he will proceed to hear and determine said matter, of which time and place so appointed the petitioners shall cause at least six days' notice to be given to all such persons as said justice shall direct; at such time and place so appointed said justice shall proceed in a summary manner to hear and determine said matter, unless it be adjourned for good cause shown; if, on such hearing, it shall be determined that the allegations of such petition are not sustained, or if sustained should not invalidate said election in whole or in part, such petition shall be dismissed; if the allegations of the petition be sustained, and the said justice shall be of the opinion that at such election fraud, bribery or other illegal practices were resorted to and prevailed to such an extent as to affect the result of such election, or that by reason of the death or resignation of any candidate voted for at such election, or that by reason of a non-supply or an insufficient supply of ballots at such election, or that for any other good and sufficient legal cause the voters of such election district or voting precinct were deprived of a fair opportunity to express their choice for any candidate or candidates at such election, it shall be the duty of said justice to make an order setting aside and nullifying said election as to such candidate or candidates, and such order shall forthwith be filed in the office of the county clerk; when said justice shall make any such order as last aforesaid he shall also, at the same time, make another order, wherein and whereby he shall order a new election to be held within such election district or voting precinct to fill the office or offices in respect to which the former election was nullified and set aside at the earliest possible day; if the mode and manner of holding and conducting such new election be not provided for by law, such justice shall, in and by his order last aforesaid, prescribe and determine the mode and manner, and the regulations under and in pursuance of which the same shall be held and conducted; said last-mentioned order shall be forthwith filed in the office of the county clerk, and copies thereof, within two days thereafter, served upon the election officers of the election district or voting precinct affected thereby; said election officers shall proceed and hold said new election pursuant to said last-mentioned order, and shall certify the result thereof to such justice, and said justice shall thereupon make and sign a certificate declaring the result and the name or names of the persons elected, and shall file such certificate, together with the result certified to him by such election officers, in the office of the county clerk, and such certificate of such justice shall, within constitutional limits, be final and conclusive on all persons and parties; copies of the said certificate, certified by the county clerk, shall be evidence and equally conclusive as the original signed by said justice. (a)

**285. SEC. 53.** That for the duties and services imposed upon and required of them by this act, the county clerks of the several counties and the clerks of different municipalities shall be paid out of the county funds of their respective counties or the funds of their respective municipalities, as the case may be, a fair and reasonable compensation, to be ascertained and

Duty of justice of supreme court to investigate the truth thereof.

Justice to proceed in a summary manner.

When petition dismissed.

When sustained, justice to make order setting election aside.

And order a new election to be held.

When not otherwise provided for, justice may prescribe by order the mode of election. Order filed and copies served upon election officers.

Result to be certified to justice, who shall make a certificate declaring the names of the persons elected.

Certificate conclusive.

County and municipal clerks, how paid for services.

(a) The justice in performing the function required of him by this section does not sit in any court. He cannot call upon the supreme court for its advisory opinion touching any matter arising in the course of the proceedings instituted before him

by virtue of this section. The supreme court can express an advisory opinion only in a case falling within the operation of section 247 of the practice act. *In re Margaretum*, 26 Vr. 12.

determined, in the cases of the county clerks, by the boards of chosen freeholders of their respective counties, and in case of said municipal clerks, by the governing bodies of their respective cities, townships or municipalities.

**286. SEC. 54.** That all costs, charges and expenses incurred by the county and municipal clerks in carrying out the provisions of this act, except for ballots provided for and furnished to individuals, as hereinbefore provided, shall be borne and defrayed by the respective counties and municipalities in the same manner as other county and municipal expenses are borne and defrayed ; but all bills made or incurred by any county or municipal clerk in carrying out the provisions of this act shall be itemized, and before being paid shall be verified by the oath of the claimant and audited and approved by the county or municipal clerk as correct.

**287. SEC. 55.** That the charges and expenses incurred for rooms for polling places, and fitting up and arranging the same, as in and by this act required, shall be borne and defrayed by the respective counties and municipalities as may be proper under this act, out of county or municipal funds, as other county and municipal expenses are paid and defrayed ; but all such bills, before being paid, shall be itemized and verified by the oath of the claimant and audited and approved by the clerk of the township, city or municipality who contracted the bill charged for ; the services rendered and expenses incurred by any other officer or person in carrying out the provisions of this act, and not herein provided for, shall be regarded as election expenses, and be paid and defrayed by the respective counties and municipalities in the same manner as other election services and expenses are now paid for and discharged. [See Sec. 366, *post.*]

**288. SEC. 56.** That it shall be the duty of the boards of election of each and every election district or voting precinct in this state to preserve the peace and maintain good order in their respective polling places during the progress of all elections and the counting of the votes cast thereat, and to that end and for that purpose each member of every election board, not including poll clerks, during the progress of any election and the counting and canvassing of the votes, shall be and hereby are invested and charged with all the powers and duties of constables in this state in criminal matters ; said boards of election may also, when in their opinion or the opinion of a majority of them it shall be necessary so to do, appoint by writing, under their hands, a suitable person as special officer to assist in preserving the peace and good order in and about the polling place during the progress of any election and the counting of the votes cast thereat ; said special officer shall be and hereby is, for and during said election and the counting of the votes cast thereat, clothed and invested with all the powers and duties of constables of this state in criminal cases ; said special officers, so appointed, shall be paid the sum of three dollars for their services as such special officer, the same to be paid as other election expenses now are or hereafter may be by law paid ; said election boards, or a majority of them, may also, by writing under their hands, whenever in their opinion it shall be necessary so to do, request the municipal authority of any municipality within which their election district or voting precinct is situate, or the body or officer having charge and direction of the police force in such municipality, to detail one or more policemen to assist in preserving the peace and good order in and about such polling place, which request of said board of election shall forthwith be complied with, as far as possible, by the body or officer to whom the same is made.

**289. SEC. 57.** [Amended by Sec. 321, *post.*]

**290. SEC. 58.** That immediately upon the appointment by the county boards of registration of the boards of registry and election, as provided for in this act, the term or terms of office of all judges and inspectors of election and all poll clerks and clerks of election heretofore appointed or elected shall cease and determine, and hereafter no such judge, inspector or clerk of election shall exercise or assume any of the duties of an election officer under or by virtue of such prior appointment or election ; *provided*, that the provisions of this section shall not apply to any of the election

Costs and expenses of county and municipal clerks, how defrayed.

Bills to be itemized and verified by oath, &c.

Charges and expenses for polling places defrayed by county or municipality.

Bills to be itemized and verified by oath, &c.

Services and expenses of any other officer to be paid as other election expenses.

Duty of boards of election to preserve the peace in polling places.

Vested with powers and duties of constables.

May appoint special officer.

Officer vested with powers and duties of constables.

Compensation.

Election boards may also request municipal authorities, &c., to detail policemen to assist in preserving the peace.

When boards of registry and election appointed, terms of officers heretofore appointed to cease.

Proviso.

officers heretofore appointed or elected within and for any municipality wherein the elections are to be held and conducted in pursuance of sections twenty and twenty-one [Secs. 313 and 314] of this act.

Secretary of state to provide canvassing-books, poll and registry-books, &c., in certain cases.

And furnish supply of same to county clerks.

Clerks to deliver same to boards of registry and election.

Penalty for falsely making or destroying certificate of nomination or petition, &c.

Penalty for removing ballots from booth, &c.

Penalty for violation of duty by public officer.

Penalty for destroying official ballots or envelopes.

Penalty for neglecting or refusing to deliver official ballots or envelopes.

Penalty for falsely printing, appropriating or delivering ballots or envelopes.

**291. SEC. 59.** That it shall be the duty of the secretary of state, at the expense of the state, in all cases where the ballots are provided and furnished by the county clerks for any election, to provide proper and sufficient canvassing-books, poll-books, registry-books, cards or pamphlets of instructions for election officers and voters, blanks for the official oaths and for election returns, for the proper carrying into effect the provisions of this act, and to furnish a sufficient supply of the same to the clerks of the different counties of the state, for use in such counties, at least ten days before the same shall be required for use; and the said county clerks shall cause the same to be delivered to the different boards of registry and election in their respective counties, at such times and in such quantity, as will enable the provisions of this act to be fully carried out. [See Sec. 192, *ante.*]

**292. SEC. 60.** That no person shall falsely make, or make oath to, or fraudulently deface, or fraudulently destroy any certificate of nomination or petition, or any part thereof, or file, or receive for filing any certificate of nomination or petition, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination or petition which has been duly filed, or any part thereof, or forge or falsely make the official indorsement of any ballot or official envelope; every person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in state prison not less than one year nor more than five years.

**293. SEC. 61.** That no person shall, during the election, with intent to hinder or delay said election, or to hinder or delay any voter in the preparation of his ballot, remove or destroy any of the ballots or pencils placed in the booths or compartments for the purpose of enabling the voter to prepare his ballot, nor on any pretext carry any official envelope from the polling-room during the election, nor shall any person, prior to or on the day of election, deface or destroy any list of candidates posted in accordance with the provisions of this act; any person willfully violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding five hundred dollars, and imprisonment until such fine and the costs of conviction are paid.

**294. SEC. 62.** That every public officer upon whom any duty is imposed by this act who willfully or negligently violates his said duty, or who neglects or willfully omits to perform the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for a term of not less than six months and not more than three years, or by a fine of not less than two hundred and fifty dollars and not more than three thousand dollars, or both such fine and imprisonment; any person charged with the care of official ballots or envelopes under this act, who shall willfully destroy them, or either of them, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in state prison not less than one year nor more than five years; any person who has undertaken to deliver official ballots and envelopes to the clerk of any city, township or municipality, and willfully or negligently neglects or refuses so to do, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not less than six months nor more than one year.

**295. SEC. 63.** [Amended by Sec. 322, *post.*]

**296. SEC. 64.** That if any printer employed by any county or municipal clerk to print the official ballots and envelopes, or either or any of them, for such clerks, or any person engaged in printing the same, shall appropriate to himself or give or deliver or knowingly permit to be taken any of said ballots or envelopes by any other person than such county or municipal clerk or his duly-authorized agent, or shall print or cause to be printed any official ballot or envelope in any other form than that prescribed by

such county or municipal clerk, or with any other names thereon, or with the names spelled or the names or printing thereon arranged in any other way than that authorized and directed by this act, such person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding one thousand dollars or imprisonment not exceeding five years, at the discretion of the court before which conviction is had.

**297. SEC. 65.** That if any person shall write, paste or otherwise place upon any official ballot or envelope any mark, sign or device of any kind as a distinguishing mark whereby to indicate to any member of any election board or other person how any voter has voted at any election, or if any person shall induce or attempt to induce any voter to write, paste or otherwise place on his ballot or envelope any mark, sign or device of any kind as a distinguishing mark by which to indicate to any member of any election board or other person how such voter has voted, or shall enter into or attempt to form any agreement or conspiracy with any other person to induce or attempt to induce voters or any voter to so place any distinguishing mark, sign or device on his ballot or envelope, whether or not said act be committed or attempted to be committed, such person or persons so offending shall be guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding five hundred dollars or imprisonment not exceeding one year, or both, at the discretion of the court. (a)

Penalty for placing distinguishing mark on ballot or envelope.

**298. SEC. 66.** That if any member of any board of election or any clerk of election have knowledge how any person has voted and shall reveal such knowledge to any other person, or shall disclose what other candidates were voted for on any ballot bearing a name not printed thereon, or give any information concerning the appearance of any ballot or envelope voted, such person so offending shall be guilty of misdemeanor, and on conviction thereof shall be punished by fine not exceeding two thousand dollars or imprisonment not exceeding five years.

Penalty for revealing knowledge as to how person voted, &c.

**299. SEC. 67.** That if any person shall, directly or indirectly, by himself or by any other person in his behalf, give, lend, or agree to give or lend, or shall offer, promise or promise to procure or to endeavor to procure any money or other valuable consideration or thing to or for any voter, or to or for any person in order to induce any voter to vote or refrain from registering for any election, or shall corruptly do or commit any of the acts in this section mentioned on account of any such voter having voted or refrained from voting at an election or registered or refrained from registering for an election, such person so offending shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine and imprisonment, or both, at the discretion of the court, the fine not to exceed two thousand dollars, and the imprisonment not to exceed five years.

Penalty for bribing voter by offer of money or other valuable consideration.

**300. SEC. 68.** That any person who shall directly or indirectly, by himself or by any other person in his behalf, give or procure, or agree to give or procure, or offer or promise to procure, or endeavor to procure any office, place or employment to or for any voter, or to or for any person on behalf of such voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or to register or refrain from registering, or shall corruptly do any act as aforesaid on account of any voter having voted or refrained from voting, or having registered or refrained from registering for any election, shall be guilty of a misdemeanor, and being thereof convicted shall be punished by fine not exceeding two thousand dollars, or imprisonment not exceeding five years, at the discretion of the court.

Penalty for bribing voter by offer of office or employment.

**301. SEC. 69.** That any person who shall give, advance or pay, or cause to be given, advanced or paid any money or other valuable thing to any other person, or to the use of any other person, with the intent that such money or other valuable thing, or any part thereof, shall be expended or used for bribery of voters, or for any other unlawful purpose at any election, or who shall knowingly pay or cause to be paid any money to any person wholly or in part expended in bribery of voters at any election, shall

Penalty for advancing money, &c., for bribery of voters.

