

C H A P. XXX.

*Exhibited
Sept 21st
412.*

An ACT for regulating the Election of the Members of the Legislative-Council and Assembly, Sheriffs and Coroners of the State of New-Jersey.

Preamble.

WHEREAS the Laws made for regulating Elections in this State whilst it remained subject to the Crown of *Great-Britain*, are, in several Respects, incompatible with the present Constitution, a new Law for that Purpose is of Course become necessary ;

Elections,
where to be
held.

Sect. 1. BE IT THEREFORE ENACTED by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That all Elections of Representatives to serve in the said Council and General Assembly shall be held at the Courthouses of the several Counties respectively, except in the Counties of *Hunterdon* and *Middlesex*, where they shall be held as follows, *videlicet*, in *Hunterdon* at the House of *John Ringo* in *Amwell*, and in *Middlesex* at the Corporation Courthouse in *New-Brunswick* ; and the said Council and Assembly shall separately meet at *Trenton* on the second *Tuesday* next after the Day of Election.

Legislature to
meet at *Tren-
ton*.

Power given
the Sheriff in
case of Inva-
sion.

2. PROVIDED ALWAYS, AND IT IS HEREBY FURTHER ENACTED, That if the Enemy shall, at any Time when an Election is to be holden at any of the Places appointed as aforesaid, be in Possession of, or so near the same as to render it improper or unsafe for the Electors to convene thereat, it shall and may be lawful for the Sheriff of the County where such Election is to be held, and he is hereby required to appoint some other Place for holding the same, and to inform the Inhabitants of such County thereof in Manner as is directed by the 22d Section of this Act ; and if there shall happen to be no Sheriff belonging to such County, then the first Judge of the Court of Common Pleas, and if there is no such Judge, then the Clerk of the Peace shall perform the said Service in Manner aforesaid.

Judges of
Elections to
be chosen ;

3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Inhabitants of each County, entitled to vote for Representatives in the said Council and General Assembly, when met at the Place of Election, shall, between the Hours of nine and eleven in the Forenoon, choose three judicious Freeholders to preside as Judges of the Election, who, when so chosen, shall severally take the following Oath or Affirmation, *videlicet*, *I do swear* (or if one of the People called *Quakers*, affirm) *that I will truly and impartially serve as one of the Judges of this Election, and in all Respects, according to the best of my Judgment, do my Duty therein pursuant to Law.*

their Quali-
fication.

Commission-
ers of Appeal
also to be In-
spectors.

4. AND, inasmuch as the Inspectors of Elections cannot properly answer the End of their Appointment, unless they have a general Knowledge of the People, it will be expedient to have one at least from each Township ; and as Township Elections for the Purpose of choosing them would be attended with much Trouble ; BE IT ENACTED by the Authority aforesaid, That the Commissioner of Appeal, in Matters of Taxation,

Taxation, in each Township, whose Name as such stands foremost on the Town Records, shall, during the Time he so stands Commissioner, be Inspector also, and serve as such at the Election of Representatives for the Purposes aforesaid : And in case he shall happen to be sick, or unable to attend such Election, the Commissioner of Appeal next named as aforesaid, shall attend and serve in his Stead. PROVIDED ALWAYS, That he take Care timely to inform such next named Commissioner of such his Sickness or Inability.

5. AND, in order that the Judges of the Elections, when chosen and qualified as aforesaid, may know with Certainty who are entitled to serve as Inspectors, BE IT ENACTED *by the Authority aforesaid*, That the Clerk of each Township shall, within ten Days after the annual Town-Meeting is over, furnish the Sheriff of the County in which he lives, with a Copy of the Names of all the Commissioners of Appeal within his Township, in the Order wherein they stand upon the Town Records ; which Copy the Sheriff shall take Charge of, and deliver to the Judges of the Election when they are chosen and qualified as aforesaid ; and the said Town-Clerk shall also within the same ten Days, deliver a like Copy to the Commissioner of Appeal first named as aforesaid within his Township.

