

STATE RESEARCH

SECTION

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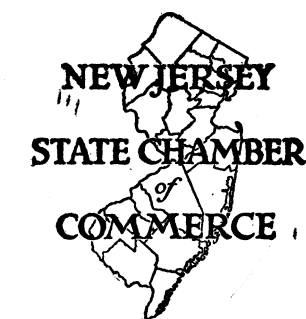
'NEW JERSEY'

No. 5, February, 1919

Consecutive No. 15

An Analytical Revision of the New Jersey Election Laws

Report of the
Bureau of State Research



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Contents and Outline of Revision

NOTE—The numbers in parenthesis following sections in this revision refer to the sections of the 1918 Pamphlet of Election Laws from which the provisions have been taken. Paragraphs having no section numbers following them are re-statements of old material revised for clarity.

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NEW JERSEY
STATE CHAMBER
OF COMMERCE

BUREAU OF STATE RESEARCH

EXECUTIVE OFFICE
CLINTON BUILDING, NEWARK
TEL. MARKET 107
February 17, 1919.

To the Board of Trustees of the
New Jersey State Chamber of Commerce.

SIRS: The Bureau of State Research of the New Jersey State Chamber of Commerce submits herewith an analytical revision of the New Jersey Election Laws prepared by its Assistant Secretary Harry Meixell, Jr., and reviewed by a committee composed of the following prominent members of each party, recommended by the Democratic and Republican State Chairmen:

Joseph A. Dear J. Hampton Fithian Elmer H. Geran John R. Hardin
Donald H. McLean Arthur N. Pierson G. Wisner Thorne John J. Treacy
Howard R. Heydon, Chairman, representing the State Chamber.

The analysis is based exclusively upon the pamphlet of election laws and instructions annually compiled and printed under the direction of the Secretary of State. This pamphlet is presumably up-to-date, complete and accurate in every detail and sets forth at the time of its publication the exact status of election procedure in New Jersey.

The foundation of New Jersey's existing election laws is the 1898 revision. However orderly and logical this revision may originally have been in the presentation of its subject matter, twenty years of alteration and enlargement have left it in a state of chaos.

The present provisions of the Act instead of applying to the few predominant types of elections contain specific references to at least fifty different types. Among these are "Other than General Elections," "Municipal Elections," "Charter Elections," Elections for this or that official, Elections for this purpose or that and a countless supply of others. Blanket provisions, cross references and many other expedients just as inadequate and unsatisfactory are used to cover all of these varieties.


The initial step in the analysis, therefore, was to list all these varieties of elections and to gather under each variety these provisions which were exclusively ascribed to it by the law. This procedure was fruitful of four things. In the first place it proved that New Jersey's conglomerate mass of election laws were filled with much useless phraseology, many deficiencies and numerous conflicts and ambiguities. In the second place, it made manifest the fact that in spite of these defects and beneath the superficialities of the numerous elections referred to there were the parts of a fairly well defined mechanism of election theory and practice. In the third place it showed that the many varieties of elections were merely excrescences upon the three main types, namely, General, Primary and Special Elections which have therefore been used exclusively in this revision. In the fourth place it made possible the assembling of the scattered parts of the election mechanism and their orderly and coherent arrangement in accordance with the outline which is set forth in the contents of this report.

This revision aims to straighten out all the defects to which attention has been called in such a way as to preserve the obvious intent of the law, or where, as in the case of certain conflicting or ambiguous provisions the intent is open to question, in such a way as to meet the evident demands of the situation. It does not touch any of the underlying principles of election procedure in this State. Furthermore, it does not change in any way the machinery for the expression of these principles.

It is hoped that the people of this State will give earnest consideration to this analytical revision as a sound basis for legislation which can bring order out of the chaos which now exists in their Election Laws.

In conclusion, recognition should be given to Mr. Harry Meixell, Jr., for the patient and able manner in which he has performed a trying and tedious task and thanks and appreciation extended to the members of the Committee for their helpful co-operation and assistance in reviewing this work.

Respectfully,


Associate Director.


Secretary.

'NEW JERSEY'

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Analytical Revision of the New Jersey Election Laws

Prepared by
HARRY MEIXELL, JR., Assistant Secretary, Bureau of State Research

Reviewed by the following Committee:

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Joseph A. Dear J. Hampton Fithian Elmer H. Geran John R. Hardin
Donald H. McLean Arthur N. Pierson G. Wisner Thorne John J. Treacy

ARTICLE I Language and Application of the Act

Language of Act

Definition of Terms

1. For the purpose of this act the following words and terms shall be deemed and taken to have the meanings herein given to them:

Election—The procedure whereby the electors of this state or any political subdivision thereof select persons to fill public office or pass on public questions.

Primary Election—The procedure whereby the members of a political party in this state or any political subdivision thereof nominate candidates to be voted for at elections, or select persons to fill party offices.

Municipality—Any city, town, borough, village or township.

Public Office—Any office in the government of this state or any of its political subdivisions now or hereafter filled at elections by the electors of such state or political subdivision.