(a) For a discussion of the difference of language employed in the sixty-fifth section and in the thirty-ninth section, see *Kearns v. Edwards*, 17 N. J. L. J. 54.

be guilty of a misdemeanor, and on conviction thereof shall pay such fine not exceeding two thousand dollars, or undergo such imprisonment not exceeding ten years, as the court in its discretion may impose.

Penalty for receiving, or agreeing to accept, bribe for voting or registering.

**302. SEC. 70.** That any voter who shall directly or indirectly, by himself or by any other person on his behalf, receive, agree or contract for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election, or for registering or agreeing to register, or for refraining or for agreeing to refrain from registering for any election, shall be guilty of a misdemeanor, and being thereof convicted shall be punished by fine not exceeding one thousand dollars, or imprisonment for not longer than one year, at the discretion of the court before which conviction is had.

Penalty for intimidating workmen.

**303. SEC. 71.** That any employer of any workmen, or any agent, superintendent or overseer of any company or corporation employing workmen, or any person whomsoever, who shall directly or indirectly, by himself or by any other person in his behalf or by his direction, make use of or threaten to make use of any force, violence or restraint, or inflict or threaten to inflict by himself or by any other person any injury, damage, harm or loss against any person or persons in his employ, in order to induce or compel such employe or employes to vote or refrain from voting for any particular candidate or candidates at any election, or on account of such employe or employes having voted or refrained from voting for any particular candidate or candidates at any election, or who shall by any sort of duress, constraint or improper influence or by any fraudulent or improper device, contrivance or scheme, impede, hinder or prevent the free exercise of the franchise of any voter at any election, or shall thereby compel, induce or prevail upon any voter to vote for or against any particular candidate or candidates at any election, shall be guilty of a misdemeanor, and being thereof convicted shall be punished by a fine not exceeding two thousand dollars, or imprisonment not exceeding five years, or both, at the discretion of the court before which conviction is had.

Witness to answer all proper questions.

**304. SEC. 72.** That on the trial of any indictment against any person or persons for violation of any of the provisions of this act, all witnesses sworn on any such trial shall truly answer all questions put to them which the court shall decide to be proper and pertinent to the issue involved ; and no witness shall be excused from answering any such question on the ground that to answer the same might or would incriminate him, or might or would tend to criminate him ; but no answer or answers made by any witness to any such question shall be used or admitted in evidence in any proceeding against said witness, except in case of a criminal proceeding for perjury in respect to his answers to such questions.

When witness not excused from answering.

When answer not to be used against witness.

**305. SEC. 73.** That in addition to the penalties hereinbefore provided for violations of any of the provisions of this act, the court imposing such penalties may add thereto that such offender be thenceforth disfranchised as a voter and disqualified to hold any office of trust or profit within this state for such length of time as such court may deem proper.

Offenders may also be disfranchised and disqualified from holding office.

Repealer.

**306. SEC. 74.** That so much and such parts of all acts and parts of acts as are inconsistent herewith or repugnant hereto be and the same are hereby repealed ; *provided, nevertheless,* that nothing in this act contained shall be held or construed to in anywise absolve or relieve any person or persons from any liability, penalty, prosecution, indictment or punishment for or on account of any violation of any law now in being.

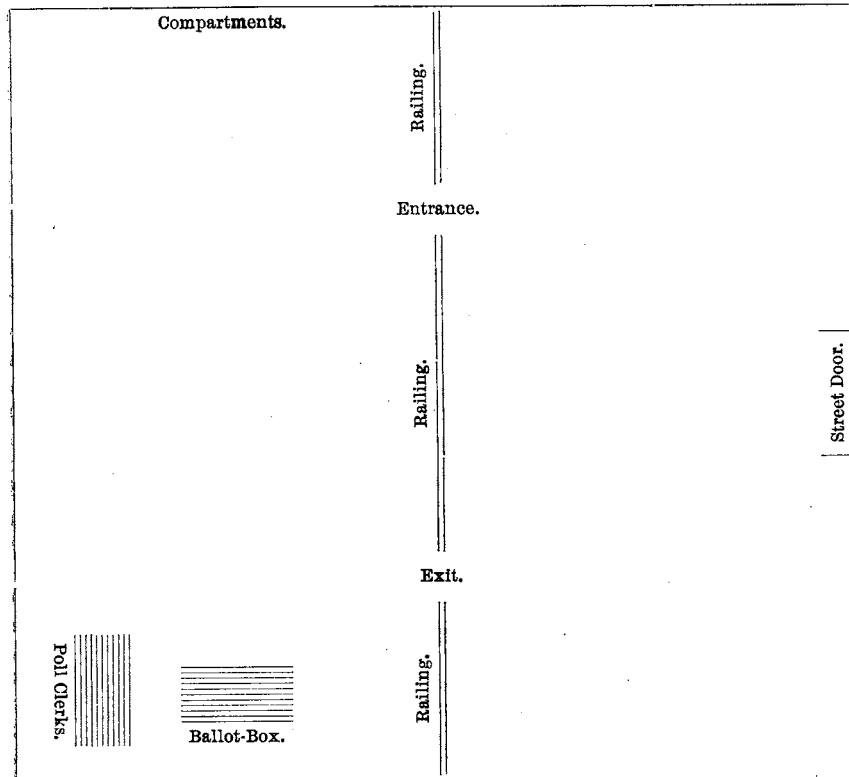
Proviso.

ELECTIONS.

1347

SCHEDULE A.

POLLING-ROOM.



Supplement.

Approved March 23, 1891.

P. L. 1891, p. 224.

**307. SEC. 1.** That section forty-four of the act entitled "A further supplement to an act to regulate elections," approved May twenty-eighth, one thousand eight hundred and ninety [see Sec. 276, *ante*], be and the same is hereby amended so as to read as follows :

[That all certificates of nomination which are in apparent conformity with the provisions of this act shall be deemed to be valid, unless objection thereto shall be duly made in writing and filed with the officer with whom the original certificate was filed within five days after the filing of the said certificate; in case such objection is made, notice thereof signed by said clerk shall forthwith be mailed to all candidates who may be affected thereby, addressed to them at their respective places of residence as given in the said certificate of nomination; the said officer with whom the original certificate was filed shall in the first instance pass upon the validity of such objection, unless an order shall be made in the matter by a court of competent jurisdiction, and file his determination in writing in his office at least five days before the election, which determination shall be open for public inspection; and the justice of the supreme court holding the circuit court in and for the county in which any certificate of nomination shall be filed, on the application or complaint, duly verified, of any candidate setting forth any threatened invasion of his rights under the certificate of nomination filed with any county or municipal clerk, is hereby empowered and required to determine upon said application or complaint in a summary way and make such order thereupon as will protect and enforce the rights of such candidate.]

Certificates of nomination valid unless objection made within five days after filing.

When made, notice to be given to all candidates affected.

Officers to pass upon validity of objection unless order made by court.

Justice of supreme court to determine upon complaint.

A supplement to the act entitled "A further supplement to an act entitled 'An act to regulate elections,' approved April eighteenth, one thousand eight hundred and seventy-six," which supplemental act was approved May twenty-eighth, one thousand eight hundred and ninety.

P. L. 1891, p. 225.

Approved March 23, 1891.

**308. SEC. 1.** [This section, which amends Sec. 234, *ante*, is superseded by the provisions in Secs. 358, 359 and 360, *post*.]

**309. SEC. 2.** That section four of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety [see Sec. 236, *ante*], be and the same is hereby amended so that henceforth said section four shall be and read as follows, to wit :

First meeting of boards of registry and election.

Who to act in case of failure to choose chairman. Each member to take oath.

Boards to make enumeration of voters.

Proviso.

How enumeration may be made.

When names not to be entered.

[That said boards of registry and election shall meet annually on the Tuesday four weeks next preceding the annual election for members of the general assembly, at ten o'clock in the forenoon, at places within their respective election districts, to be designated by the members of such board or a majority thereof ; said boards of registry and election, when met as aforesaid, shall organize by choosing one of their number to be chairman ; in case of failure to choose said chairman for three ballots, the oldest member (in years) of such board shall be the chairman thereof ; (a) when the chairman shall have been designated, each member of the board shall take and subscribe the oath prescribed in the next preceding section hereof ; such oath may be administered by the chairman to the other three members of the board, and any member thereof may then administer the oath to the chairman ; said boards of registry and election having taken and subscribed the oath aforesaid, shall, on the same day, proceed to ascertain and truly and accurately enter in canvassing-books, to be provided for that purpose, the names and residences and street numbers, if any, of all legal voters residing within their respective election districts entitled to vote therein at the next election, by making actual inquiry at every dwelling-house or habitation, or of the head of every family residing therein, and shall continue such enumeration of voters from day to day thereafter, on successive days, until the same be completed ; *provided*, that such enumeration shall terminate on or before the Friday next succeeding ; the name of every such voter, as aforesaid, whose place of abode shall be in any family or habitation, or who may be casually or temporarily absent therefrom when such enumeration is made, shall be entered in said canvassing-books ; in making such enumeration the said boards of registry and election may divide their election districts into subdivisions, and any two of their number, not of the same political party, designated by the chairman, together and in company may make the enumeration in such subdivisions ; no name shall be entered on such canvassing-books without the concurrence of both said members, or if said enumeration be made by the entire board, without the concurrence of a majority thereof.]

**310. SEC. 3.** That section five of said supplement act, approved May twenty-eighth, one thousand eight hundred and ninety [see Sec. 237, *ante*], be and the same is hereby amended so that henceforth said section five shall be and read as follows, to wit :

Second meeting of boards of registry and election.

Two registers of voters to be made.

[That on the Tuesday three weeks next preceding the election for members of the general assembly, said boards of registration and election shall meet at the places in their respective election districts where the next election will be held, at ten o'clock in the morning and continue in session until nine o'clock in evening, but may take a recess from one to two o'clock during said time ; said last-mentioned meeting shall be attended by the said registry or poll clerks appointed for such election district, (b) who shall take and subscribe the oath hereinbefore prescribed, to be administered by the chairman or any member of the board ; when met, as in this section provided, said board of registry and election and said

(a) Section 236, as amended by section 309 ; section 237, as amended by section 310 ; sections 238 and 239, as amended by section 311, no longer apply to cities having a population exceeding 40,000 inhabitants. See Secs. 361 and 362, *post*. For

time and manner of appointing and organizing boards of registry and election, see Secs. 359 and 360, *post*.

(b) See Sec. 235, *ante*, note (a).

clerks shall proceed to transcribe and make up from said canvassing-books two lists or registers, alphabetically, of the names, residences, and street numbers, if any, of all persons in their respective election districts entitled to the right of suffrage therein at the next election, or who shall personally appear before them for that purpose, or who shall be shown to the satisfaction of such board of registry and election to have legally voted in that election district at the last preceding election therein for members of the general assembly, or who shall be shown by the affidavit in writing of some voter in that election district to be a legal voter therein ; *provided*, that no naturalized citizen shall be registered if his right is challenged, unless he shall, by affidavit or otherwise, prove to the satisfaction of a majority of such board that he is entitled to vote in that election district at the next election therein, or shall produce and exhibit a legal certificate of naturalization entitling him to the right of suffrage, which certificate shall thereupon be indorsed with the date of the exhibition thereof, or shall have been duly registered at a previous election in such election district.]

Proviso.

**311.** SEC. 4. That section seven of said supplemental act approved May twenty-eighth, one thousand eight hundred and ninety [see Sec. 239, *ante*], be and the same is hereby amended so that henceforth said section seven shall be and read as follows, to wit :

[That the board of registry and election shall also meet on Tuesday next preceding the day of election for members of the general assembly, at the place of their former meeting, at the hour of one o'clock in the afternoon, and remain in session until nine o'clock in the evening, for the purpose of revising and correcting the original registers, of adding thereto the names of all persons entitled to the right of suffrage in that election district at the next election, who shall appear in person before them or shall be shown by the written affidavit of some voter in such election district to be a legal voter therein, and of erasing therefrom the name of any person who, after a fair opportunity to be heard, shall be shown not to be entitled to vote therein by reason of non-residence or otherwise ; and upon the final completion of said registers the said board of registry and election shall publicly announce and certify on each register the number of names entered thereon, and on the next succeeding day each of said clerks shall cause a certified copy of the full list of the names on said registers, with residences and street number, if any, to be posted in conspicuous places within said election district ; and one of said clerks, to be designated by the chairman (*a*) of said board of registry and election, shall prepare an additional copy of the names, residences and street numbers, if any, on such completed register, which additional copy, after being certified as aforesaid, shall be by said clerk, within two days after the said last-mentioned Tuesday, filed with the clerk of the city, township or other municipality, within which such election precinct may be situate ; *and provided further*, that no name shall be entered on said registers or either of them from said canvassing-books, or stricken therefrom without the concurrence of a majority of all the members of said boards of registry and election.](*b*)

Third meeting of boards of registry and election. Revision and correction of registers.

When registers completed, board to announce and certify number of names thereon.

Clerks to post certified copy of list.

Clerk to prepare additional copy and file with clerk of municipality.

Proviso.