Town Clerk's
Duty.

6. AND IT IS HEREBY FURTHER ENACTED, That every Commissioner of Appeal in each County required as aforesaid to serve as Inspector, shall attend at the Place of Election by ten o'Clock in the Forenoon of the Day on which it is to be held, and immediately after the Judges are chosen and qualified as aforesaid, take the following Oath or Affirmation, *videlicet*, I do swear, (or, if one of the People called Quakers, affirm) that I will duly and impartially serve as one of the Inspectors of this Election ; that I will neither receive nor assent to the receiving the Vote of any Person who I shall have Reason to think is not by the Constitution of this State entitled to vote at this Election.

Commission-
ers of Appeal
to give At-
tendance ;

their Quali-
fication.

7. AND BE IT FURTHER ENACTED, That if any Inspector shall happen to be set up as a Candidate for the Council or General Assembly, or for the Office of Sheriff or Coroner ; or in case the Commissioner of Appeal of any Township required as aforesaid to serve as Inspector, shall neglect or refuse to serve, then, and in every such Case, the Judges of the Election shall appoint some proper Person to serve in the Stead of him so disqualified, neglecting or refusing ; and the Person so appointed shall immediately take the Oath or Affirmation above provided for Inspectors to take.

Provision in
case the In-
specter shall
be a Candi-
date, &c.

8. AND IT IS HEREBY FURTHER ENACTED, That the said Judges and Inspectors when qualified as aforesaid, shall, between the Hours of ten in the Morning and one in the Afternoon, choose, by Plurality of Voices, at least three fit Persons to serve as Clerks of the Election, whose Business it shall be to take down in Writing the Name of each Candidate, and also the Name and Place of Abode of each Elector.

Clerks, when
and how to
be chosen.

9. AND WHEREAS voting by Ballot is more expeditious, as well as less liable to undue Influence than voting verbally, BE IT EN-

ACTED

Legislature to
be chosen by
Ballot.

ACTED by the Authority aforesaid, That all future Elections of Representatives to serve in the Council and General Assembly of this State, shall be by Ballot; and that every Elector shall openly and in full View of all the Inspectors deliver his Vote or Ticket to the Inspector of his own Township, who, on the Receipt thereof shall, with an audible Voice, pronounce the Name and Place of Abode of such Elector, and then if no Objection be made to the Vote, put the Ticket immediately into the Election-Box.

Sheriff to
procure a
Box, &c.

10. AND, in order that there may be no Difficulty or Delay at any Election for Want of a Box to deposit the Votes or Tickets in, BE IT ENACTED by the Authority aforesaid, That the Sheriff of each County shall take Care to provide one, and to deliver it to the Judges of the Election so soon as they are chosen and qualified as aforesaid; which Box shall have a good Lock and Key, and be otherwise convenient for the Purpose: And in case the Election shall happen to be adjourned, the said Box, with the Tickets locked up therein, shall be kept by such Person as a Majority of the Inspectors shall for that Purpose appoint, and the Key by some one of the Judges.

Mode of fet-
ting up the
Candidates.

11. AND, to the End that no Elector may be at a Loss to know how many Candidates there are for each Department, or who they be, BE IT ENACTED by the Authority aforesaid, That every Candidate shall be publickly nominated by some Person who is entitled to vote, and enrolled by the Clerks as a Candidate for the Council or Assembly agreeably to such Nomination before any Vote for him shall be delivered in; and the Names of the Candidates so enrolled shall be wrote in fair Characters under the Word Council or Assembly, agreeably to the said Nomination and Enrollment, and fixed up in full View at the Door of the House where the Election is held. And if any Person shall stand as a Candidate for both Departments, his Name shall be entered accordingly, and in like Manner wrote in the Paper fixed up at the Door as aforesaid; and no new Candidate shall be set up or enrolled after three o'Clock in the Afternoon of the first Day of the Election.

