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REPORT

OF THE

Commission to Revise the Primary and Election Laws

TO THE LEGISLATURE, SESSION OF

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REPORT.

To the Governor and Legislature of the State of New Jersey:

The Commission which was appointed to revise, simplify, arrange and consolidate the Primary and Election Laws of this State, pursuant to a joint resolution passed March 16th, 1916, herein submits a statement of its revision of the Election Law, which revision is duly presented herewith in the form of a bill.

The first task of the Commission has been to rearrange the various election acts in such a manner that the bill presents the various subjects treated therein in a logical and consecutive manner. Conflicting sections have been reduced to one section. Superfluous language has been eliminated, and various functions of the act, such as the times fixed for performing certain duties, have, so far as possible, been standardized with the purpose of making the working of the act more intelligible to county and municipal clerks and placing all candidates for office upon an equal footing.

Your Commission has not recommended any startling innovations in the act, but it proposes some changes which it believes will have a tendency to make the duties of both candidate and voter less complicated and onerous than heretofore. No attempt is here made to give in detail minor changes in phraseology which do not substantially alter the general intent and purpose of our election system as it has heretofore prevailed. The major alterations may be very concisely summarized as follows:

The first subdivision in the act embraces the appointment of election officers. The bill eliminates the necessity of five signers to the petition for an applicant to an appointment to an election board. The applicant's personal petition, verified by affidavit and filed with the Civil Service Commission, will entitle him to receive examination. The eligibles having been determined by examination, and certified by the Civil Service Commission, are

then appointed, not by lottery as heretofore, but by the County Boards of Election. The principal reasons which actuate your Commission in proposing this change are that under the system of drawing names it too frequently occurs that a member who has served on election boards, and who is thereby better qualified by experience, may be set aside in favor of a new applicant whose knowledge of the workings of the election law is purely theoretical. The special appropriation to the Civil Service Commission in this connection has been eliminated, inasmuch as experience has proved that ten thousand dollars was more than sufficient, and it is believed that a sufficient sum can be included in the Commission's general appropriation to carry out the provisions of this act.

The second subdivision treats of nominations for office. The proposed bill fixes a maximum as well as a minimum number of signers. It provides a fixed date before which nominations may not be either signed or filed, and it specifies a fixed date and hour after which no petition may be validly filed. This provision extends to all offices without distinction. Designations of party or political principle following the candidate's name are not provided for on the primary ticket. The hours for holding primary elections have been fixed from seven o'clock A. M. to seven o'clock P. M.

In the subdivision relating to the register of voters, the proposed bill eliminates five columns or questions which the voter must answer on the registry book, and has added one new question, which is, "Are you legally qualified to vote in this district?" The questions eliminated were deemed by the Commission to be of no particular value in checking the qualifications of the voter to register or cast his vote. The proposed act provides, however, that the signature of a voter to the questions contained on the registry book shall, if false in any material particular, constitute perjury on the part of the voter signing the same. The third and last registration day in municipalities of less than ten thousand inhabitants is made the same as the last registration day in other municipalities, making the act uniform in this respect. Provision is also made that a voter absent from

the county (instead of the State, as heretofore) may register by affidavit on the last registry day. The voters voting at the preceding primary election are carried over on the registry book each year for the succeeding primary election, instead of from the poll book of the preceding general election, as heretofore.

The principal change inaugurated by the proposed bill under the subdivision of "General Elections" concerns the form of the election ballot. This form comprehends a combination of the old ballot with a modified form of what is known as the "Australian" ballot. The coupon at the top of the old ballot, for purposes of identification and checking the number of votes cast, is retained. In the body of the new ballot a separate column is provided for each recognized political party. The names of all the candidates of that party will appear in the column of the party. Columns are provided for independent parties or candidates, and an entire column is provided in which can be written or pasted the names of candidates which are not printed elsewhere on the ballot. A voter is not permitted to vote for the entire list of candidates of any one party by making a mark at the top of the party column, but the voter is obliged to place his mark opposite the name of each individual for whom he wishes to vote. This measure is a compromise between the method of the Australian ballot and the method heretofore prevailing in this State. The act provides for the condition under which any faction or body of the voting population may attain recognition as a recognized political party. An excess of ten per cent. of the registered voters has been allotted as the surplus of ballots furnished to election boards instead of double the amount, which will involve a large saving in printing bills and expenses. All referendum questions and appropriations are to be printed upon separate ballots. The use of a rail in a polling place is dispensed with, and it is provided that all voters within the doors of the room or polling place at the time of the close of the election shall be entitled to vote.

The Commission has attempted no change, modification or addition to the Corrupt Practices Act, holding that this was a separate legislative provision, and recommending that in all

respects the Corrupt Practices Act be retained, but recommending also the passage of that portion of Senate Bill No. 57 amending the Corrupt Practices Act, introduced at the present session by Senator Osborne, and reading, "The posting of any bill, placard or poster bearing the picture of any candidate for nomination to office or for election to office to any position upon any tree, telegraph or other pole or upon any wall or fence or upon the outside of any building or in the window of any building," be prohibited, but that such prohibition shall not extend to the affixing of posters or advertising matter to billboards owned or controlled by responsible advertising companies. The Commission makes this recommendation, but has not incorporated this or any part of the Corrupt Practices Act within the bill herewith submitted.

Under the subdivision relating to presidential elections, the principal change has been a provision that delegates or alternates to the National Convention must reside in the districts from which they are elected.

In providing for the payment of election expenses the line between the expenses which the municipality pays and those which the county pays has been more clearly defined, but otherwise no change has been made.

In provisions regarding county and State committees, city committees have been eliminated. The term of county committeemen has been made two years. A county chairman need not be a member of the committee. State committeemen are elected for a term of three years by the county committees at their annual meetings in the years wherein the Governor is elected.

This report and the accompanying Revision of the Election Law is respectfully submitted.

PETER J. MCGINNIS,
FREDERIC R. BROWN,
J. B. WOOLSTON,

Commission.

Dated, Trenton, New Jersey, February twenty-sixth, nineteen hundred and seventeen.