**312.** SEC. 5. [This section, which amends Sec. 251, *ante*, is amended by Sec. 335, *post*.]

**313.** SEC. 6. That section twenty of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety [see Sec. 252, *ante*], be and the same is hereby amended so that henceforth said section twenty shall be and read as follows, to wit :

[That in all the municipalities of this state, wherein elections for public officers other than the elections mentioned and referred to in the next preceding section hereof [Sec. 335, *post*], are or may be held, the governing body of every such municipality, by whatever name called, shall on or before the first day of September in each and every year appoint four persons for each election district or precinct within their several municipi-

Appointment of boards of registry and election in municipalities where elections are held on other than general election days.

(*a*) The duty here imposed on the chairman should now be discharged by the judge of election. See Sec. 360, *post*.  
(*b*) Municipalities having the benefit of election registers, prepared as provided for above, must pay one-half of the ex-

penses entailed in canvassing for and making up such registers, the county being required to pay the other half. *Miller v. Free holders of Warren Co.*, 16 N. J. L. J. 56.

palities, who shall be and constitute the boards of registry and election within and for such respective election districts or precincts ; in making said appointments of such boards, the members of the political party in the majority in such governing bodies shall appoint two of the members thereof, and the member or members of the political party in the minority in such governing bodies shall appoint the other two members of such boards of registry and election ; and in case any of said governing bodies shall be composed unanimously of members of one political party, such governing body shall appoint said four members, but not more than two members of any such board of registry and election shall belong to the same political party ; *provided*, that if more than two political parties shall be represented in any such governing body as aforesaid, the political party which shall be next in number of members to the political party in the majority shall appoint the two members of such boards of registry and election which under this section are to be appointed by the members of the political party in the minority ; if any vacancy shall occur in any of said boards of registry and election by death, resignation, inability or otherwise, such vacancy shall be filled, in manner aforesaid, by the members of the governing body who made the original appointment.] (*a*)

To be equally divided politically.

Proviso.

Vacancies, how filled.

Boards to make registry of voters and conduct elections.

**314.** SEC. 7. That section twenty-one of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety [see Sec. 253, *ante*], be and the same is hereby amended so that henceforth said section twenty-one shall be and read as follows, to wit :

[That it shall be the duty of said boards of registry and election provided for in the next preceding section hereof to make, alter or revise, as the case may require, the registry of voters within and for their respective election districts or precincts, and also to hold and conduct all elections, other than said town meetings and said annual elections for members of the general assembly as are or may be required by law to be held therein during their term of office ; each of said boards shall appoint two registry or poll clerks not of the same political party, who shall perform duties similar to those which are or may be required by law of other registry or poll clerks.]

**315.** SEC. 8. That section twenty-four of said supplemental act approved May twenty-eighth, one thousand eight hundred and ninety [see Sec. 256, *ante*], be and the same is hereby amended so as henceforth to be and read as follows, to wit :

[That all elections held within any of said municipalities by the boards of registry and election provided for in section twenty [Sec. 313, *ante*] hereof shall, except as herein otherwise provided, be held and conducted and the votes cast thereat canvassed and returned as now is or hereafter may be required by law ; *provided*, that none of the provisions of sections twenty, twenty-one, twenty-two and twenty-three [Secs. 313, 314, 254 and 255, *ante*] shall in any manner apply to or affect any such municipality which, by the last preceding census, contained a population of not (*b*) less than four thousand inhabitants ; and in all such excepted municipalities, all elections therein, other than those mentioned and referred to in section nineteen [Sec. 335, *post*] hereof, shall be held and conducted in the same manner as before the passage of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety.]

**316.** SEC. 9. [This section, which amends Sec. 260, *ante*, is amended by Sec. 339, *post*.]

**317.** SEC. 10. [This section, which amends Sec. 265, *ante*, is amended by Sec 340, *post*.]

**318.** SEC. 11. That section thirty-four of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety [see Sec. 266, *ante*], be and the same is hereby amended so that hereafter said section thirty-four shall be and read as follows and not otherwise :

(*a*) For modification of the provision for appointing boards of registry and election to conduct municipal elections, see Secs. 323 and 334, *post*, and Sec. 146, on page 203, *ante*. These sections doubtless supersede the provisions contained in section 252, as amended by section 313, and in section 253, as amended by section 314. Sections 313 and 314 are printed, however, in order

that the references to them in sections 254, 255 and 256, as amended by section 315, may be understood.

(*b*) Evidently a clerical error. The proviso should read with the word "not" omitted. This was the intent of the legislature, as construed by the attorney-general.

[That it shall be the duty of said county and municipal clerks, in all cases in which, under this act, they are required to provide and furnish the official ballots as aforesaid for any election, to also provide and furnish for such election official envelopes, of the size, kind and description hereinafter prescribed, wherein the ballots to be voted at such election shall be inclosed and voted, as hereinafter directed; all such envelopes provided by any county or municipal clerk shall be of the same quality of plain white paper, three inches in length by two and one-eighth inches in width, with the flap thereof ungummed; on the face of each of said envelopes shall be printed the words, "official envelope for ———," after the word "for" in each case shall follow the designation of the assembly district for which the ballot is prepared, if at such election an assemblyman is to be chosen; if at such election no assemblyman is to be chosen, then after the word "for" shall follow the designation of the township, municipality, ward or other subdivision for which the ballot is prepared; then shall follow the date of the election and a fac-simile of the signature of the county or municipal clerk by whom such envelope shall be provided and furnished; there shall be no mark, word, figure or device of any kind placed on said envelopes, except as herein directed; all printing on said envelopes shall be with black ink, in type of the same style and description, so that one envelope cannot be distinguished from another; there shall be provided and furnished for each election district or voting precinct so many official envelopes as will be equal to double the number of all the votes cast in such election district or voting precinct at the last preceding election therein for members of the general assembly; the distribution and use of such official envelopes shall be confined exclusively to the polling-room, in the manner hereinafter directed; in counting the votes cast at any election the envelopes containing the ballots shall be opened, and the ballots shall then be removed from the envelope and names on the ballot counted and recorded as now required by law [see Sec. 360, *post*]; the ballot shall then, before another envelope is opened, be returned to the envelope wherefrom it was taken, and the envelope and ballot shall then be numbered as one ticket and strung as now required by law; if on opening any envelope it shall be found to contain more than one ballot, none of the ballots contained therein shall be counted for any candidate, and all such ballots shall be returned to the envelope wherein they were found, and on the face of such envelope shall be written the words "rejected ballots," and such envelope and ballots shall be strung on the string of rejected ballots, as now provided by law; (a) should any voter to whom any official envelope has been furnished as hereinafter provided, spoil or render the same unfit for use, he may obtain another from the board of election on returning the one so spoiled or unfitted for use; but no more than two official envelopes, one at a time, as herein provided, shall be furnished any voter; at the close of the election all unused and all spoiled and returned official envelopes shall be tied up in one package by the board of election and deposited in the ballot-box and delivered with said ballot-box to the proper custodian thereof; when an election district shall be divided or the boundaries changed or a new district created, the county or municipal clerk shall ascertain, as nearly as possible, the number of voters in the new district or districts, and provide therefor official envelopes on the basis above described.]

**319. SEC. 12.** That section fifty of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety [see Sec. 282, *ante*], be and the same is hereby amended so that henceforth said section fifty shall be and read as follows, and not otherwise, to wit:

[That none of the provisions of this act from and including section twenty [Sec. 252] thereof, to and including section forty-nine [Sec. 281] thereof, shall in any manner apply to or affect any such municipality as by section twenty-four [Sec. 256] hereof is excepted from the operations

Clerks to provide official envelopes for ballots.

Envelopes to be of same quality of paper, size, &c.

What printed on face.

No other mark placed on envelope.

Printing to be in black ink, &c.

Number of envelopes to be provided.

Where distributed.

How envelopes opened and votes counted.

Ballot and envelopes numbered and strung.

What ballots to be rejected.

Voter rendering ballot unfit for use may obtain another.

No more than two furnished any voter.

Unused and spoiled envelopes to be deposited in ballot-box.

How envelopes provided for new districts.

Certain provisions of the act not to apply to certain municipalities or to town meetings.

(c) It will make no difference that all the ballots inclosed in the envelope show only one vote for each office named. The provision contained in the thirty-fourth section requiring such

ballots to be rejected is binding on the courts as well as on the election officers. *Chandless v. Day*, 27 Vr. 682.

## ELECTIONS.

and effect of sections twenty, twenty-one, twenty-two and twenty-three [Secs. 252, 253, 254 and 255] of this act; and none of the provisions of this act from and including said section twenty [Sec. 252] to and including said section forty-nine [Sec. 281], shall apply to or affect said town meetings or township elections mentioned or referred to in section nineteen [Sec. 251] of this act, except as hereinafter in this or some subsequent section of this act provided for said town meetings or township elections; it shall be the duty of the clerks of the several townships of the state at least twenty days before any town meeting to be held within their respective townships to provide and secure in each election district or voting precinct of their respective townships a suitable room in which to hold the town meetings, and immediately after procuring such room said township clerk shall notify the election or poll clerks and the board of registry and election of the precinct or voting district that such room has been procured and where the same is located, and it shall be the duty of such township clerk before election day to arrange said room with booths or compartments and railing in all respects as is required in and by section forty-six [Sec. 278] hereof; the tickets to be used at such town meetings shall not be official, but shall be furnished or provided by candidates or other interested parties as before the passage of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety; such tickets shall be printed with black ink on plain white paper, after the manner and style provided in section thirty-two [Sec. 264] hereof and if any ballot voted at any town meeting shall have thereon, either on its face or back, any mark, sign, designation or device whereby such ballot can or may be thereafter identified or distinguished, such ballots shall be absolutely void and not canvassed or counted for any name thereon, but it shall and may be lawful for any voter at said town meetings to erase from his ballot any name or names thereon printed, and to write or paste thereon, the name or names of any person or persons for whom he may desire to vote for any office; the ink or lead pencil to be used in writing any name or names upon the ballots to be black in color, and the use of any other colored ink or pencil shall invalidate the entire ballot; all pasters shall be printed with black ink on white paper, and the use of any other style or kind of paster shall invalidate the entire ballot; for said town meetings the township clerk shall provide and furnish, at the expense of the township, official envelopes, of the size and style mentioned in section thirty-four [Sec. 266] hereof; said envelopes shall have indorsed upon the face thereof the words "official ballot for \_\_\_\_\_ township, \_\_\_\_\_ county," filling the blanks as the case may require, together with the date of the election and a fac-simile of the signature of the township clerk; the distribution and use of such official envelopes shall be confined exclusively to the polling-room in the manner hereinafter directed; the township clerk shall provide, and on the day preceding the town meeting furnish to the chairman or some member of the board of registry and election in each voting precinct in his township, so many official envelopes as will be equal to double the number of all the votes cast in such election district or voting precinct at the last preceding town meeting therein, which envelopes so furnished shall be by the officer receiving the same delivered to the board of registry and election on the day of election before the opening of the polls; that the manner of voting at said town meetings shall be, as near as may be, after the manner pointed out and directed in section forty-seven [Sec. 279] hereof; that each voter on entering the railed inclosure within the polling-room shall be furnished by a member of the board of election, (a) to be stationed in close proximity to the entrance of said railed inclosure, with one and only one official envelope; having obtained such envelope, the voter shall, with the same in his possession, without leaving said railed inclosure, retire alone to one of said booths or compartments and enter the same and remain therein (closing the door) such length of time, not exceeding five minutes, until

Duty of township clerks.

Tickets used at town meetings not to be official.

Tickets to be printed with black ink, without means of identification.

Ink or lead pencil used to be black in color or ballot void.

Pasters printed on white paper.

Town clerks to furnish envelopes at expense of townships.

What printed on face.

Where distributed.

Number of envelopes to be provided.

Manner of voting at town meetings.

On entering inclosure, voter to be furnished with one official envelope by a member of the election board.

(a) By the inspector of election. See Sec. 360, *post*.

he shall have inclosed in said official envelope the ballot he intends voting, in such manner as to conceal all printing, writing or pasters on said ballot; on leaving the booth or compartment the voter shall forthwith and before leaving said railed inclosure deliver his ballot, inclosed as aforesaid in said envelope, unsealed, but with the flap thereof turned down so as to conceal the ballot therein, to a member of the election board at the ballot-box, who shall immediately deposit the same in the ballot-box in the presence of the voter, after which, the voter shall, without unnecessary delay, leave the polling-room, and no ballot cast at any town meeting shall (except as in this act otherwise provided) be received or counted unless the same shall be inclosed in an unsealed official envelope in the manner in this section provided; it shall and may be lawful for any candidate or other person at any town meeting to deliver to the board of registry and election the ballots of any party or faction having candidates to be voted for at such town meeting, which tickets so supplied the board of registry and election shall receive and cause to be furnished to each voter, along with the official envelope, in the manner pointed out in section forty-seven [Sec. 279] hereof; no person shall be permitted to vote at any town meeting until after he shall have received said official envelope as in this section provided; should any voter to whom an official envelope has been furnished as in this section provided, spoil or render the same unfit for use, he may obtain another from the board of election on returning the one so spoiled or unfitted for use, but no more than two official envelopes, one at a time, shall be furnished any voter at any town meeting; if on the face or back of any envelope inclosing any ballot at any town meeting there shall be any mark, sign, designation or device whatsoever, other than is permitted by this act, whereby such envelope can or may be identified or distinguished from any other official envelope used at such town meeting, the ballot inclosed in such envelope shall be absolutely void and not counted for any candidate named thereon; in counting and canvassing the votes cast at any town meeting, the board of election shall proceed, as near as may be, in the manner pointed out in sections thirty-four [Sec. 266] and fifty-one [Sec. 283] hereof; section forty-eight [Sec. 280] of this act shall apply to town meetings.]