Clerks, their
Qualification.

12. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Clerks of the Election appointed as above directed, shall severally, before they proceed to Business, take the following Oath or Affirmation, *videlicet*, I do swear, (or, if one of the People called Quakers, affirm) that I will truly and impartially serve as one of the Clerks of this Election; that I will not enter the Name of any Elector until his Vote has been received and approved by the Inspectors; nor wilfully omit to enter the Name of any Elector whose Vote shall have been received and approved by the Inspectors.

Persons of-
fering to vote
and objected
against, their
Qualification,

13. AND IT IS HEREBY FURTHER ENACTED, That if any Person offering to vote shall be objected against by any one of the Inspectors with Regard to his Right of voting, his Vote shall not be received until he has taken the following Oath or Affirmation, *videlicet*, I do swear (or, if one of the People called Quakers, affirm) that I verily believe I am twenty-one Years of Age, and worth Fifty Pounds lawful Money clear Estate in this State; and that I am and have been for one whole Year last past an Inhabitant of this County.

14. AND

14. AND IT IS HEREBY FURTHER ENACTED, That if any Person shall, at any Election of Representatives to serve in the said Council and General Assembly, give, offer or promise any Fee or Reward, Victuals, Drink or other Entertainment, or by any undue Influence at any Time endeavour to prevail upon any Person to vote for him, or for any other Person, he shall, for every such Offence, forfeit the Sum of *Ten Pounds* lawful Money of this State, to be recovered with Costs of Suit by any Person that will sue for the same in any Court of Record where an Action of Debt to that Amount would be cognizable, one Moiety of which Forfeiture shall belong to the Prosecutor, and the other Moiety shall be paid to the Collector of the County where the Offence is committed, to be applied to the Use of such County.

Persons guilty of Bribery, what to forfeit.

15. AND BE IT FURTHER ENACTED, That if any Person shall vote for Fee or Reward at any Election to be holden for the Purposes aforesaid, he shall, for every such Offence, forfeit the Sum of *Ten Pounds*, Money aforesaid; and if any Person shall vote at such Election without being, by the Constitution of this State, entitled to vote thereat, he shall, for every such Offence, forfeit the Sum of *Five Pounds*, Money aforesaid, to be recovered with Costs of Suit by any Person that shall, within six Months after the Election is over, sue for the same in any Court where the Action shall be cognizable.

Persons voting for Fee, &c. what to forfeit.

16. AND IT IS HEREBY FURTHER ENACTED, That if any Person, at any Election to be holden as aforesaid, shall endeavour to impose upon any illiterate Person, by giving or offering to give him a fraudulent Ticket, or a Ticket containing any Name or Names other than what he shall tell him it contains, the Person so offending shall, for every such Offence, forfeit the Sum of *Ten Pounds*, Money aforesaid, to be recovered with Costs of Suit by any Person that will sue for the same in any Court of Record where the Action shall be cognizable, and disposed of in Manner aforesaid.

Impostors, what to forfeit.

17. AND IT IS HEREBY FURTHER ENACTED, That if any Person shall maliciously or advisedly propagate any false Report concerning any Candidate for a publick Office within this State, with a View to prevent his being elected to such Office, or that shall evidently tend to prevent his being so elected, he shall, for such Offence, forfeit the Sum of *Fifty Pounds*, Money aforesaid, to be recovered with Costs of Suit by any Person that will sue for the same in any Court of Record where the Action will lie, and disposed of as aforesaid.

Persons spreading false Reports, what to forfeit.

18. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That at the Close of every Election the Box containing the Tickets shall, in the Presence of the Inspectors, be opened by one of the Judges of the Election, and all the Tickets therein contained taken out by him, one at a Time, and delivered to one of the other Judges, and by him to the next Judge, who shall file it, each of them calling out distinctly while he has the Ticket in his Hand, the Names contained therein; and the Clerks of the Election shall severally enter, in distinct Columns, all the Names contained in each Ticket; and when this is done, the Number of Votes for each Candidate shall be carefully cast up, and then, by one of the Judges of the Election, distinctly and with an audible Voice be publickly declared to the People.