Public Question—Any question or proposition now or hereafter required by the legislative or governing body of this state or any of its political subdivisions to be submitted by referendum procedure to the voters of such state or political subdivision for decision at elections.

Party Office—Any delegate or alternate to the na-

tional convention of a political party or any member of the state, county or municipal committees of said political party.

Application of Act

Not Applicable to Commission Governed Municipalities

2. The provisions of this act shall not apply to elections held in municipalities of this state under the provisions of Chapter 221, Public Laws of 1911, approved April 25, 1911; and the amendments and supplements thereto except in such cases where this act is referred to.

Not Applicable to Special Elections Authorized by Charters of Certain Municipalities

3. The provisions of this act shall not apply to special elections authorized by charter to be held in certain municipalities of this state except in so far as this act is required to be applied.

Referendum Procedure

4. Except as in this act otherwise provided the provisions for the selection of public and party offices shall also apply to the determination of public questions under the referendum procedure so far as may be.

ARTICLE II Elections

Types Authorized

1. Hereafter no elections shall be held under the provisions of this act in this state or in any of the political subdivisions thereof except the general election and special elections; and no primary elections shall be held under the provisions of this act except the primary for the general election, primaries for special elections, and primaries for the selection of delegates and alternates to the national convention of political parties.

Time for Holding General and Special Elections

2. The general election shall be held on the Tuesday next after the first Monday in November in each

year. Special elections shall be held on the days hereinafter provided for the purpose in this act or in any other act of this state relative thereto.

Time for Holding Primary Elections

3. The primary for the general election shall be held on the fourth Tuesday of September in each year. Primaries for special elections shall be held not earlier than thirty nor later than twenty days prior to such special elections. The primary for the election of delegates and alternates to the national conventions of political parties shall be held on the fourth Tuesday of April in each presidential year.

ARTICLE III Offices and Questions

General Provisions

Classification

1. Public offices, public questions and party offices shall be divided and classified as follows: Those voted for by the electors of the state or of more than one county thereof; those voted for by the electors of a county or of more than one municipality thereof; those

voted for by the electors of a municipality or of any portion thereof.

Public Offices and Questions Decided at General and Special Elections

2. All public offices in this state or any of its political subdivisions shall be filled and all public questions to be voted for by the voters of the entire state

shall be decided at the general election as hereinafter provided. All vacancies in said public offices shall be filled and all public questions except those to be voted for by the voters of the entire state shall be decided at special elections unless otherwise provided for in this act or in any other acts applicable thereto.

Party Offices Selected at Primary Elections

3. Delegates and alternates to the national conventions of said political parties shall be elected at the primary for the election of delegates and alternates held on the fourth Tuesday of April in each presidential year as herein provided. The aforesaid members of said state, county and municipal committees of said political parties shall be chosen at the primary for the general election as hereinafter provided.

Basis of Election to Office

4. At every 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.

Office Holding Restrictions

5. No person 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 United States senate, member of the house of representatives of the United States, member of the senate or of the general assembly of this state, county clerk, register, surrogate, sheriff or coroner. No person shall be elected an elector of president and vice-president of the United States unless he 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 shall have been a citizen of the United States seven years next preceding such election; and provided further, 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. (3; 84; 93; 183)

Basis of Determination of Public Questions

6. At every election any public question to be voted for thereat shall be deemed and taken to be approved when that percentage of the legal voters of the state or of any subdivision thereof as required by the statute authorizing the proposal of said question shall vote in favor of its adoption. For the purpose of this act it is hereby declared that the intent and meaning in any such statute of the words "legal voters" are persons entitled to vote, and who do vote, at the time and in the manner prescribed in and by such statute upon the question submitted; and that for the purpose of ascertaining what is said percentage of the legal voters of any district defined in such statute, upon the question herein directed to be submitted, the persons who do not vote at such election, and the persons who do not vote upon the question, and the persons whose ballots may be declared invalid, shall not be estimated, counted or considered for the purpose of ascertaining what is said percentage of the legal voters in such district, with respect to the question submitted. (185.)

Conditions Under Which Nominations or Elections to Public or Party Office Are Null and Void

Office Forfeited by Non-filing of Statement or Filing of False Statement

7. If any candidate for nomination for or election to any public office or party position, or the campaign manager of any such candidate, shall fail to file any statement required by this act to be filed, at the time, place and in the manner required by this act, and duly verified as herein required, or shall file any false statement, the nomination or election of such candidate, if nominated or elected at the primary or other election concerning which such statement shall have been filed, shall be null and void. (533 Sec. 48.)