**320. SEC. 13.** That section forty-eight of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety [see Sec. 280, *ante*], be and the same is hereby amended so that henceforth said section forty-eight shall be and read as follows, to wit:

[That any voter who declares under oath and establishes to the satisfaction of a majority of all the members of the board of election that, by reason of blindness or other physical disability, he is unable to enter and remain in a booth or compartment or to prepare his ballot therein for voting as aforesaid without assistance, shall be permitted to bring with him to such booth or compartment a person of his own selection, who may retire with such disabled voter to the booth or compartment and assist him in the preparation of his ballot and inclosing and folding the same in said envelope as the disabled voter shall direct, in order that it may be cast by such disabled voter as his ballot; the poll clerks shall make a memorandum on the poll-list of every instance when an oath was administered to a voter as herein provided, stating briefly what facts were sworn to and the name of the person or persons who aided the voter in preparing his ballot; no voter shall divulge to anyone within the polling place the name of any candidate for whom he intends to vote, nor shall he ask for and receive the assistance of any person within the polling place in the preparation of his ballot except as prescribed in this section; no person who assists a voter in the preparation of his ballot, as herein provided, shall reveal to another the name of any candidate for whom the voter has voted, or anything that took place while he was assisting such voter in preparing said ballot for voting; this section shall not apply to the case of any person intoxicated or unable to read and write.]

How ballot voted.

No other ballot to be counted.

Candidates or other persons to furnish ballots to election board.

No person permitted to vote until envelope is received.

Voter rendering ballot unfit for use may obtain another.

No more than two furnished any voter.

What ballots to be rejected.

Counting and canvassing votes.

Voter afflicted with blindness or other disability may select person to assist in preparing his ballot.

Poll clerks to make memorandum on poll-list.

No voter to divulge name of candidate for whom he intends to vote, &c.

Person who assists voter in preparing ballot not to reveal name of candidate voted for, &c.

Not to apply to persons intoxicated or unable to read, or write.

**321.** SEC. 14. That section fifty-seven of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety [see Sec. 289, *ante*], be and the same is hereby amended so that henceforth said section fifty-seven shall be and read as follows, to wit :

Compensation of members of boards of registry and election.

Eight hours a day's work.

[That for the services and duties required and imposed upon them under and by this act, the members of the boards of registry and election and the election or poll clerks, shall receive the sum of three dollars per day and at that rate for all fractions of days, to be paid as other election expenses are now paid ; and in determining the amount of such compensation eight hours shall constitute a day's work.] [See Secs. 177 and 201, *ante*, and Sec. 367, *post.*]

**322.** SEC. 15. That section sixty-three of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety [see Sec. 295, *ante*], shall be and the same is hereby amended so that henceforth said section sixty-three shall be and read as follows, to wit :

No person to electioneer within polling place or publicly within 100 feet, &c.

When official ballots are used, none other to be voted.

Official envelopes to be used at town meetings.  
Penalty.

Penalty for marking ballot or official envelope for identification.

[That no person shall do any electioneering on any election day within any polling place, or publicly within one hundred feet of any polling place ; no person shall within the polling-room show his ballot after it is prepared for voting to any person in such a way as to reveal the contents, nor shall any person within the polling place or within a hundred feet thereof solicit the voter to show the same ; no voter, at any election where official ballots are used, shall knowingly vote or offer to vote any ballot except an official ballot inclosed in an official envelope, as by this act required, nor shall any voter, at any town meeting, vote or offer to vote any ballot except the same be inclosed in an official envelope, as by section fifty [Sec. 319] hereof required ; any person violating any of the foregoing provisions of this section shall incur a penalty of twenty-five dollars for each and every offense, to be recovered by action of tort, before any court of competent jurisdiction, by any person who bona fide shall first bring suit therefor ; no voter shall place or permit to be placed any mark upon the face or back of his ballot or official envelope by which the ballot or envelope may afterwards be identified by any other person as the one voted by him ; whoever shall violate this last-mentioned provision of this section shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars or imprisonment not exceeding one year, or both, at the discretion of the court.](a)

An act to amend an act entitled "A further supplement to an act entitled 'An act to regulate elections,' approved April eighteenth, one thousand eight hundred and seventy-six," which supplemental act was approved May twenty-eighth, one thousand eight hundred and ninety.

P. L. 1892, p. 121.

Approved March 15, 1892.

**323.** SEC. 1. That section thirty of said supplemental act [see Sec. 262, *ante*] be and the same is hereby amended so that henceforth said section thirty shall be and read as follows, to wit :

Certificates of nomination and petition, when filed with secretary of state.  
When filed with county clerk.

With clerks of municipalities.

[That all certificates of nomination and all petitions naming candidates for office to be filled by voters of the entire state, or any district or division thereof greater than a single county, shall be filed with the secretary of state at least twenty days previous to the election at which the candidates nominated are to be voted for ; all certificates and petitions naming candidates for general assembly, and candidates to be voted for by all the voters of a single county, or more than a single subdivision thereof, shall be filed with the clerk of the respective counties wherein the officers nominated are to be voted for, at least ten days prior to the election at which the candidates nominated are to be voted for ; all other certificates and petitions shall be filed with the clerks of the respective municipalities wherein the candidates nominated are to be chosen, at least eight days

(a) The provision prohibiting any electioneering on election day within 100 feet of any polling place, is a reasonable police regulation to secure good order about the polls. *Ransom v. Black*, 25 17, 448.

before the election whereat they are to be voted for; all certificates and petitions when filed shall be open, under proper regulation, for public inspection, and the same shall be preserved for one year; candidates nominated for any office in any certificate or petition shall manifest their acceptance of such nomination by a written acceptance thereof, signed by their own hand, upon or annexed to and filed with such certificate or petition, or if the same person be named for the same office in more than one petition, then annexed to one of such petitions; the name of any candidate who shall fail in such manner to signify his acceptance of the nomination shall not be printed upon the ballots.]

**324.** SEC. 2. That section thirty-one of said supplemental act [see Sec. 263, *ante*] be and the same is hereby amended, so that henceforth said section thirty-one shall be and read as follows, to wit:

[That it shall be the duty of the secretary of state, at least ten days before any election whereat any candidate nominated in any certificate or petition filed with him is to be voted for, to make and certify, under his hand and seal of office, and forward to the clerks of the several counties of the state, a statement of all the candidates nominated by certificate or petitions filed in his office for whom voters within any such county may be by law entitled to vote at such election; such statement, in addition to the names of the candidates for president and vice president of the United States, if any such have been included in any certificate or petition filed with him, shall also contain the names and residences of all other candidates, the offices for which they are respectively nominated and the names of the parties by which or the political appellation under which they are respectively nominated; candidates nominated by petition, without distinctive political appellations, shall be certified as independent candidates.]

**325.** SEC. 3. That section thirty-two of said supplemental act [see Sec. 264, *ante*] be and the same is hereby amended, so that henceforth said section thirty-two shall be and read as follows, to wit:

[That except as in this act otherwise provided, separate printed ballots of the kind and description hereinafter directed, shall be provided at public expense for each party or group of petitioners having candidates to be voted for at any election for public officers within this state or any subdivision thereof; it shall be the duty of the county clerk of each county to provide said ballots in all cases where the names of any candidates to be voted for at any election to be held within his county are certified to him by the secretary of state or included in any certificate or petition of nomination originally filed with him as such county clerk; in cases of election within and for a single municipality of any county where the certificate or petition of nomination is, pursuant to this act, to be filed with the clerk of such municipality, it shall be the duty of such municipal clerk to provide said ballots; said county and municipal clerks in providing said ballots shall cause the same to be printed in manner and form following: the nominations of each party or group of petitioners shall be printed on separate tickets underneath the title or name of the party or petitioners making such nominations as designated by them in their certificate or petition, so that all the candidates of each party or group of petitioners shall be and appear on its own separate ticket or ballot, after the form and manner now prevailing, or if there be no designation of name or title, then under the title of "independent nominations;" such clerks shall not be required to print any name upon any ballots when such name was not included in any certificate or petition filed with him at least eight days before the election; all ballots prepared by any county or municipal clerk for any election to be held within his county or municipality, shall be printed on plain white paper; all ballots to be of uniform size, quality and type, and of such thickness that the printing thereon cannot be distinguished from the back of the ballot and without any mark, word, device or figure thereon except as in this act provided; there shall be printed on each ticket the name of but one candidate for each office to be filled.]

Certificates open for inspection, and to be preserved one year.

How nomination must be accepted.

If otherwise accepted, name of candidate not to be printed on ballots.

Secretary of state to certify and forward statement of candidates nominated to county clerks.

What statement to contain.

When certified as independent candidates.

Separate printed ballots to be provided for each party at public expense.

When county clerk to provide ballots.

When ballots provided by clerk of municipality.

How ballots printed.

When clerk not required to print names.

Ballots to be printed on plain white paper, of uniform size, type, &c.

To contain but one name for each office.

**326. SEC. 4.** That section thirty-seven of said supplemental act [see Sec. 269, *ante*] be and the same is hereby amended so that henceforth said section thirty-seven shall be and read as follows, to wit :

County or  
municipal clerk  
to furnish ballots  
to voters in  
certain cases.

[That if any duly-qualified voter residing in any county or municipality of this state shall, at least seven days before any election to be held in such county or other municipality thereof, notify the clerk of such county or municipality in writing that such voter requires a specified number of the official ballots, not less than fifty in number, of any party, organization or petitioners for a voting precinct or precincts, to be designated, and requesting the same to be furnished him, it shall be the duty of such county or municipal clerk to cause such official ballots of the kind hereinbefore described to the number and for the voting precincts requested by such voter, to be printed and ready for delivery to such voter or his agent, at the office of such county or municipal clerk at least four days before the election at which said ballots are intended to be used ; *provided*, that said county or municipal clerk shall not cause any ballots to be printed for any voter requesting the same to be furnished, unless at the time of the delivery to him of the written notification and request for such ballots the voter presenting the same shall pay to such county or municipal clerk a sum of money sufficient to pay for the printing of all ballots requested by such voter, which money paid shall be used by said county or municipal clerk in payment for the ballots printed at the request of such voter.]

Proviso.

Repealer.

**327. SEC. 5.** That all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

A supplement to an act entitled "A supplement to the act entitled 'A further supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six,' which supplemental act was approved May twenty-eighth, one thousand eight hundred and ninety," and which last supplement was approved March twenty-third, one thousand eight hundred and ninety-one.

P. L. 1892, p. 123.

Approved March 17, 1892.

Boards of registry and election appointed by the county boards of registration shall hold all elections.

**328. SEC. 1.** That hereafter the boards of registry and election appointed by the county boards of registration, and the registry or poll clerks appointed by the said boards of registry and election, shall hold and conduct all the elections hereafter to be held throughout this state, during the term for which they were appointed ; *provided*, that whenever within any township there exists or may hereafter exist a borough or village in which an election shall be held on the same day the election is held in such township for township officers, and for which election boards are under any law regulating the election in such borough or village necessary, such boards for conducting the borough or village election shall be appointed as heretofore.

Proviso.

Repealer.

**329. SEC. 2.** That all acts and parts of acts, whether general, public, local or special, inconsistent with this act, be and the same are hereby repealed.

#### Supplement.

Approved March 24, 1892.

P. L. 1892, p. 245.

Procedure where part of an election district has been annexed to another township.

**330. SEC. 1.** That whenever, by legislative enactment, a portion of an election district heretofore existing shall be set over into another township, and the part of such election district remaining contains not exceeding two hundred voters, and there shall be another election district in the township from which a part of the first election district shall be set off, that the district from which such part shall be so set off shall be annexed to and become part of the election district remaining in the said township, and the officers of the said undisturbed and remaining district shall be the officers for conducting subsequent elections, and shall in all respects conduct the same according to law.

**331. SEC. 2.** That the voters of the said election district from which a part shall be so set off shall be in all respects qualified and entitled to vote in the remaining district, provided they were qualified and entitled to vote in the district theretofore existing.

What voters shall vote in the remaining district.

**332. SEC. 3.** That whenever, under such circumstances, the district so combined shall be ascertained, in the manner prescribed by law, to contain more than six hundred voters, the said district shall be divided in the manner heretofore provided by law.

District to be divided if it contains more than 600 voters.

**333. SEC. 4.** That all acts and parts of acts, in so far as they are inconsistent with the provisions of this act, be and the same are hereby repealed and that this act shall take effect immediately.

Repealer.

A further supplement to an act entitled "A further supplement to an act entitled 'An act to regulate elections,' approved April eighteenth, one thousand eight hundred and seventy-six," which supplement was approved May twenty-eighth, one thousand eight hundred and ninety.

Approved February 27, 1893.

P. L. 1893, p. 33.

**334. SEC. 1.** That in any township or borough in this state where the election districts have been renumbered, or the boundary lines of the same have been changed, or wherein new election district or districts have been formed by the township committee of any such township, or the governing body of any such borough, it shall be the duty of the county board of registry to immediately appoint, in the manner provided in section two of the act of which this is a supplement, a registry board for each election district in such township or borough, and said registry board so appointed shall hold office until the first day of June next ensuing, when their successors shall be appointed; and said board of registry, so appointed in each election district, shall proceed in the manner prescribed in the act to which this is a supplement, except that when the next election shall be an election for township or borough officers, then such board shall proceed to make a new register in the same manner as provided in the act to which this is a supplement, for the making a register of the voters at the election held for the members of the general assembly, which registry, when made, shall be used at such township or borough election.