Mode of examining and entering the Tickets.

Proviso. 19. PROVIDED ALWAYS, That if any of the Tickets delivered in as aforesaid shall contain more Names than they ought to contain, or otherwise appear to be fraudulent, they shall not be deemed or counted as Votes.

Power given the Judges. 20. AND IT IS HEREBY FURTHER ENACTED, That the Judges of each Election, chosen and qualified as aforesaid, shall have full Power to adjourn the Election from Time to Time as Occasion may require; and also to close the same when the Votes or Tickets of all the Electors present are delivered in, or reasonable Time for that Purpose shall have been allowed.

Judges to give Certificates. 21. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That when the Election is over the Judges shall deliver under their Hands and Seals one Certificate thereof to the Person elected to serve in Council, and one to each of the Persons elected to serve in the Assembly: The Certificate for the Member of Council shall run in the following Manner, *videlicet, We do hereby certify to all whom it may concern, that at an Election this Day held in the County of* (or if it has been held more Days than one, then *at an Election in the County of begun on the Day of this Instant, and ended this Day*) *A B was duly elected to represent the said County in the Council of this State during the ensuing Year.* And the Certificates for the Members of Assembly shall run in the same Manner, save only that the Word *Assembly* shall be used instead of *Council*.

Provision in case of Refusal, &c. to serve. 22. AND IT IS HEREBY FURTHER ENACTED, That if any Person, chosen as aforesaid to serve in the said Council or General Assembly, shall neglect or refuse to take his Seat pursuant to such Election, or shall die or remove out of the County he was elected to represent, or be expelled from his Seat by a Vote of the Department to which he shall belong, or be elected a Member of the Continental Congress, then, and in every such Case, some other Person shall be elected to fill up the Vacancy; and when it shall happen to be a Member of the Council that is to be so elected, the Governor or Vice-President of the Council, and when a Member of the Assembly, then the Speaker of the House, shall issue an Order to the Sheriff of the County where such Member is to be elected, commanding him forthwith to set up Advertisements at eight of the most publick Places in the County, fourteen Days at least before Day of Election, informing the People where and when the same is to be held: And the Commissioners of Appeal within such County, required as aforesaid to serve as Inspectors at the annual Election, shall attend and serve as such at this, under the same Oaths or Affirmations which at an annual Election they are required to serve under; and the Judges and Clerks of this Election shall be chosen in like Manner as the Judges and Clerks of annual Elections are above directed to be chosen, and serve under the same Qualifications; and the Election shall in all Respects be carried on as annual Elections are above directed to be carried on, and Return thereof made in Manner aforesaid.

23. AND WHEREAS since the Election of Members to serve in the Council and Assembly for the present Year, several Vacancies have

have happened by Death, Removal, and otherwise, BE IT THEREFORE ENACTED by the Authority aforesaid, That it shall and may be lawful for the Governor or Vice-President of the Council, and for the Speaker of the House of Assembly respectively, as Occasion shall require, to issue Orders in the Manner herein before directed for supplying such Vacancies as have so happened, or may hereafter happen before the next General Election, in the said Houses, or either of them; and the Elections by Virtue of such Orders, shall be conducted, held and managed in the Manner herein before directed for Elections of the like Kind.

Vacancies for the present Year, how to be filled up.

24. AND IT IS HEREBY FURTHER ENACTED, That if any Person, presiding as Judge of any Election, shall be guilty of base or corrupt Practices, or neglect or refuse to perform any of the Duties by this Act required of him, he shall forfeit the Sum of *Fifty Pounds* lawful Money, to be recovered with Costs of Suit by any Person that will sue for the same, in any Court of Record where the Action will lie; one Moiety of which Forfeiture shall belong to the Prosecutor, and the other Moiety shall be paid to the Collector of the County where the Offence was committed, to be applied to the Use of such County.