Office Forfeited by Excess or Unauthorized Expenditures

8. If any money, or other thing of value, shall be paid, promised or expended, or any liability incurred in excess of the amount permitted by this act, or for any purpose, or in any manner not authorized by this act, by or on behalf of any candidate for nomination for or election to any office or party position, or in furtherance or in aid of his candidacy, whether such money or other thing of value was paid, promised or expended, or such liability incurred by the candidate or his campaign manager, or by any other person, corporation, association or committee whatsoever, the nomination or election of any such candidate at such primary or other election in connection with which such illegal expenditure was made or liability incurred, shall be null and void; *provided, however*, that any candidate or the campaign manager of any candidate, may disavow any expenditure made or liability incurred in behalf of such candidate and without his authorization or the authorization of his manager by filing in the public office in which the statement of moneys expended by or on behalf of such candidate is required to be filed, within five days after his first knowledge of such expenditure or of the incurring of such liability, a statement signed by such candidate, or by his campaign manager, disavowing such expenditure. When any such statement is filed, as aforesaid, the amount of such expenditure shall not be counted for the purposes of this act as a part of the money expended in aid of the candidacy of such candidate, unless such disavowal was not made in good faith. If no such disavowal is filed within the time aforesaid, it shall be conclusively presumed that such moneys were expended with the knowledge and consent of such candidate or his campaign manager if it appear that either said candidate or his campaign manager had knowledge of such expenditures or by reasonable diligence could have obtained such knowledge. (533 Sec. 48.)

Office Not Void in Case of Mitigating Circumstances

9. When upon the trial of any action or proceedings instituted under this act for the purpose of securing a determination that any nomination for or election to any public office or party position is null and void, it shall appear from the evidence that the offense complained of was not committed by the candidate, or with his knowledge or consent, and that

all reasonable means were taken by or on behalf of the candidate to prevent the commission of any such offense, or that the offenses complained of were trivial or unimportant in character, and that in all respects his candidacy and election were free from all offensive or illegal acts, or that any act or omission of any candidate complained of arose from accidental miscalculation or from some other reasonable cause of like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the court or Supreme Court justice to be unjust that the candidate shall forfeit his nomination, position of office, then the nomination or election of such candidate shall not by reason of such offense complained of be void. (534 Sec. 49.)

Effects of Null and Void Nominations or Elections and the Enforcement Thereof

Nomination Void; Name Not Printed on Ballot

10. In case it shall be determined in the manner hereinafter provided, that the nomination for any office of any successful candidate at any primary election is null and void, then in case such determination shall have been made ten days before the election at which the candidates nominated at said primary election are to be voted for, an order shall be made by the court or judge making such determination prohibiting the printing of the name of such candidate on the ballot to be used at such election, and the name of the candidate for nomination or party position at such primary election receiving the next highest number of votes shall thereupon be printed upon said ballot as the nominee for said office. (535 Sec. 50.)

Candidate Elected; No Certificate Delivered

11. In case such determination shall not have been made ten days prior to the election at which the candidates at such primary election are to be voted for, and in case the said candidate shall be elected at such election to the office for which he claimed nomination under such void primary as aforesaid, then no certificate of election shall be delivered to such candidate, and the election for the office for which such person was a candidate shall be null and void. (535 Sec. 50.)

Certificate Delivered; Certificate Void

12. If such determination shall have been made after the delivery of the certificate of election to such candidate, then such certificate of election shall be null and void, and the said candidate shall not be inducted into the office for which such certificate of election was issued. (535 Sec. 50.)

Candidate Inducted Into Office; Quo Warranto Proceedings

13. In case such determination shall not have been made until after said candidate has been inducted into office, then upon a certified copy of the record of such determination being sent to the Attorney General, it shall be the duty of the Attorney General to institute quo warranto proceedings for the vacation of such office; *provided, however*, that in case the said record relates to the election of any candidate for the office of United States Senator, Member of Congress, State

Senator or Member of the House of Assembly, the Attorney General, instead of instituting quo warranto proceedings for the vacation of said office, shall send such certified copy, within five days after the same is received by him, to the United States Senate, the House of Representatives, the State Senate or the House of Assembly, as the case may be, if such United States Senate, House of Representatives, State Senate or House of Assembly is then in session, and if not then in session, then on the first day of such session. (535 Sec. 50.)

Election Void; No Certificate Delivered

14. In case it shall be determined in the manner hereinafter provided, that the election to any office of any candidate at any election, is null and void, then no certificate of election shall be delivered to the candidate whose election shall have been determined to be null and void, as aforesaid. (536 Sec. 51.)

Certificate Delivered; Certificate Void

15. If such determination shall have been made after the delivery of the certificate of election to such candidate, then such certificate of election shall be null and void, and the said candidate shall not be inducted into the office for which such certificate of election was issued. (536 Sec. 51.)

Candidate Inducted Into Office; Quo Warranto Proceedings

16. In case such determination shall not have been made until after such candidate shall have been inducted into office, then upon a certified copy of the record of such determination being sent to the Attorney General, it shall be the duty of the Attorney General to institute quo warranto proceedings for the vacation of such office; *provided, however*, that in case the said record relates to the election of any candidate to the office of United States Senator, Member of Congress, State Senator, or Member of the House of Assembly, the Attorney General, instead of instituting quo warranto proceedings for the vacation of such office, shall send such certified copy, within five days after the same is received by him, to the United States Senate, the House of Representatives, State Senate or House of Assembly, as the case may be, if such United States Senate, House of Representatives, State Senate or House of Assembly is then in session, and if not then in session, then on the first day of such session. (536 Sec. 51.)