County board of registry to appoint a registry board in cases of altered or new districts.

Term of office, and when successors appointed.

Duties of said board of registry.

A supplement to an act entitled "A further supplement to an act entitled 'An act to regulate elections,' approved April eighteenth, one thousand eight hundred and seventy-six," which supplemental act was approved May twenty-eighth, one thousand eight hundred and ninety.

Approved March 13, 1893.

P. L. 1893, p. 243.

**335. SEC. 1.** That section nineteen of said supplemental act [see Secs. 251 and 312 *ante*,] be and is hereby amended, so that henceforth said section nineteen shall be and read as follows, to wit:

[That the boards of registry and election and said registry or poll clerks(*a*) appointed as hereinbefore provided for, shall, in their respective election districts, hold and conduct the next and all succeeding annual elections to be held on the first Tuesday after the first Monday in November in any year, and also the annual "town meetings" or township elections hereafter to be held throughout this state under and in pursuance of the act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, one thousand eight hundred and forty-six, and the act entitled "An act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six, and the several supplements to said two acts, or either of them, and the foregoing provisions of this act shall apply to said town meetings or township elections

Boards to conduct general elections and town meetings.

(*a*) See Sec. 235, *ante*, note (*a*).

Certified copy of register to be used at town meetings.

When boards to meet and revise register.  
Clerks to give notice of meeting.

Copy of revised registry not posted, but filed.  
When court holds session for revising and correcting register.

Clerk produces registers at court.

so far as the same may be applicable ; there shall be no new registration for said town meetings or township elections, but the said boards of registry and elections shall procure and use at such town meetings or township elections the certified copy of the register of voters filed with the township or other clerk pursuant to section seven [Sec. 311, *ante*] of this act ; said board of registry and election and said poll clerks shall meet to revise and correct said register in the manner hereinbefore provided on the Tuesday next preceding the town meeting or township election, and each of said registry or poll clerks of each election district shall cause at least three notices of the time and place of such meeting to revise and correct said register to be conspicuously posted in public places within their respective election districts at least one week before such meeting ; no copy of such revised and corrected registry need be posted, but a copy shall be filed with the county clerk within one day thereafter, and on the Thursday next preceding the said annual town meeting, and any charter election in said county, and from day to day thereafter, as may be necessary, the court of common pleas of the several counties of the state [see Sec. 370, *post*] shall be in session at the court-house in their respective counties, for the purpose of revising and correcting the register of voters, so as aforesaid, to be filed with the county clerk ; and the clerk shall produce such of said registers as may be required at the sessions of the court ; and the said court of common pleas shall proceed in the same manner as is provided in section eighteen [Sec. 250, *ante*] of the act to which this is a supplement.]

**An act to amend an act entitled "A supplement to an act entitled 'An act to regulate elections,' approved April eighteenth, one thousand eight hundred and seventy-six," respecting election districts, which supplement was approved April twenty-eighth, one thousand eight hundred and eighty-five.**

P. L. 1893, p. 322.

Approved March 14, 1893.

**336.** SEC. 1. That section one of an act entitled "A supplement to an act entitled 'An act to regulate elections,' approved April eighteenth, one thousand eight hundred and seventy-six," respecting election districts, which supplement was approved April twenty-eighth, one thousand eight hundred and eighty-five [see Sec. 204, *ante*], be amended so as to read as follows :

When and how election districts shall be altered or new ones created.

[That when, at any township, ward, city, county, state, congressional or national election, more than six hundred votes shall be or shall have been cast in any township or ward in any city not divided into election districts, or when in any election district, in any township or ward in any city more than six hundred votes shall be or shall have been cast at any such election, such township, ward in any city or election district shall forthwith be divided by the mayor and common council or township committee into two or more election districts, or, in lieu thereof, the boundary lines of any existing election district or districts may be changed, or such districts re-adjusted ; *provided, however,* that each of such districts, after such division, change or re-adjustment, shall not contain more than six hundred, nor less than one hundred and fifty voters ; and in such division, change or re-adjustment, the geographical compactness of such district and the convenience of the voters shall be first considered.] [See Secs. 17, 204, 205, 229, 230, 232 and 231, *ante*, and Secs. 355 and 356, *post*.]

Proviso.

Repealer.

**337.** SEC. 2. That all acts or parts of acts inconsistent herewith, are hereby repealed, and that this act shall take effect immediately.

A supplement to the act entitled "A further supplement to an act entitled 'An act to regulate elections,' approved April eighteenth, one thousand eight hundred and seventy-six," which supplemental act was approved May twenty-eighth, one thousand eight hundred and ninety.

Approved March 17, 1893.

P. L. 1893, p. 414.

**338.** SEC. 1. That section twenty-six of said supplemental act [see Sec. 258 *ante*] be and the same is hereby amended so that henceforth said section twenty-six shall be and read as follows, to wit :

[That any convention of delegates or nominating body of a political party as hereinafter defined, and also individual voters by petition, to the number and in the manner hereinafter specified, may nominate candidates for public office, whose names shall be printed, written or placed upon the ballots as hereinafter provided and directed ; a "convention of delegates" or "nominating body of a political party" within the meaning of this act is an organized assemblage of delegates or voters, representing a political party which at the election for members of the general assembly next preceding the holding of such convention or nominating body polled at least two per centum of the total vote cast in the state, county or other division or district in and for which the nomination is made.]

By whom candidates may be nominated.

Terms defined.

**339.** SEC. 2. That section twenty-eight of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety [see Secs. 260 and 316, *ante*], be and the same is hereby amended so that henceforth said section twenty-eight shall be and read as follows, to wit :

[That besides the nomination of candidates by a convention of delegates or nominating body of a political party, as hereinbefore provided, candidates for public office may also be nominated by "petition" in manner following : such petition shall be addressed to the secretary of state or clerk of said county, city or other municipality as may be proper, pursuant to the requirements of this act hereinafter contained, and shall set forth the name or names and places of residence and post-office addresses of the candidates for the offices to be filled, the office for which each candidate is named, that such petitioners are legally qualified to vote for such candidates ; said petition may also designate in not more than three words, the title of the party or principle which the candidates therein named represent, and shall be signed by legally-qualified voters of the state residing within the district or political division in and for which the officer or officers nominated are to be elected, equal in number to at least one per centum of the entire vote cast at the last preceding election for members of the general assembly, in the state, county, district or other division in and for which the nominations are made ; *provided*, that when the nomination is for an office to be filled by the voters of the entire state, eight hundred signatures in the aggregate for each candidate nominated in said petition shall be sufficient ; when the nomination by such petition is for an office to be filled by the voters of a district, county, city, township or other division less than the entire state, the petition shall be signed by qualified voters of such district, county, city, town or other division not less in number than one for every one hundred votes cast in such district, county, city, town or other division at the next preceding election for members of the general assembly ; *provided, however*, that not more than one hundred signatures shall be required to any petition for any officers to be elected, save only such as are to be voted for by the voters of the state at large ; in case of a first election to be held in a newly-established election district, division, county, city or ward, the number of fifty signatures to a petition shall be sufficient to nominate a candidate to be voted for only in such election district or division, county, city or ward ; every voter signing a petition shall add to his signature his place of residence, post-office address and street number, if any ; such voter may sign one petition for each officer and no more, but all the names need not be signed to one petition ; before any petition shall be filed as hereinafter provided, at least five of the voters signing the same shall make oath before duly-qualified officer that the said petition is made in good

Nominations may also be made by petition.

Petition to be addressed to the secretary of state or clerk.

What to set forth.

Proviso.

Number of voters who must sign petition.

Proviso.

Voter signing petition must add residence, &c.

May sign one petition for each officer.

Before petition filed, five voters to make affidavit thereto.

faith, that the affiants verily believe all the signatures thereto to be genuine and those of duly-qualified voters, and a certificate that such oath has been taken shall be indorsed upon or annexed to the petition by the officer before whom the same is made.](a)

**340. SEC. 3.** That section thirty-three of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety [see Secs. 265 and 317, *ante*], be and the same is hereby amended so that henceforth said section thirty-three shall be and read as follows, to wit:

What to be printed on back of ballots.

[That on the back of each of the said ballots to be provided by the county or municipal clerks shall be printed the words "official ballot for \_\_\_\_\_," after the word "for" in each case shall follow the designation of the assembly district for which the ballot is prepared, if at such election an assemblyman is to be chosen; if at such election no assemblyman is to be chosen, then after the word "for" shall follow the designation of the township, municipality, ward or other subdivision for which the ballot is prepared; then shall follow the date of the election and a fac-simile of the signature of the county or municipal clerk by whom such ballot shall be prepared; the county or municipal clerk shall provide for each political party, for each election district or voting precinct in his county or municipality, two hundred and fifty ballots for every one hundred or fraction of one hundred of the total votes cast therein at the last preceding election for members of the general assembly; in cases of independent nominations or of nominations by any party, organization or petitioners that cast no votes for any candidate or candidates at the last preceding election for members of the general assembly, the number of ballots to be provided and furnished at public expense shall be equal in number to double the total number of votes cast in the election district or precinct at the last preceding election for members of the general assembly; when an election district shall be divided or the boundaries changed, or a new district created, the county or municipal clerk shall ascertain as nearly as possible the number of voters in the new district or districts, and shall provide therefor a sufficient number of ballots in the above proportion.](b)

Number of ballots to be provided.

Number of ballots to be provided for independent nominations.

When new district is created or boundaries changed.

Repealer.

**341. SEC. 4.** That all acts and parts of acts inconsistent herewith be and they are hereby repealed, and that this act shall take effect immediately.

Supplement.

Approved May 2, 1894.

P. L. 1894, p. 205.

**342. SEC. 1.** That section one hundred of an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six [see Sec. 100, *ante*], be and the same is hereby amended so as to read as follows:

Circuit court shall hear and determine contested elections in county, city or other municipality.

[That the several circuit courts of this state shall have jurisdiction to hear and determine all cases in which the election of any elective officer or officers of any county, city, borough, village, township or other municipality incorporated under any law of this state, may be contested, and for that purpose the said courts shall always be open, and such election shall be contested upon one or more of the grounds and be conducted in all things as set forth and provided for in and by the act to which this is a further supplement, and the supplements thereto; *provided, however*, that such contest shall be commenced by the filing of the petition therefor within sixty days after any such election shall have been or may hereafter be held.](c) [See Secs. 344 and 354, *post*.]

Proviso.

(a) The clauses which provide that only those persons casting a certain percentage of the vote of the last election, and those parties presenting petitions signed by a certain number of voters, shall be entitled to official ballots, are valid regulations. *Ransom v. Black*, 25 Vr. 446.  
 (b) Query—What is the effect of section 33, as amended by the above section? *Ulrich v. Freierschiner*, 15 N. J. L. J. 74.  
 (c) Section 100, giving jurisdiction to circuit courts to hear and determine contested elections, does not repeal a city charter provision that the city council shall be the sole judge of the election, returns and qualifications of its own members. *Henry v. Camden*, 13 Vr. 335. But see *In re The Record of the Thirteenth Ward Votes of Newark*, 15 N. J. L. J. 10. The power of revision given to circuit courts by this section can be exercised only

with reference to the grounds of contest enumerated in the act. In such procedure the constitutionality of the law cannot be adjudged. *Ellingham v. Mount*, 14 Vr. 470. Section 100 confers upon the several circuit courts jurisdiction in cases of contested elections for city officers, notwithstanding the caption above section 100 is "contested elections of county and township officers." *McCoy v. Boyle*, 22 Vr. 53. Justices of the peace are county officers within the meaning of this section. *Gage v. Clark*, 22 Vr. 97. The provision in section 100 and the following sections relating to the trial before the circuit courts of contested election cases is not unconstitutional. Such trials are conclusive only for the time being, and do not prevent a retrial on *quo warranto*. The act does not give the right to a trial by jury. *Conger v. Convery*, 23 Vr. 417, 444. As to the admission

**343.** SEC. 2. That this act shall be deemed a public act and take effect immediately, and all acts and parts of acts inconsistent herewith, be and the same are hereby repealed. Repealer.

## Supplement.

Approved May 17, 1894.

P. L. 1894, p. 400.

**344.** SEC. 1. That all cases of contested election for any county, township or city office heretofore brought or hereafter to be brought in any circuit court under the provisions of the act to which this is a supplement, shall be tried by such court without jury, and not otherwise. [See Sec. 342, *ante*, and Sec. 354, *post*.] Contested elections shall be tried by court without jury.

**345.** SEC. 2. That the act entitled "A supplement to an act entitled 'An act to regulate elections,' approved April eighteenth, one thousand eight hundred and seventy-six," which supplement was approved March second, one thousand eight hundred and ninety-one [P. L. 1891, p. 69], be and the same hereby is repealed. Act repealed.

**346.** SEC. 3. That the act entitled "A supplement to an act entitled 'An act to regulate elections,' approved April eighteenth, one thousand eight hundred and seventy-six," which supplement was approved March nineteenth, one thousand eight hundred and ninety-one [P. L. 1891, p. 188], be and the same hereby is repealed. Act repealed.