Judges guilty of corrupt Practices, &c. what to forfeit.

25. AND BE IT FURTHER ENACTED, That if any Commissioner of Appeal, required as aforesaid to serve as Inspector, shall neglect or refuse to serve, he shall, for such his Neglect or Refusal, forfeit the Sum of *Ten Pounds*, Money aforesaid. And if any Commissioner or other Person, serving as Inspector, shall neglect or refuse to perform any of the Duties of his Office, or be guilty of manifest Partiality, or corrupt Practices therein, he shall forfeit the Sum of *Twenty Pounds*, like Money, to be recovered and disposed of in Manner last mentioned, by any Person that will sue for the same.

Inspectors neglecting, &c. what to forfeit.

26. AND BE IT FURTHER ENACTED, That if any Person, appointed and qualified as aforesaid to serve as Clerk of any Election, shall neglect or refuse to serve, or shall enter the Name of any Person as a Voter, whose Vote or Ticket shall not have been received and approved by the Inspectors, or wittingly omit to enter the Name of any Voter whose Vote or Ticket shall have been received and approved by the Inspectors, he shall, for every such Offence, forfeit the Sum of *Five Pounds*, Money aforesaid, to be recovered with Costs of Suit, by any Person that will sue for the same before any Justice of the Peace, and disposed of in Manner aforesaid. PROVIDED ALWAYS, That the said Clerks shall be allowed the Sum of *Twelve Shillings* each a Day for their Service, to be paid by the County Collector on producing a Certificate of the Time of Service, signed by one of the Judges of the Election.

Clerks neglecting, &c. what to forfeit.

Provifo.

27. AND BE IT FURTHER ENACTED, That if any Town-Clerk shall neglect or refuse to furnish the Sheriff of the County in which he lives with a Copy of the Names of the Commissioners of Appeal within his Township as above directed, or to perform any other Duty by this Act required of him, he shall, for every such Neglect or Refusal, forfeit the Sum of *Five Pounds*, Money aforesaid, to be recovered and applied in Manner last mentioned.

Town-Clerks neglecting, &c. what to forfeit.

Sheriffs neglecting, &c. what to forfeit.

28. AND BE IT FURTHER ENACTED, That if any Sheriff shall neglect or refuse to perform any of the Services by this Act required of him, he shall, for every such Neglect or Refusal, forfeit the Sum of *Twenty Pounds*, Money aforesaid, to be recovered by any Person that will sue for the same in any Court of Record where the same shall be cognizable, and disposed of in Manner aforesaid.

Members of the Legislature, their Qualifications.

29. AND IT IS HEREBY FURTHER ENACTED, That every Person who shall hereafter be elected a Member of the Council or General Assembly of this State, shall, before he takes his Seat in either of the said Departments, take the following Oaths or Affirmations, as the Case may require, and subscribe the same :

I as a Representative of the County of _____ do swear, (or, if one of the People called Quakers, affirm) that I am and have been a Freeholder and Inhabitant of the said County one whole Year last past ; and that to the best of my Knowledge and Belief I am worth (if it be a Member of Council) *One Thousand Pounds* lawful Money of this State (if a Member of the Assembly, *Five Hundred Pounds* such Money) in Real and Personal Estate within the said County.

I do sincerely profess and swear, (or, if one of the People called Quakers, affirm) that I do not hold myself bound to bear Allegiance to the King of Great-Britain.

I do sincerely profess and swear (or, if one of the People called Quakers, affirm) that I do and will bear true Faith and Allegiance to the Government established in this State under the Authority of the People.

