

A supplement to the act entitled "An act to regulate the election of members of the legislative council and general assembly, sheriffs and coroners in this state;" passed at Trenton the twenty-second day of February, one thousand seven hundred and ninety-seven. [Rev. 234]

*Passed November 16, 1807.*

WHEREAS doubts have been raised, and great diversities in practice obtained throughout the state in regard to the admission of *aliens, females, and persons of color, or negroes* to vote in elections, as also in regard to the mode of ascertaining the qualifications of voters in respect to *estate*.—And whereas, it is highly necessary to the safety, quiet, good order and dignity of the state, to clear up the said doubts by an act of the representatives of the people, declaratory of the true sense and meaning of the constitution, and to ensure its just execution in these particulars, according to the intent of the framers thereof;—Therefore,

Preamble.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, no person shall vote in any state or county election for officers in the government of the United States, or of this state, unless such person be a *free, white, male citizen* of this state, of the age of twenty-one years, worth fifty pounds proclamation money, clear estate, and have resided in the county where he claims a vote, for at least twelve months immediately preceding the election.

E

Who may  
vote.

2. *And be it enacted*, That in order to establish an uniform practice throughout the state, and to avoid all questions in regard to the qualification of the voter as to estate, as aforesaid, every person in other respects entitled to a vote, who shall have paid a tax, for the use of the county, or support of the state government, and whose name shall be enrolled on any duplicate list of the last state or county tax, shall be adjudged by the officers conducting the election to be worth fifty pounds clear estate, and entitled to vote for all officers of government chosen by the people at large.

Qualifica-  
tion as to  
estate.

3. *And be it enacted*, That no person shall hereafter be deemed by the officers conducting the election to be a qualified voter, in respect to estate, who has not either paid a tax, or whose name is not enrolled in the duplicate as aforesaid; except in the case of persons who may have arrived to the age of twenty-one years since the date of the last duplicate, or of persons removing from one township, wherein they have paid a tax, to another; or of persons who may have been inadvertently overlooked by the assessor, in either of which cases, such persons claiming a vote, and being in other respects qualified as before mentioned, shall be admitted, and their names entered accordingly on the tax list.

Penalty for  
offering to  
vote in an-  
other  
township,  
or to vote  
twice.

4. *And be it enacted*, That no person shall, on any occasion or pretence, be admitted to vote at any election for the purposes aforesaid, in any township except that in which he usually resides; and if any person who has already voted, shall offer himself a second time as a voter, during the same election, either at the same poll or the poll of any other township, such person so offending, shall for each offence,

forfeit and pay the sum of fifty dollars, to be recovered in an action of debt, with costs of suit, to be applied to the use of the poor of the township, where the offence is committed, and the overseer or overseers of said poor, are hereby required, on notice thereof, immediately to prosecute for the same.

5. *And be it enacted*, That if any assessor or collector shall at any time, enrol on the duplicate of assessment, the name of any person or persons not of full age, knowing him or them to be such, with intent and design of admitting such person or persons to the poll, the assessor or collector so offending, shall, for each offence, forfeit and pay the sum of one hundred dollars, to be sued for, and applied as before directed.

Penalty on  
assessor  
and collec-  
tor.

6. *And be it enacted*, That in the evening of the first day of election, the poll shall not be kept open later than the hour of nine o'clock, nor opened in the morning of the day following earlier than eight o'clock.

Time of  
opening  
and clos-  
ing the  
poll.

7. *And be it enacted*, That if any clerk of the court of common pleas, judge of election, assessor, collector, town-clerk, or other officer or person concerned in conducting the election, shall neglect, improperly delay, or refuse to perform any of the duties or services required by this or any former act relative to the election now in force, or shall knowingly admit any person to vote not qualified agreeably to this act, or shall be guilty of corruption, partiality or manifest misbehavior, in any matter or thing appertaining to said election, or shall unduly attempt to influence the election; every person so offending, shall forfeit and pay one hundred dollars, to be sued for and applied as before directed, and shall further be

Penalties  
on officers  
of election  
&c.

liable to a private action at the suit of the party injured.

Election  
officers  
may com-  
mit, &c.

8. *And be it enacted*, That for the preservation of good order, as well as for the security of the election officers from insult and personal abuse, the said officers are hereby authorized and empowered to commit any person or persons who shall conduct in a riotous or disorderly manner, and persist in such conduct after being warned of the consequences, either into the custody of a constable, or the keeper of a common gaol for any term not exceeding twenty-four hours, and said constable or gaoler is hereby required to execute said order, as tho' it had been issued or delivered in due form by a magistrate.

Oath of  
officers.

9. *And be it enacted*, That the judge of election, assessor and collector, or persons serving or acting as such, in case of their absence or disqualification, shall severally, before they proceed to receive any votes, take the following oath or affirmation:—"I, A B, do solemnly and sincerely swear (or affirm) that I will during this election, faithfully and impartially execute the duties and services required of me by law, and that I will not receive or assent to receive, the vote of any person who is not duly qualified to vote agreeably to the restrictions and provisions prescribed by law." Which oath or affirmation they are hereby respectively authorized and required to administer to each other in a public manner, at the place of opening the election.

Penalty for  
robbing  
election  
box.

10. *And be it enacted*, That if any person or persons shall at any time hereafter be found guilty of robbing or plundering the election-box, or attempting to change or alter the tickets therein contained, such offence shall be

deemed a high misdemeanor, and on conviction, the offender shall be liable to a fine not exceeding four hundred dollars, or imprisoned at hard labor, not exceeding two years, or both, at the discretion of the court.

11. *And be it enacted*, That the clerks of the common pleas in the several counties shall procure at the expense of the county, printed copies of the fourth and eighth sections of this act, and shall always transmit at least four copies thereof, with each list of nominations, to the town-clerks, who shall put up one with each of his advertisements of the election, and the list of nomination, as prescribed in the third section of the act to which this is a supplement.

Duty of  
county  
clerks.

12. *And be it enacted*, That the fourth, eleventh and fifteenth sections of the act to which this is a supplement, and every other part of the same, or any other act, coming within the provisions of this supplementary act, be and the same are hereby repealed.

Repeal.

AN additional Supplement to the acts relative to elections.

*Passed February 23, 1811.*

Sec. 1. BE IT ENACTED by the council and general assembly of this state, and it is hereby enacted by the authority of the same, That at any future election for representatives to congress, electors of president and vice-president of the United States, and members of the legislative council and general assembly, sheriff and coroners, it shall be lawful for any person being entitled to vote at any election

Printed  
tickets al-  
lowed.