**A further supplement to an act entitled "An act to regulate elections," approved the sixteenth day of April, one thousand eight hundred and forty-six.**

Passed May 25, 1894.

P. L. 1894, p. 521.

**347.** SEC. 1. That for the purpose of electing members of the house of representatives of the United States, this state shall be divided into eight districts, as follows, namely: Congressional districts divided.

First. The counties of Camden, Cumberland, Cape May, Gloucester and Salem shall constitute and be called the first district. First district.

Second. The counties of Atlantic, Mercer, Burlington and Ocean shall constitute and be called the second district. Second district.

Third. The counties of Somerset, Middlesex and Monmouth shall constitute and be called the third district. Third district.

Fourth. The counties of Sussex, Warren, Hunterdon and Morris shall constitute and be called the fourth district. Fourth district.

Fifth. The counties of Passaic and Bergen shall constitute and be called the fifth district. Fifth district.

Sixth. The city of Newark and the township of East Orange in Essex county shall constitute and be called the sixth district. Sixth district.

Seventh. All of the county of Hudson, excepting the city of Bayonne, shall constitute and be called the seventh district. Seventh district.

Eighth. The county of Union, the city of Bayonne in Hudson county and all of the county of Essex, excepting the city of Newark and the township of East Orange, shall constitute and be called the eighth district. Eighth district.

**348.** SEC. 2. That each of the said districts shall elect one person to represent this state in the house of representatives of the United States, When election shall be held.

in evidence of the ballot-box and its contents and the admission of the testimony of an expert on the workings of a ballot-box, see *Convery v. Conger*, 24 *Pr.* 469, and see also the same subject discussed by the court of errors in *Convery v. Conger*, 24 *Pr.* 658, 663. In the petition presented under sections 100 to 115, the particular circumstances of the case must be set forth in such manner as will enable the court to see that the case is within the statute, and will enable the incumbent properly to prepare for his defense. It is not enough to show that illegal votes were received in number greater than the plurality returned for the incumbent; there must also be shown circumstances rendering probable, *prima facie*, a conclusion that these illegal votes were cast for the incumbent. *Leibach v. Haynes*, 25 *Pr.* 77. A petition for a recount of an election for fraud in one district will not authorize the court to try the question of fraud in another district. If the answer sets up new matter constituting a distinct charge to be investigated by the court, it must be in writing, in detail, and under oath. The petition must be under oath and in detail, and must be indorsed by fifteen electors and duly verified. It must give the names of those whose votes were improperly rejected, if known, and if not known, such fact

must be alleged. *Burrough v. Branning*, 9 *N. J. L. J.* 110. There is a difference between the requisite of a petition under Sec. 195, *ante*, and the one hundredth section as above amended. Under the former section, reason to believe and probable grounds of belief are all that are necessary to give jurisdiction to the court; under the latter section it is only upon certain specified grounds that relief can be had, which grounds are set forth in Sec. 101, *ante*. In *re Election of Register of Essex Co.*, 12 *N. J. L. J.* 271. In a contested election case under Sec. 100 *et seq.*, the admission by the incumbent of the facts stated generally in the petition is not sufficient basis for a final judgment. The affidavit annexed to the petition must show means of knowledge in the affiant of the facts sworn to, and must state particular facts and not mere belief. The dismissal of one petition is not a bar to the filing of other petitions by the same contestant. *Cleary v. Kendall*, 13 *N. J. L. J.* 134. See, also, *Cleary v. Kendall*, 24 *Pr.* 130. The oath or affirmation required by Sec. 104, *ante*, should be made by persons cognizant of the particular circumstances alleged in the petition and should attest the truth of those allegations. *Johnson v. Allen*, 26 *Pr.* 400.

which election shall be held on the Tuesday next after the first Monday in November, in the year one thousand eight hundred and ninety-four, and on the Tuesday next after the first Monday in November in each second year thereafter until it shall be otherwise provided by law.

Reference to municipalities defined.

**349. SEC. 3.** That in the interpretation of this act, all references to counties, cities, townships or other municipal divisions shall be taken to refer to such municipal divisions as they exist at the time of the passage of this act.

Repealer.

**350. SEC. 4.** That "A further supplement to the act entitled 'An act to regulate elections,' approved the sixteenth day of April, one thousand eight hundred and forty-six," which supplement was approved the fourteenth day of April, one thousand eight hundred and ninety-one [P. L. 1891, p. 337], and all other acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

A further supplement to an act entitled "Further supplement to an act entitled 'An act to regulate elections,' approved April eighteenth, one thousand eight hundred and seventy-six," which supplement was approved April twenty-eighth, one thousand eight hundred and eighty-seven.

P. L. 1895, p. 347.

Approved March 19, 1895.

**351. SEC. 1.** That section twenty-seven of an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six, which section was amended by a supplement to said act approved April twenty-eighth, one thousand eight hundred and eighty-seven [see Secs. 27 and 219, *ante*], be and the same is hereby amended so as to read as follows :

Ballot-boxes, how to be constructed and provided.

[That the board of chosen freeholders of each county, and the common council, board of aldermen or other governing body of each city and incorporated town and each township, shall, when new boxes are required, provide and keep in good repair such ballot-boxes for the use of each township, ward or election district, which box shall be made at least one foot in depth, width and length, measuring the same on the exterior thereof, and may provide a ballot-box known as the "safety ballot-box" of Camden, New Jersey, and that no sum in excess of twenty-five dollars shall be paid for each ballot-box, and that the said ballot-box may be furnished to the respective municipalities and townships before the first day of October, anno domini one thousand eight hundred and ninety-five; said ballot-box shall be so constructed as to have four glass sides, supported by four upright columns, and that no bolts, screws or other attachments by which the box is held together shall be exposed on the outside; and that the said ballot-box shall be secured by three patent locks, no two keys of which are alike, and these locks in turn to be covered by an outer door, connected by a rod running to dial in front of the box, which is sealed and in full view of the voter, and each vote cast to be recorded in figures plainly visible in the front of box.]

Repealer.

**352. SEC. 2.** That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

#### Supplement.

P. L. 1895, p. 420.

Approved March 22, 1895.

County canvassers shall make duplicate certificate of returns and file the same.

**353. SEC. 1.** That in all cases where the electors of two or more counties are authorized or required by law to elect any person to an office in or for such counties, it shall be the duty of the board of county canvassers in each of the counties constituting such election district to canvass the vote cast for any and all persons for such office at the time and in the manner that votes are required to be canvassed for county officers, and prepare a statement in duplicate of the number of votes cast for each person or persons for such office, which statement shall be certified by the chairman of the board of county canvassers as in other cases; that one of such dupli-

ates shall be filed forthwith in the office of the clerk of the county, and the other within seven days thereafter shall be sent by mail to the secretary of state, to be filed by him in his office; and upon receiving such statements from each of the counties constituting such election districts, the secretary of state shall ascertain therefrom what person has received the greatest number of votes for such office, and shall make a certificate thereof and file the same in his office, and deliver a copy thereof, certified by him under the seal of his office, to such person on application; and when such person shall produce such copy before the governor, he shall be entitled forthwith to a commission for the office to which he has been elected.

Secretary of state shall furnish certificate to persons elected, which shall entitle them to commissions.

**354. SEC. 2.** That the circuit court of any county constituting such election district shall have jurisdiction to hear and determine all cases in which the election of any person to such office shall be contested, and the proceedings in such cases shall be conducted in the manner provided by law in case of a contested election of a county officer. [See Secs. 342 and 344, *ante*.]

Circuit court shall have jurisdiction in contested election cases.

#### Supplement.

Approved March 22, 1895.

**355. SEC. 1.** That any township in this state exceeding in area twenty-five square miles and having a population according to the last national census of not less than three thousand five hundred persons, and now divided into not more than two election districts, may be divided by the township committee of such township into three election districts, and that in such division the geographical compactness of such districts and the convenience of the voters shall be first considered. [See Secs. 17, 204, 205, 336, 229, 230, 232, 231, *ante*, and Sec. 356, *post*.]

P. L. 1895, p. 446.

When certain townships may be divided into three election districts.

**356. SEC. 2.** That where, in any township of this state now divided into two election districts, it shall at any time appear that the total number of votes cast in one of said districts shall, for the two elections of members of the general assembly then last past, have exceeded by at least two hundred votes the total number of votes cast in the other district, it shall be lawful for the township committee of such township to change and alter the boundary line or lines between the two said districts so that said districts will thereafter be as nearly equal as possible in voting population, and in such division or change the geographical compactness of each district and the convenience of the voters shall be first considered.

Election districts may be equalized.

#### Supplement.

Approved March 25, 1895.

**357. SEC. 1.** That there shall be in each of the counties of this state a county board of elections, to consist of four persons, to be appointed by the governor yearly and every year, and who shall be legal voters within the counties for which they are respectively appointed; no more than two members of any such board shall belong to the same political party; the members of the said board shall be appointed in the month of July in each year; the chairman of the state committee of each of the two political parties which at the last preceding election for members of the general assembly cast the largest and next largest number of votes in the state, may, in June of each year, in writing, nominate two members of his own party in each county, qualified as aforesaid, for members of the county board of elections in and for such county; and if such nominations be made in said month of June the governor shall appoint such nominees; the members of said county boards of elections shall continue in office for one year from the first day of August next after their appointment; in case of death or disability of any member of any of said boards, the governor shall be forthwith notified thereof by the chairman or secretary of said board; the governor shall cause notice of such death or disability to be given the chairman of the state committee of the political party for which such member was appointed, and such chairman shall, within six days there-

P. L. 1895, p. 659.

Governor shall appoint a county board of elections.

No more than two members shall belong to the same political party.

How nominations for members of the board shall be made.

When governor shall appoint nominees.

How vacancies shall be filled.

On failure to nominate, governor shall appoint.

Board of chosen freeholders shall provide office and furniture.

County board of elections, when and how organized.

County board shall appoint boards of registry and election.

When and how district boards shall be appointed.

County board shall supply deficiencies in the list.

Proviso.

Proviso.

Police officers, sheriff, constable, &c., shall act when required.

after, nominate a successor, who shall thereupon be appointed by the governor; all appointments to fill any vacancies occurring in said board shall be for the unexpired term only; if, in any case, either of said chairmen shall fail to make nominations to the governor within the time aforesaid, the governor shall make such appointments of his own selection from the same political party; that said county boards of elections shall be provided by the board of freeholders of the respective counties with a suitable office and furniture, in the court-house of the county for which they are respectively appointed, or in a building as near as possible adjacent thereto located at the county seat.

**358. SEC. 2.** That said county boards of election shall, at ten o'clock in the forenoon on the first Tuesday in August, or on such other day as they may agree on within the first ten days of August in each year, meet at the court-house in their respective counties and organize by electing one of their number to be chairman and one to be secretary, but the chairman and secretary shall not both belong to the same political party; in case of failure to elect such chairman for three ballots or viva voce votes, then the oldest (in years) of such board shall be the chairman thereof; and on failure to elect such secretary for three ballots or viva voce votes, the member of the board next oldest (in years) to the chairman of such board, and not of the same political party, shall be secretary.

**359. SEC. 3.** That the county board of elections in each county shall cause to be made a complete registry of all the legal voters in their respective counties, and for that purpose shall appoint for each election district or voting precinct in the county four persons, legal voters and residents within the city, town or township in which is situated the district or voting precinct for which they are appointed, to be the board of registry and election for such election district or voting precinct [see Secs. 14 and 15, *ante*]; not more than two of such appointees, in each election district or voting precinct, shall belong to the same political party; the said boards of registry and election shall be appointed during the first ten days of September in each year, upon nominations made in writing by the chairman of the county committee of each of the two political parties which at the last preceding general election cast the largest and next largest number of votes in said county for members of the general assembly; said nominations shall be made after the tenth and no later than the twentieth day of August in each year; and in event that either chairman so designated shall neglect to file such nominations in the manner and within the time herein prescribed, the county board of elections shall immediately cause notice to be given to said chairman, and he may supply the deficiency in the list of nominations on or before September first next following, and the county board of elections shall appoint said nominees; if the chairman of either of the county committees herein designated shall fail to present in the manner and within the time herein specified, a list of nominees for appointment as members of the district boards of registry and election, the county board of elections shall supply any deficiency in the list of nominees from members of the political party of which the delinquent chairman is a member; *provided, however*, that all nominees shall answer in writing, over their own signatures and to the satisfaction of the county board of elections, all reasonable questions submitted to them or prepared for that purpose by the county board of elections, which refer to the efficiency, eligibility and character of the nominees, and bearing upon their fitness to serve as members of the board of registry and election: *and provided, also*, that the county board of elections may remove from office any member or members of any board of registry and election for neglecting or refusing to properly discharge the duties of his office, for failing to perform at the time required by law the duties of his office, for intoxication, for incapacity or for deceit or falsehood exercised in securing his own appointment; and all police officers, constables, sheriffs and peace officers are hereby required to remove summarily, by force if necessary, any member of the board of registry and election in said county whose removal has been ordered in writing by the county

board of elections, attested by the signatures of the chairman and secretary of such board; the vacancy so made shall be filled immediately by the county board of elections, but for the unexpired term only.