Party Position Void; No Certificate Delivered

17. In case it shall be determined in the manner hereinafter provided, that the election of any person to any party position is null and void, then no certificate of election shall be delivered to the candidate whose election shall have been determined to be null and void, as aforesaid. (537 Sec. 52.)

Certificate Delivered; Certificate Void

18. If such determination shall have been made after the delivery of the certificate of election to such candidate, then such certificate of election shall be null and void, and whether such determination shall have been made before or after the delivery of a certificate of election, a certificate of election shall be

delivered to the candidate having the next highest number of votes. (537 Sec. 52.)

Procedure When Certificate Has Been Delivered to Delegates to National Convention

19. In case of any delegate at large or district delegate to any national convention, whose election shall have been declared null and void under this act, after a certificate of election has been issued to him, it shall be the duty of the Attorney General to transmit to the said convention a certified copy of the judgment and determination of the Supreme Court justice declaring said election void, to the end that the certificate of election issued to the person having the next highest number of votes for said party position may be honored by said convention. Any delegate at large or district delegate to any national convention to whom a certificate of election shall have been delivered, which certificate shall have been declared null and void after such delivery, shall, upon the service upon him of a certified copy of the determination of the Supreme Court justice declaring such certificate null and void, forthwith surrender such certificate to the Clerk of the Supreme Court. (537 Sec. 52.)

Nomination or Election Null and Void; Candidate Not Eligible to Fill Vacancies

20. A candidate nominated for or elected to an office, whose nomination or election has been annulled and set aside for any reason mentioned in this act, shall not, during the period fixed by law as the term of such office, be appointed to fill any vacancy which may occur in such office; *provided*, that this provision shall not apply to appointments to any office the qualifications for which are prescribed by the constitution of this State or of the United States. (543 Sec. 58.)

Candidate Removed From Office; Not Eligible to Fill Vacancies

21. A candidate or other person who is removed from or deprived of his office for any offense mentioned in this act shall not, during the period remaining as the unexpired term of such office, or during the period fixed by law as the next ensuing term of such office, be appointed to fill any vacancy which may occur in such office; *provided*, that this provision shall not apply to appointments to any office the qualifications for which are prescribed by the constitution of this State or of the United States. (543 Sec. 58.)

Appointments Null and Void

22. Any appointment to an office made in violation of or contrary to the provisions of this section shall be void. (543 Sec. 58.)

Nomination or Election Null and Void; Vacation of Office

23. When the nomination or election of any person to public office within this State or any of its political subdivisions shall have been declared null and void, said person shall remove or be removed from said office. It shall be lawful for the Attorney General to institute quo warranto proceedings to remove from office any person whose nomination or election shall be void under the provisions of this act, whether

or not such nomination or election shall have been determined to be void in the manner specially provided by this act. In any quo warranto proceedings instituted for the purpose of vacating any office in accordance with the directions contained in this act, the finding of the Circuit Court or Supreme Court justice that the nomination for or election to such office is null and void, shall be admissible in evidence on the part of the relator and shall be prima facie evidence in any such proceedings of the invalidity of such nomination or election. (539 Sec. 54; 540 Sec. 55.)

Right to Seek Recovery of Office Unabridged

24. Nothing in this act contained shall abridge any right which any claimant to any office might otherwise have to institute proceedings for the recovery of such office, notwithstanding the fact that his nomination for or election to such office may have been declared null and void in the summary proceedings above referred to, but in any such action instituted by any such claimant, the determination of the Circuit Court or justice of the Supreme Court shall be admissible in evidence and shall be prima facie evidence of the facts therein recited and of the invalidity of such nomination or election. (539 Sec. 54.)

Vacancies in Public Office and Their Filling

Causes of Vacancies

25. When any person shall remove or be removed from office because the nomination or election of such person to public office has been declared null and void, said office shall be deemed and taken to be vacant. Whenever 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, the said office shall be deemed and taken to be vacant. Whenever 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 he shall not be permitted to qualify or take such new office until he shall have formally relinquished the office which he may have been holding. When 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. When 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 the State, or of the county for which he may have been elected, his office shall be deemed vacant. (93; 134; 184)

Filling Vacancies in United States Senate

26. If a vacancy shall happen in the representation of this State in the United States Senate, said vacancy shall be filled at the general election next

succeeding the happening thereof, unless such vacancy shall happen within thirty days next preceding such election, in which case such vacancy shall be supplied by election at the second succeeding general election, unless the governor of this State shall deem it advisable to call a special election therefor, which he is authorized hereby to do. The Governor of this State hereby is authorized and empowered to make temporary appointments of Senators of the United States from this State whenever vacancies shall occur by reason of death, resignation or for any cause other than the expiration of their term; and such appointees shall serve as such Senators until a special election or general election shall have been held pursuant to law, and the Board of State Canvassers can deliver to their successors certificates of election. (136; 442 Sec. 1.)