I do solemnly declare that, as a Member of the Legislative-Council (or Assembly) of the State of New-Jersey, I will not assent to any Law, Vote, or Proceeding which shall appear to me injurious to the publick Welfare of the said State ; or that shall annul or repeal that Part of the third Section in the Charter of this State which establishes that the Elections of Members of the Legislative-Council and Assembly shall be annual ; nor that Part of the twenty-second Section in said Charter respecting the Trial by Jury ; nor that shall annul, repeal or alter any Part or Parts of the eighteenth or nineteenth Sections of the same.

Any Member empowered to tender the Oaths, &c. to his fellow Members.

30. AND BE IT ENACTED by the Authority aforesaid, That any Person elected as aforesaid to serve as a Member of either of the said Houses, shall have full Power and Authority to tender and administer the said Oaths and Affirmations, as the Case may require, to any or all of his fellow Members.

Person elected taking his Seat, without qualifying, what to forfeit.

31. AND IT IS HEREBY FURTHER ENACTED, That if any Person who shall hereafter be elected to serve in the said Council or General Assembly, shall presume to take his Seat and act as a Member of said Council or Assembly, without having taken the above Oaths or Affirmations, he shall, for every Day he so sits and acts, forfeit the Sum of *Ten Pounds*, Money aforesaid, to be recovered with Costs of Suit by any Person that will sue for the same in any Court of Record where the Action shall be cognizable ; one Half whereof shall belong to the Prosecutor, and the other Half shall be paid to the Treasurer for the Use of the State.

32. AND WHEREAS the People are now, as of Right they ought to be, vested with the Power of choosing the Sheriffs and Coroners of their respective Counties; and as these Officers are to be chosen annually at the Time of electing Representatives, BE IT ENACTED *by the Authority aforesaid*, That their Election shall also be by Ballot, and conducted by the same Officers, and in all Respects in the same Manner as the Elections of Representatives are as aforesaid to be conducted, save only that the Votes or Tickets delivered in for them shall be put into a separate Box, to be by the Sheriff of the County for that Purpose provided: And all Persons, concerned in the Election of Sheriffs and Coroners as aforesaid, who shall be guilty of any of the Offences above-mentioned, shall be liable to the Penalties herein before directed to be inflicted for such Offences; which Penalties shall severally be recovered and applied as those of the like Nature are directed as above to be recovered and applied; and the Election, when over, shall be certified to the Governor or Vice-President of the Council, under the Hands of the Judges of the Election, and four other Freeholders of the County.

Mode of choosing Sheriffs and Coroners.

33. AND IT IS HEREBY FURTHER ENACTED, That if any Sheriff or Coroner, chosen as aforesaid, shall refuse to serve, or shall die or remove out of the County in which he was elected, before the Term of his Office shall expire, the Governor, or in his Absence the Vice-President of the Council, shall commission such other Person to serve in his Stead as shall be for that Purpose recommended under the Hands of a Majority of the Justices and chosen Freeholders of the County, who shall be for that Purpose convened as soon as may be after such Refusal, Death or Removal shall take Place.

Provision in case of Refusal to act, &c.

34. PROVIDED ALWAYS, That nothing in this Act contained shall be construed to oblige the Electors in the Counties of *Morris, Essex, Middlesex, Monmouth, Cumberland or Cape-May*, to vote at their Elections by Ballot.

Proviso.

35. PROVIDED ALSO, That no Person shall be admitted to vote at any of the Elections aforesaid, before he shall have taken the Oaths or Affirmations of Abjuration and Allegiance set forth in an Act, entitled, *An Act for the Security of the Government of New-Jersey*, passed the nineteenth Day of *September* One Thousand Seven Hundred and Seventy-six; which Oaths and Affirmations the Judges of the Elections are hereby severally authorized to administer.

Voters to qualify.

36. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That this Act shall continue in Force until the second *Tuesday* in *October* which will be in the Year of Our Lord One Thousand Seven Hundred and Seventy-eight, and thence to the End of the next Sitting of the General Assembly, and no longer.

Continuance.

Sec. 269.

Passed at Haddonfield, June 4, 1777.