**360. SEC. 4.** That the terms of office of the members of the district boards of registry and election, appointed under this act, shall begin on September eleventh of each year, and expire on September tenth of the following year, or when their successors are appointed and qualified; all vacancies in the district boards of registry and election shall be filled by the county board of elections in the same manner as hereinbefore provided for the filling of vacancies, but for the unexpired term only; *provided, however,* that in case of a vacancy occurring in said board on the day of election, by reason of the absence or disability of a member, except in case of removal by order of the county board of elections, such vacancy shall be immediately filled by the member of the district board of the same political party as the member whose place has become vacant; such appointment shall be immediately reported to the county board of elections; the district boards of registry and election shall meet within ten days after their appointment, within the municipality for which they are appointed, at a place to be agreed upon by at least three members of the board; each of such boards shall elect one of their members as judge and another one of their members as inspector; such judge and inspector shall be members of opposite political parties, and the other two members of the boards shall be the clerks of election, and shall perform all the duties required by law of the clerks of registry and election; in case of failure to elect a judge as herein provided, after balloting or voting three times, the member of the board oldest in years shall become judge, and in case of failure to elect an inspector, after balloting or voting three times, the oldest member of the board in years of the opposite political party shall become the inspector; the inspector shall deliver to the voters the ballots and official envelopes, and the judge shall receive from the voters and deposit in the ballot-box the ballots, inclosed in the official envelopes, as presented to him by the voters on the day of election; one of the clerks, to be designated by the judge, shall keep the registry on the day of election, checking off the names written thereon when the voters deposit their ballots, and the other clerk shall keep the poll-book, writing therein and numbering seriatim the names of those whose votes are received, in the order in which the voters deposit their ballots; in the counting of the votes, after the polls are closed, the judge shall take the ballots from the box singly, and reading the names thereon and the offices designated in connection therewith, shall hand the ballot, open, with the official envelope, to the inspector, who shall replace the ballot in the envelope, number the envelope and string it as now provided by law; the two clerks shall each keep a tally of the votes as they are called off by the judge.

**361. SEC. 5.** That the district boards of registry and elections in all districts in cities having by the next preceding census a population exceeding forty thousand shall meet annually on the Tuesday five weeks next preceding the annual election for members of the general assembly, at one o'clock in the afternoon, at the places in their respective election districts or precincts where the next election will be held, and continue in session until nine o'clock in the evening, for the purpose of registering the names of all legal voters, residents of the election district or precinct for which they are appointed; they shall make two lists or registries, arranged by streets in the alphabetical order of such streets, and by street numbers, if any there be, and if not, by the order of the houses as they occur upon any avenue, street or road in such district or precinct; they shall register the names of all persons in their respective election districts or precincts entitled to the right of suffrage therein at the next election, who shall personally appear before them for that purpose, and such other persons as shall be shown by the written affidavit of a voter residing in the same election district to be lawfully entitled to vote at the ensuing election; *provided,* that no person shall be registered if his right is challenged unless he shall, by affidavit or otherwise, prove to the satisfaction of the majority

Terms of district boards.

Proviso.  
Vacancies in district board on day of election, how filled.

District boards, how organized.

In case of failure to elect inspector, oldest member shall act.

Duties of officers of district boards.

How votes shall be canvassed.

First meeting of district boards for registration of voters in cities having over 40,000 inhabitants.

Two lists shall be made.

Who shall be registered.

Proviso.

Proviso.

of the board that he is entitled to vote in that election district or precinct at the next election therein ; *and provided*, that no person so applying shall be registered unless a majority of the board of registry and election shall be satisfied that he will be justly entitled to vote in that election district or precinct at the ensuing election ; on the day succeeding such meeting a copy of the registry as made up and arranged under the provisions of this section shall be posted by each of the clerks, in handbill form, in some conspicuous place in such election district.

Second meeting shall be held, and lists shall be revised and corrected.

**362. SEC. 6.** That the said district boards of registry and election in cities having by the next preceding census a population exceeding forty thousand shall also meet in the same place on the Tuesday four weeks next preceding the general election, and finally, on the Tuesday three weeks next preceding the general election, for the purpose of revising and correcting the registries, of adding thereto the names of all persons entitled to the right of suffrage in that election district or precinct at the next election, who shall appear in person before them and establish to the satisfaction of a majority of the board that they are entitled to vote in that election district or precinct at the next election therein, or who shall be shown by the written affidavit of a voter residing in the same election district or precinct to be so entitled to vote ; a separate affidavit shall be required for each person so registered, which shall contain the address of the affiant and be signed by him ; such affidavit or affidavits shall be preserved in the custody of the member of the board of registry and election acting as judge until the completion of the registry ; upon the completion of such registry all such affidavits shall be delivered by such judge to the county board of elections, who shall give a receipt for the same, stating the number received, and the said county board of elections shall preserve such affidavits for three months after election or until required to produce the same by any court or judicial tribunal authorized to require their production as evidence in such court or judicial tribunal ; and it shall be the further duty of the district board of election to erase from such registry the name of any person or persons who, after a fair opportunity to be heard, shall be shown by due proof not to be entitled to vote in such election district, by reason of non-residence or otherwise ; three copies of the revised registry shall be made by the board of registry and election, which shall be so written as to show opposite each name on such copies of the registry the manner in which each voter registered, whether he appeared in person before such board or was registered by affidavit ; if by affidavit, the name of the person making such affidavit shall follow the name of the person so registered in a space or column provided for that purpose ; and such revised registries shall be arranged by streets and by street numbers in the same manner as is required with respect to the lists to be made on the first registry day ; the registry of names in each election district or precinct shall be made up for the general election annually as herein provided, and shall not be copied from the registry of the previous year or of any previous election, either in whole or in part ; on the day succeeding the final completion of the registry, one copy thereof shall be delivered by the judge to be filed with the county board of elections ; one copy shall be posted at the place of registry and election in said district for public inspection, and one copy shall be retained by the judge for use by the district board on the day of election.

Affidavit shall be required of each person added to the list.

Affidavits shall be delivered to county board.

Names of ineligible persons shall be erased.

Three copies of revised registry shall be made.

How registry shall be arranged.

Special registry shall be made for general election.

How lists shall be disposed of.

County board of elections to issue permits to challengers.  
Nominations, how made.

**363. SEC. 7.** That the authority heretofore vested in and the duties heretofore devolving upon the respective clerks of municipalities for the appointment and issuing of permits to agents or challengers (so called) is hereby transferred to, vested in and devolved upon the county board of elections ; and the nominations or appointments heretofore made by the chairmen of county committees or candidates affecting the appointment or selection of such agents shall hereafter be addressed and delivered to the county board of elections ; and the certificates of appointment by the county board shall first be filed with the several boards before the persons so appointed shall be authorized to act, and such permits may be issued.

and revoked and others appointed in their stead at any time up to and including the day of election ; *provided, however*, that when a permit shall be revoked, the new permit in the place thereof shall be issued upon the nomination of the same person or officer upon whose nomination the original permit was issued.

Proviso.

**364.** SEC. 8. That no member of any district board of registry and election shall sign any returns of election until after completion of the counting of votes and his personal examination of the tally sheets to determine the results ; the counting of the votes shall commence immediately upon the closing of the polls on the day of election ; the board shall proceed in an open and public manner to read and count the votes received and shall complete the same without delay and without adjournment, and after completing the same shall audibly and publicly announce the result thereof, particularly specifying the whole number 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 by such election and the number of votes given for each person for the office designated for him by said votes. [See Sec. 43, *ante.*]

Returns shall not be signed until canvass is completed.

Votes shall be counted as soon as polls close.

Result shall be publicly announced.

**365.** SEC. 9. That for all general elections in this state the county boards of elections in each county shall hereafter be and act as the board of county canvassers, and all the powers and duties heretofore vested in and imposed upon the board of county canvassers as heretofore constituted shall be and are hereby vested in and imposed upon the board of county canvassers as constituted by this act ; the clerk of the county shall hereafter be the clerk of the said county board of canvassers without extra compensation.

County board shall act as county canvassers.

**366.** SEC. 10. That the services rendered and expenses incurred by any officer or person duly authorized in carrying out the provisions of this act, and not herein provided for, shall be regarded as election expenses, and shall be paid and defrayed by the respective counties and municipalities in the same manner as other election expenses and services are now paid for and discharged, and the board of freeholders in each county shall include in their annual tax levy a sum sufficient to pay the compensation of the district boards of registry and election and all other election expenses. [See Sec. 287, *ante.*]

Board of freeholders shall pay election expenses.

**367.** SEC. 11. That the compensation of each member of the boards of registry and election in cities having by the next preceding census a population exceeding forty thousand for all services performed by them under the provisions of this act and the act to which this act is a supplement, shall be for each registry day five dollars, and for the election day, including the counting of the votes and the delivery of the returns and ballot-box with contents to the municipal clerk, ten dollars, to be paid by the county collector for each general election within thirty days after the date of the said election.

Compensation allowed to district boards in cities having over 40,000 inhabitants.

**368.** SEC. 12. That for the purpose of any general election in this state, should any judge or inspector of election fail to deliver the proper returns to the person or place within the time herein required, any member of the county board of elections may apply to any justice of the supreme court for an order to compel the immediate delivery of said returns, and the said justice, upon presentation of the facts which satisfy him that the said judge or inspector, or both of them, have failed to deliver the said returns as herein required, may make an order requiring the immediate delivery by said officers of the said returns, and in case of failure on the part of said officers to produce the said returns within twenty-four hours after being served with such order, the said officers shall be deemed and considered in contempt of court, and shall be punished accordingly.

Proceedings when returns have not been delivered to proper person or place.

Penalty for failure to deliver returns.

**369.** SEC. 13. That if any candidate for any office within ten days after any election shall pray a recount of the whole or any part of the vote, by his petition in writing to one of the justices of the supreme court, and shall deposit such sum as such justice shall order as security for the payment of the expenses of such recount, it shall be the duty of such justice to order such recount to be taken, the same to be made by the county board of elections, under such supervision and upon such terms as he may order, and such justice shall have power to fix the compensation for all persons

Proceedings to obtain a recount.

Result of recount shall be certified.

Expenses, how paid.

County boards shall sit on certain days to grant certificates to voters whose names have been omitted from registers.

District board shall file certificate.

Proviso.

Penalty for obstructing polling place or voters, &c.

Penalty for counterfeiting official ballot or having the same in possession.

Persons having knowledge of violation of act may be subpoenaed as witnesses for examination.

Proviso.

Proviso.

When a voter has been falsely impersonated, he may vote upon submitting proof.

Question for determination in case of challenge.

and officers necessarily performing duties under such order, and on the conclusion of such recount the said justice shall certify the result thereof, which certificate shall take the place of the certificate originally issued by the canvassing board; said justice shall also make order concerning the payment of the expense of such recount, which shall be paid by the party applying therefor, if the result is unchanged by such recount, but shall be paid by the county in case the result shall be changed by the recount, and he shall order such writs or proceedings as may be necessary to carry said recount into effect or collect said costs.

**370. SEC. 14.** That it shall be the duty of the several county boards of election to sit at the offices so provided for them on the Saturday next preceding, and also on the day of election from eight o'clock in the forenoon till five o'clock in the afternoon of each of said days, and in case the name of any legal voter in any election precinct or district has been improperly or inadvertently left off the registry list he may, on said days, apply to the county board of elections for the purpose of having his name placed upon the registry list, and the county board of elections, upon application to them for that purpose and upon proper evidence satisfying them that such person is a legal voter entitled to vote at any such election, may give their certificate to that effect, that such voter may present said certificate to the board of registry and election of the district or precinct in which he is entitled to vote, and said board shall receive and file said certificate and add his name to the registry list and he shall thereupon be allowed to vote at said election, and no name shall be added to the said registry list after the last registry day preceding the day of election, except in the manner provided for in this section; *provided, however,* that certificates of transfer may be issued and shall be accepted as heretofore, in the case of any voter, who, after being registered in one election precinct, shall move into another election precinct in the same county, before the day of election.

**371. SEC. 15.** That if any person shall on election day obstruct the entrance to any polling place, or shall obstruct or interfere with any voter, or do any electioneering within one hundred feet of any polling place, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars.

**372. SEC. 16.** That any person not authorized by the proper officers who shall print or make any envelope of a like character and with the names and words contained on the official envelope provided for in this act, or any person who shall on election day have in his possession an official envelope or an envelope made in imitation thereof, without being such person as is authorized by this act to have charge or possession thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment not exceeding one year.

**373. SEC. 17.** That if proof be made before any justice of the peace or police justice of facts constituting probable cause for believing that this act has been violated, and that any person or persons have knowledge of the circumstances connected therewith, it shall be the duty of said justice to issue process of subpoena for the appearance of such person or persons other than the accused before him, to be examined touching the same; *provided,* that the lawful expenses of such subpoena and examination shall be paid in the first instance by the applicant therefor, and such evidence shall be filed with the clerk of the county, to be used before the grand jury; *and provided further,* that no such process of subpoena shall be issued or served, nor any such examination held on the day of election.

**374. SEC. 18.** That when any legal voter shall apply to the board of registry and election in the district in which he resides and shall find that his name upon the registry list is already checked as voting, it shall be lawful for the board of registry and election to receive his vote upon due proof to them that he is a lawful voter in such district and has not voted in said election.

**375. SEC. 19.** That upon any question or challenge of a vote duly registered it shall be the duty of the board of registry and election and the privilege of all its members to put all such questions as are proper to

determine the right of such voter to vote, and the question as to the admission of such vote shall be put in the following form: "shall this voter's ballot be received by this board?"