Filling Vacancy in United States House of Representatives

27. Whenever any vacancy or vacancies shall happen in the representation of this State in the United States House of Representatives, it shall be the duty of the Governor to issue a writ or writs of election to fill such vacancy or vacancies, unless the term of service for which the person or persons whose office or offices shall become vacant will expire within six months next after the happening of such vacancy or vacancies. (135)

Filling Vacancy in State Senate or General Assembly

28. Whenever any vacancy shall happen in the representation of any county in the senate or general assembly of this State while such senate or general assembly are in session, the house in which such vacancy happens shall direct a writ for a special election to be held for supplying the same, unless such

house shall be of the opinion that the services of a person in the office then vacant will not be required during the unexpired period of the legislative year. If such vacancy happens during the recess of the legislature, or after the annual election, and not less than fifteen days before the commencement of the legislative year it shall be the duty of the governor forthwith to issue a writ for a special election to be held 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; *provided*, that 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, and, *provided, moreover*, that if the board of chosen freeholders of such county in any event shall signify in writing to the governor, 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 for a special election to fill such vacancy. (133.)

Filling Vacancies Other Than United States Senator, Member of Congress, State Senator, General Assemblyman.

29. Any vacancy happening in any public office other than that of United States Senator, Member of Congress, State Senator, Member of the House of Assembly, shall be supplied at the general election next succeeding the happening thereof, unless such vacancy shall happen within fifteen days next preceding such election, in which case such vacancy shall be supplied at the second succeeding general election. (139; 538 Sec. 53.)

ARTICLE IV

The Electorate

The Right of Franchise

Qualifications

1. Every person possessing the qualifications required by the constitution, and having none of the disqualifications mentioned therein, and being duly registered as required by this act, shall be entitled to vote in the polling place assigned to the election district in which he actually resides, and not elsewhere. The term "election district" as herein used shall be construed to mean the territory within which or for which there is a polling place for all voters therein. (69; 71; 214; 359 Sec. 43.)

Privileges on Election Day

2. No person who shall have a right to vote at any election shall be arrested by virtue of any civil process on the day on which such election shall be held. (70)

Election Districts

Number of Electors to a District

3. No election district within this state shall contain more than four hundred voters, except in an election district wherein there may be located a home or insti-

tution wherein persons entitled to vote may reside, and in any such district the number of voters shall be as near four hundred as possible; *provided, however*, that election districts in counties having a population of less than sixty thousand inhabitants may contain five hundred voters. (318 Sec. 1.)

Redistricting

4. Whenever hereafter at any general election, in any election district, over four hundred votes shall have been cast, the governing board or body of the municipality wherein such election district shall lie, shall readjust the boundary lines of the election districts of said municipality so that no election district shall contain over three hundred and fifty registered voters, and for this purpose shall have power to consolidate any number of districts and resubdivide the same; *provided*, that in every division, change or readjustment the geographical compactness of each district shall be maintained and the lines of such district shall not extend beyond the boundary lines of the ward in the municipality in which such district is located; *provided, further*, that it shall not be lawful for such board to make division of any election district between the

twentieth day of April and the day of the general election in any year. (318 Sec. 1.)

County Clerks to Transmit Registers to Municipal Clerks

5. The clerk of any municipality may make application to the justice of the supreme court holding the circuit court in his county, for an order directing the county clerk of such county to transmit to such municipal clerk the registry books of any election district in his municipality, for the purpose of such redistricting, which order shall direct the time within which such

registry books shall be returned to such county clerk. (318 Sec. 1.)

Readjusted Districts to Be Recorded

6. Whenever any readjustment of the boundaries of an election district has been made, the governing board making such readjustment shall immediately cause a description of the boundaries of such readjusted district to be filed in the county clerk's office and a duplicate thereof in the office of the clerk of the municipality wherein such readjustment has been made. (319 Sec. 2.)

ARTICLE V Political Parties

Membership

Definition

1. A political party within the meaning of this act shall be a political party which at the election for members of the general assembly next preceding the holding of any primary election held pursuant to this act polled for members of the general assembly at least five per centum of the total vote cast in the territorial district or division in and for which nominations are made or delegates are chosen. (242 Sec. 3.)

Powers

2. Said political parties may nominate candidates for public office, elect committees for the party within such municipality, county or state, as the case may be, and in every other respect may exercise the rights and shall be subject to the restrictions herein provided for political parties.

Municipal Committee

Membership and Organization

3. The members of the municipal committees of political parties shall be elected annually by election districts at the primary for the general election in the manner provided in this act for the selection of party candidates to be voted for at the general election by the voters of a municipality. The members of said municipal committee shall take office on the first Saturday following their election, on which day the terms of all members of such committees theretofore elected shall terminate. The annual meeting of each municipal committee shall be held not later than twenty days after the general election, at an hour and place to be designated in a notice to be given by the chairman thereof, at which annual meeting the members of each committee shall elect one of their number as chairman to hold office for one year or until his successor is elected. Such chairman shall preside at all meetings of his committee, and shall perform all duties required of him by law and the constitution and by-laws of such committee. Such municipal committee shall have power to adopt a constitution and by-laws for its proper government. A member of a municipal committee of any political party may resign his office to the committee of which he is a member, and upon an acceptance thereof by the committee a vacancy shall exist. Vacancies in the office of a member of a municipal committee of any political party shall be filled for

the unexpired term by the remaining members of said committee in the municipality in which such vacancy shall occur. (245 Sec. 6; 382 Sec. 66; 506 Sec. 21.)