**376. SEC. 20.** That any person who shall remove, destroy or mutilate any registry list or copy thereof, or who shall before such election close, remove, destroy or mutilate any list of voters posted in accordance with this act, shall be guilty of a misdemeanor, and shall be punished on conviction thereof by a fine not more than one thousand dollars or imprisonment with or without hard labor for not more than two years.

Penalty for mutilating or destroying registry list.

**377. SEC. 21.** That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

### VII Miscellaneous acts.

**An act to regulate primary meetings and caucus of the several political parties of this state for the nomination of persons to be voted for at any elections held in this state.**

Approved March 27, 1878.

P. L. 1878, p. 178.

**378. SEC. 1.** That no person who is not, at the time being, entitled to vote, by the laws of this state, at the special, general and local elections held in this state, shall vote at any primary meeting or caucus called or held by any political party or political organization of this state for the nomination or selection of persons to be voted for at any such elections, and unless such person is a legal resident of the ward, township or aldermanic district in which such primary meeting or caucus is held.

Persons entitled to vote at primary meeting.

**379. SEC. 2.** That if any person or persons aforesaid shall vote or offer to vote at any of the aforesaid elections, knowing or having reason to believe himself not entitled to vote as aforesaid, or if any person or persons shall counsel or procure anyone to vote as aforesaid, knowing or having reason to believe such voter not entitled so to vote, such person or persons shall be deemed to be guilty of a misdemeanor, and on conviction thereof shall, for each offense, be punished by imprisonment at hard labor for not over a term of three months, or by a fine of not over one hundred dollars, or both, at the option of the court.

Penalty for illegal voting, &c.

**An act entitled "An act to regulate the election of judges, inspectors and clerks of elections in cities, towns and townships."**

Approved February 26, 1879.

P. L. 1879, p. 60.

**380. SEC. 1.** That it shall hereafter be unlawful for any member of the regular police force in any city, town or township of this state to hold the office of judge, inspector or clerk at any general or special election in this state.

Member of police force not to be an election officer.

[Secs. 2, 3, 4 and 5 executed.]

**An act to prevent and punish bribery at primaries, conventions and elections.**

Approved May 23, 1883.

P. L. 1883, p. 171.

**381. SEC. 1.** That if any candidate for office in any election hereinafter mentioned under the laws of this state, or any other person, shall directly or indirectly offer, promise, procure, confer, or give any money, property, thing in action, preferment or other consideration or valuable thing, any money, note, check, draft, credit or property, to be used by way of fee, reward, gift or gratuity, for giving or refusing to give any vote in any election of any public officer, state, county, or municipal whatever, or of any member of the congress of the United States, or of electors for president and vice president of the United States, such person either offering, asking or receiving the same shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof be punished by fine or imprisonment, or both, at the discretion of the court, said fine not to exceed one

Penalty for bribing or offering to bribe voters at any elections.

## ELECTIONS.

thousand dollars, nor such imprisonment one year at hard labor; and further, such person shall, on such conviction and as part of the judgment of the court, be deprived of the right of suffrage, and such candidate for office be disqualified to hold any office to which he was elected at such election; and further, if any person shall mark in any way, for the purpose of corruptly identifying any ticket that shall be afterwards voted at such election, with intent to escape, evade or violate the provisions of this act, then any such person shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof, be punished by fine or imprisonment, or both, at the discretion of the court, said fine not to exceed one thousand dollars, nor such imprisonment one year at hard labor.

Penalty for bribing or offering to bribe delegates.

**382. SEC. 2.** That if any person shall directly or indirectly give, offer or promise to give any sum or sums of money or other valuable thing in action, victuals, drink or preferment or other consideration, by way of fee, reward, gift or gratuity, or other valuable present or reward, to obtain, procure or influence the opinion, behavior, vote or abstaining from voting for the election of any delegate to any convention of any political party of this state, to nominate any candidate or candidates for member of the legislature of this state, for any member of congress of the United States, for electors for president and vice president of the United States, for governor of this state, or for any candidate for any office in any county, city, town, township or borough in this state; and if any person, being a delegate to any political convention to nominate candidates for any of the offices named in this act, shall directly or indirectly ask for, accept, receive or take any sum or sums of money, or other valuable consideration by way of fee, reward, gift or gratuity, or other valuable consideration for the giving or refusing to give his vote at any such convention, all and every of such persons so offering, asking or receiving the same, in either case aforesaid, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine or imprisonment, or both, at the discretion of the court, said fine not to exceed five hundred dollars, nor such imprisonment six months, and such person so convicted shall also be disqualified to hold any office of honor, trust or profit under this state.

Penalty for bribing or procuring others to bribe voters or delegates.

**383. SEC. 3.** That whoever shall, directly or indirectly, give, furnish, supply, offer or promise, or procure to be given, furnished, supplied, offered or promised, to any person or persons, any money, service, preferment or valuable thing, with the intent that such money or valuable thing, or any other money, service, preferment or valuable thing shall be given, offered, promised or used, by any person or persons, by way of fee, reward, gift or gratuity, for giving or refusing to give any vote or votes of any citizen of this state, at any election of any public officer, state, county or municipal, to be held therein, or of any member of congress of the United States, of electors for president and vice president of the United States, or at any election of any delegate or delegates to any political convention to be held for the nomination of any of the officers aforesaid, or by way of gift, gratuity or reward, for giving or withholding the vote or votes of any delegate or delegates at any such conventions, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment, or both; such fine not to exceed the sum of ten thousand dollars, and such imprisonment not to exceed the term of one year, and shall also be disqualified from holding any office of trust or profit under this state.

Persons may be compelled to testify.

**384. SEC. 4.** That any person not indicted for the acts forbidden as aforesaid, may be compelled to testify in any judicial proceeding, against any person or persons charged with bribery, corrupt solicitation or the offenses hereby prohibited, and shall not be permitted to withhold his testimony on the ground that he may criminate himself or subject himself to punishment, but such testimony shall not be afterwards used against him in any judicial proceedings, except for perjury in such testimony.

Sheriff to issue proclamation.

**385. SEC. 5.** That the sheriff of each county in this state shall, prior to any town, township, municipal, county, state or national election, issue a public proclamation under his hand and seal, calling the attention of the voters to and requiring the strict enforcement of this act, together with

the provisions of section thirtieth of an act entitled "An act for the punishment of crimes" [Revision], and shall cause the same to be posted up by two conspicuous handbills at each polling place in said county, at least fifteen days previous to the time of holding such election as aforesaid; the expenses attending the same shall be allowed such sheriff in the settlement of his accounts with the board of freeholders of said county, and if any sheriff, as aforesaid, shall fail to comply with the conditions and requirements of this act, he shall be liable to a fine of one thousand dollars, to be sued for and recovered by any person who may sue for the same, the one-half of such fine to go to the plaintiff in such action, and the other half to the county collector of said county, to be credited to the funds of said county.

**386. SEC. 6.** That all magistrates, constables and other peace officers of this state are hereby strictly enjoined and required, under the penalty that may fall thereon, to aid the sheriff of their respective counties in enforcing his proclamation.

Magistrates required to aid sheriff in enforcing proclamation.

**387. SEC. 7.** That section twenty-five of an act entitled "An act for the punishment of crimes" [Revision], and the supplement thereto approved February seventeenth, one thousand eight hundred and eighty [see P. L. 1880, p. 33], also the act entitled "An act to prevent and punish the bribery of, and attempt to bribe, delegates to political conventions," approved April fifth, one thousand eight hundred and seventy-eight [see P. L. 1878, p. 318], be and the same are hereby repealed; *provided, however,* that this repealer shall not apply to or in any manner affect cases in which indictments may have been found, or cases in which complaints have been made before any inquest of this state for violation of the foregoing acts, but all such cases may be prosecuted in the same manner as if this act had not been passed.

Certain acts repealed.

Proviso.

**An act to regulate the holding of and to prevent frauds in the primary elections of the several political parties in cities of the state of New Jersey.**

Approved May 9, 1884.

P. L. 1884, p. 323.

**388. SEC. 1.** That from and after the passage of this act it shall be lawful, and it is hereby made the duties of the judges, inspectors and clerks or other officers of the primary elections, meetings or caucus held for the purpose of nominating candidates for state, city and county officers within the cities of the state of New Jersey, before entering upon the discharge of their duties, severally to take and subscribe to an oath or affirmation in the presence of each other, in form as follows, namely:

Officers of primary elections to take oath before entering upon duties.

"I, \_\_\_\_\_, do \_\_\_\_\_ that I will, as judge, inspector or clerk (as the case may be) at the ensuing election, impartially and faithfully perform my duties, in accordance with the laws and constitution of the state of New Jersey, and in accordance with the rules and regulations adopted by the \_\_\_\_\_ party, of the county of \_\_\_\_\_ (as the case may be) for the government of the said primary elections, meetings or caucus, to the best of my judgment and abilities."

Form of oath.

The oath or affirmation shall be first administered to the judge by one of the inspectors; then the judge so qualified shall administer the oath or affirmation to the inspectors and clerks, and may administer the oath to any elector offering to vote, as to his qualifications to vote at such election.

By whom to be administered.

**389. SEC. 2.** That if any judge, inspector and clerk, or other officer of a primary election as aforesaid, shall presume to act in such a capacity before the taking and subscribing to the oath or affirmation required by this act, he shall, on conviction, be fined not exceeding two hundred dollars; and if any judge, inspector, clerk or other officer, when in the discharge of his duties as such, shall willfully disregard or violate the provisions of any rule duly made by the party of which he is a member, and for whom he is acting, for the government of the primary elections of the party, he shall, on conviction, be fined not exceeding two hundred dollars; and if any judge or inspector of any primary election as aforesaid, shall knowingly reject

Penalty for acting before taking oath, &c.

the vote of any person entitled to vote under the rules of the said party, or shall knowingly receive the vote of any person or persons not qualified as aforesaid, he shall, on conviction, be fined not exceeding two hundred dollars; and if any judge, inspector, clerk or any other officer of a primary election as aforesaid, shall be guilty of any willful fraud in the discharge of his duties, by destroying or defacing ballots, adding ballots to the poll, by false counting, by making false returns or by any act or thing whatsoever, the person or persons so offending shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding five hundred dollars, or imprisonment not exceeding one year, or both, or either, at the discretion of the court.

Repealer.

**390. SEC. 3.** That all acts inconsistent with the provisions of this act be and the same are hereby repealed.

**An act concerning the right of suffrage in this state.**

P. L. 1890, p. 241.

Approved April 8, 1890.

Who may vote for municipal officers.

**391. SEC. 1.** That every citizen of this state entitled to vote at a general election for members of the legislature shall be entitled to vote at any election of municipal officers held in the city, town or other municipality where such citizens may reside.

Repealer.

**392. SEC. 2.** That all acts or parts of acts inconsistent with the provisions of this act, be and the same hereby are repealed, and that this act shall take effect immediately.

**An act to provide for the election of members of the general assembly for each county of this state by the vote of the legal voters of said counties respectively.**

P. L. 1894, p. 303.

Passed May 15, 1894.

Assemblymen shall be elected by the legal voters of the counties respectively.

**393. SEC. 1.** That hereafter the member or members of the general assembly of this state to which any county is or may be entitled by law shall all be voted for by the legal voters of the counties respectively, and the person or persons having the highest number of votes cast for him or them in any county for such office, wherever therein said votes shall be cast, shall be elected such member or members.

## Eminent Domain.

1. Appeal from commissioners allowed.
2. Proceedings before chancellor for distribution of money awarded when lands are incumbered by mortgage, &c.
3. Amended by section 6.
4. Amended by section 7.
5. Roads and streets on lands acquired by the state for public use vacated.
6. When lands are acquired for use of the state, commissioners shall be appointed by statute.
7. Power of such commissioners. When governor to take lands.
8. Streets and highways on lands taken to be vacated.
9. Amended by section 19.
10. City council may limit amount to be expended in acquiring lands, &c., by condemnation for market purposes.
11. Commissioners to report if they cannot agree on purchase price.
12. Commissioners, when and how appointed.
13. Duty of commissioners. Appeal.
14. Titles to be taken in name of city.
15. Compensation of commissioners and how paid.
16. Temporary bonds or certificates may be issued and finally redeemed by other bonds.
17. Revenues from buildings used for market purposes, how applied.
18. When revenues are insufficient to meet interest, &c., deficiency to be raised by tax.
19. Appointment of commissioners to purchase lands, &c., for market purposes.
20. Buildings may be erected on lands purchased or condemned.
21. Freeholders may acquire by purchase or condemnation lands for county purposes.
22. May agree with owner on purchase price therefor.
23. Proceedings for condemnation on failure to agree. Appeal.
24. Proceedings in case of appeal.
25. Freeholders may make contract for settlement notwithstanding appeal.
26. Commissioners to appraise any mortgage, lease or other estate in lands taken.
27. Freeholders may borrow money and issue bonds.
28. Principal and interest of bonds, how paid.
29. Proceedings by which any school district may by condemnation perfect its title to lands used for school purposes.
30. Trustees to pay owners of lands amounts assessed.
31. Lands vested in trustees of school district.
32. Appeal and proceedings thereon.
33. Trial by jury may be had.
34. School district may vote money to carry out provisions of act.
35. Repealer.
36. Amended by section 41.
37. Proceedings by commissioners appointed to condemn lands for school purposes in cities. Appeal.
38. Titles taken in name of city.