County Committee

Membership and Organization

4. The members of the county committees of political parties shall be elected annually by election districts at the primary for the general election in the manner provided in this act for the selection of party candidates to be voted for at the general election by the voters of a municipality. The members of the county committee of each of the political parties, hereafter elected, shall take office on the first Saturday following their election, on which day the terms of all members of such committees heretofore elected shall terminate. The annual meeting of each county committee shall be held not later than twenty days after the general election at an hour and place to be designated in a notice to be given by the chairman thereof, at which annual meeting the members of such committee shall elect one of their members as chairman to hold office for one year, or until his successor is elected. Such chairman shall preside at all meetings of his committee and shall perform all duties required of him by law and the constitution and by-laws of such committee. Said committee shall have power to adopt a constitution and by-laws for their proper government. A member of a county committee of any political party may resign his said office to the committee of which he is a member, and upon an acceptance thereof by the committee a vacancy shall exist. Vacancies in the office of a member of the county committee of any political party, caused by death, resignation or otherwise, shall be filled for the unexpired term by the remaining members of the county committee of such political party in the county in which such vacancy shall occur. (245 Sec. 6; 382 Sec. 66; 383 Sec. 67; 450 Sec. 1; 451 Sec. 2; 506 Sec. 21.)

State Committee

Membership and Organization

5. At the primary for the general election of the year wherein a Governor is to be elected, a member of the state committee of each of said political parties shall be elected in each county. The members of the state committee of each of the political parties hereafter elected shall take office on the

first Saturday following their election, on which the terms of all members of such committees heretofore elected shall terminate. The annual meeting of such state committee shall be held not later than twenty days after the general election, at an hour and place to be designated in a notice to be given by the chairman thereof, at which annual meeting the members of said committee shall elect one of their members as chairman to hold office for one year, or until his successor is elected. Such chairman shall preside at all meetings of his committee and shall perform all duties required of him by law and the constitution and by-laws of such committee. Said committee shall have power to adopt a constitution and by-laws for their proper government. A member of a state committee of any political party may resign his said office to the committee of which he is a member, and upon an acceptance thereof by the committee a vacancy shall exist. Vacancies in the office of a member of the state committee of any political party, caused by death, resignation or otherwise, shall be filled for the unexpired term by the remaining members of the state committee of such political party in the county in which such vacancy shall occur. Members of the state committee shall serve for three years or until their successors are elected. Said state committee shall choose its chairman and the member or members of the national committee of their political party. (381 Sec. 65; 506 Sec. 21.)

Party Maintenance

6. It shall be lawful for any state committee, county committee or municipal committee of any political party to receive and disburse moneys for the general purposes of maintaining such organization during the whole or any part of the year. The expenses for maintenance of organization shall be confined to the hiring of suitable rooms for meetings of the said committee, for stationery, for hiring of necessary clerks, for the expenses of notices of the meetings of such committee, and other expenses incidental to the maintenance of said organization. Within ten days after the annual organization of such state, county or municipal committee, which shall not be in any event more than twenty days after the day of the general election, it shall be the duty of the person who has had the custody of the moneys contributed to or on account of any state, county or

municipal committee during the previous year, to file with the Secretary of State in the case of the state committee, and with the county clerk in the case of the county or municipal committee, a statement of the amount of money received by or on behalf of said committee during the previous year, together with the names and addresses of the persons from whom such money was received, and also a statement of the purposes for which said money was expended, itemized as to all items in excess of five dollars, and with a general statement as to the purposes for which the items less than five dollars were expended. The person making such statement shall make affidavit that the same is true. (506 Sec. 21.)

State Convention

Composition; Time and Place of Holding

7. There shall be held in each year a state convention of each of the political parties aforesaid. The said state convention of each party shall be made up of the following members: First, the party candidates who have been nominated at the party primaries in September immediately preceding the convention for the office of member of assembly or state senator in each county of the state; second, the candidate of the party for governor nominated at the said primaries in the year in which a governor is elected, and in each year in which no governor is elected the governor of the state shall be a member of the convention of the political party to which he belongs; third, members of the state senate belonging to said party who are holding office at the time of the holding of the said state convention and whose successors are not to be chosen at the ensuing general election; fourth, members of the state committee chosen as herein provided. The said convention of each party shall be held at the city of Trenton on the Tuesday following the holding of the primary election in each year. The place and the hour at which the convention shall meet shall be fixed by call of the existing state committee, to be issued at least five days prior to said date of meeting. If no call is issued by the state committee, any person qualified to sit in said convention may issue a call. Said convention of each party shall have power to adopt and promulgate a party platform for said party, and to transact such other business as may properly come before it. (381 Sec. 55.)

ARTICLE VI

Election Officials

District Boards of Registry and Election

Composition

1. The district boards of registry and election in each election district of this state shall consist of four members, who shall be appointed by the county board of elections of the county in which such election district is located, in the manner hereinafter provided. (475 Sec. 2.)

Volunteers for Service

2. Any legal voter may volunteer for service as a member of a district board of registry and election of

the municipality in which he resides, and any person, whether male or female, who is a citizen of the United States over twenty-one years of age, and who shall have been regularly appointed as a teacher in any public school of any municipality in this state, which now has, or hereafter shall have, a population of over ten thousand, may volunteer for service as a member of a district board of registry and election of such municipality. Any such volunteer shall send his or her name and address to the county board of elections on a blank form to be prepared for that purpose by such board. On such form such person shall, if a legal voter, state

the political party to which he belongs, and if not a legal voter, may state whether or not he or she has any preference for any political party, and, if so, for which party. (476 Sec. 3.)

List of Eligibles

3. The names of the persons so volunteering, as aforesaid, shall be placed by said county board of elections on the eligible list for members of district boards of registry and election in the municipalities for which they shall have respectively volunteered. The county board of elections of any county shall also select and place on said eligible list for each municipality in said county as many legal voters residing in said municipality as may in its discretion be advisable, and for the purpose of selecting such persons the said county board of elections may have access to the grand jury list of said county. (474 Sec. 4.)

Selection of Members

4. From the eligible list for each municipality in said county, prepared in the manner above stated, such county board of elections shall appoint the members of the district boards of registry and election; *provided*, that said county board of elections shall not discriminate against any volunteer not a legal voter of the municipality for which such person volunteers because of any failure on the part of such person to state his or her preference for any political party; *provided*, that not more than two persons who are not legal voters of said municipality, not more than one of whom shall have stated in the manner above provided a preference for the same political party, shall be appointed as members of the same district board of registry and election; *provided*, that members of any district board of registry and election, who are legal voters of the municipality for which said board shall be appointed, shall be equally apportioned among each of the two political parties which at the last preceding general election cast the largest and next largest number of votes respectively in this state for members of the general assembly. (476 Sec. 3.)

Excuse From Service

5. Any person other than a volunteer who shall have been selected as a member of a district board of registry and election shall, upon making application to the judge of the court of common pleas prior to the twentieth day of August, be entitled to be excused from service upon showing that he has served on any such board in such county within four years next preceding such application, or upon showing some other good cause. In the event that any such person or persons are thus excused from service, the said judge of the court of common pleas shall forthwith notify members of the county board of elections, who shall forthwith appoint other members. (480 Sec. 7.)

Assignment of Members to Election Districts

6. Any person selected as a member of a district board of registry and election may be assigned by the county board of elections to any election district in the municipality for which such person was selected, and the county board of elections shall, on or before the twentieth day of August in each year in which members of district boards of registry and elections are to

be appointed, certify to the sheriff and also to the clerk of the county in which such county board sit the names of the persons appointed to the district boards of registry and election in the election districts in said county, specifying the municipalities and the districts therein for which such members shall have been appointed. (478 Sec. 5; 482 Sec. 9.)

Term of Office

7. The terms of office of the members of the district boards of registry and election shall begin on September first, and such sheriff shall summon, on or before the first day of September, such persons for service as members of such district board of registry and election in the manner in which members of the grand jury of said county are or hereafter shall be required by law to be summoned, specifying the district in which the person so summoned shall sit and the location of the polling place in which his duties are to be performed. (17; 478 Sec. 5; 479 Sec. 6.)

Obligations of Service

8. Every person so summoned shall attend at the times and places now or hereafter fixed by law for the performance of any duty now or hereafter required of any member of a district board of registry and election. (18; 479 Sec. 6.)

Organization of the Board

9. Each of said boards shall, on the seventh day next preceding the first day of registration for the general election, meet together and organize by the election of one of its members as judge, who shall be chairman of said board, and another of its members as inspector; such judge and inspector shall be members or favorers of different political parties. 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 next oldest member of the board in years shall become the inspector; *provided*, that both chairman and inspector shall not be members or favorers of the same political party. The other two members of the board shall be clerks of election, and shall perform all the duties required by law of the clerks of district boards of registry and election. (19.)

Oath of Office

10. The members of said district boards of registry and election shall, before entering upon the performance of their duties, 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, to the best of their skill and ability, which oaths and affirmations shall be forthwith forwarded to the county clerk, and by him filed in his office, and after qualification as aforesaid, any member of either of said boards may, at any meeting thereof, administer any oath or affirmation required or permitted to be taken by this act. (16.)

Vacancy Arising by Member Becoming Candidate for Office

11. The office of a member of a district board of registry and election in any election district in this state shall be deemed vacant upon such member be-

coming a candidate for any office to be voted upon at any primary, general election, or special election at which it shall be his duty to serve, said candidacy to be determined by the filing of a petition of nomination, duly accepted by such member, in the manner provided by law. It shall be the duty of the municipal or county clerk with whom such petition and acceptance may be filed to forthwith notify the judge of the court of common pleas of the county in which said election district is located, giving the name and residence of the member of the district board of registry and election who has thus become a candidate, and the vacancy shall be filled as provided by law. (475 Sec. 1.)

Filling of Vacancies

12. Any vacancy arising in any district board of registry and elections otherwise than by expiration of term, shall be filled for the unexpired term only, by the judge of the court of common pleas of the county in which such district is situated. Such judge shall send the name and address of the person so appointed, and the name of the district in which such vacancy shall exist, to the sheriff, and the person so appointed shall be summoned for service in the manner above provided. (478 Sec. 5.)

Appointment of Boards for Changed or New Election Districts

13. Whenever the boundaries of any election district in any municipality within this state shall have been changed or any new district created between the time of holding the general election and the time of holding the next primary or special election, or where the boundaries of any election district shall not be the same as at the general election, it shall be the duty of the county board of elections, on being notified thereof, to appoint a district board of registry and election for such election district, in the manner hereinbefore provided for the appointment of district boards of registry and election. (31)

Constable Powers of Members

14. The district boards of registry and election of every election district shall 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 each member of every such board, during the progress of any election and the counting and canvassing of the votes, shall be and hereby is invested and charged with all the powers and duties of constables of this state in criminal matters; said election boards, or any two members of them, may, by writing under their hands whenever in their opinion it shall be necessary to do so, request the municipal authorities of any municipality within which their district 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 shall forthwith be complied with as far as possible by the body or officer to whom the same is made. (83.)

Attendance of Policemen in Election Districts (Municipalities Over 10,000)

15. It shall be the duty of the board or official hav-

ing charge of the police department in each municipality having a population of more than ten thousand to assign at least one policeman to each district board of registry and election to maintain order during the hours of registry and election, and to assist the members of said board in carrying the ballot box to the office of the municipal clerk after the ballots are counted. (485 Sec. 12.)

County Boards of Elections

Composition

16. The county board of elections shall consist of four persons, who shall be legal voters of the counties for which they are respectively appointed. Two members of such county board shall be members of the political party which at the last preceding general election cast the largest number of votes in this state for members of the general assembly, and the remaining two members of such board shall be members of the political party which at said election cast the next largest number of votes in the state for members of the general assembly. (474 Sec. 1.)

Appointment

17. The members of such board shall hereafter be appointed in the following manner: The supreme court justice holding the circuit in the county in which such appointment is to be made and the judge or judges of the court of common pleas in such county shall annually on or before the first day of July, certify to the governor the names of two persons, one from each of the political parties aforesaid, qualified under this act to serve as members of the county board of elections of such county; *provided, however*, that the governor may at any time before the twentieth day of said month of July reject the names so certified to him and require such justice of the supreme court and judge or judges of the court of common pleas to certify other names. On or before the first day of August of each year the governor shall commission the persons whose names are so certified as members of the county board of elections of such county. If such justice of the supreme court and such judge of the court of common pleas shall fail to certify a name or names satisfactory to the governor on or before the first day of August, the governor shall appoint a person or persons qualified under this act and commission them as members of the county board of elections. (474 Sec. 1.)

Term of Office

18. Said members shall hold office for the term of two years from the first day of August next after their appointment. (474 Sec. 1.)

Filling of Vacancy

19. In case of a vacancy arising in any county board of elections from any cause other than expiration of term, the justice of the supreme court and the judge of the court of common pleas shall forthwith certify to the governor the name of a person qualified to fill such vacancy, and the governor shall commission such person for the unexpired term, unless within ten days after such certification he shall reject such person, and shall require such justice of the supreme court and judge or judges of the court of common pleas to certify another name. If such justice of the supreme court

and judge or judges of the court of common pleas shall not certify the name of a person satisfactory to the governor within five days after such notice or rejection, the governor shall appoint a qualified person to fill such vacancy for the unexpired term, and shall commission him accordingly. (474 Sec. 1.)

Office of the Board

20. Said county boards of election 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. (13)

Organization

21. 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, or other place provided as aforesaid, 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 be members of the same political party. In case of a 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, provided that the chairman and secretary shall not be members of the same political party. (14)

Oath of Office

22. The members of said county boards of election shall, before entering upon the performance of their duties, 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, to the best of their skill and ability; which oath or affirmation shall be forthwith forwarded to the county clerk, and by him filed in his office, and after qualification as aforesaid, any member of either of said board may, at any meeting thereof, administer any oath or affirmation required or permitted to be taken by this act. (16)

Board of County Canvassers

County Board of Elections to Act

23. For the purposes of this act, the county board of elections in each county shall hereafter be and act as a board of county canvassers for said county. The clerk of the county shall be the clerk of the said board. (102)

ARTICLE VII

Election Quasi-Officials

Agents or Challengers

Appointment

1. 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

Board of State Canvassers

Composition

24. The board of state canvassers shall consist of at least five persons, including the chairman, who shall be the governor of this state. The remaining members of said board of state canvassers shall be members of the senate, provided said members shall represent each political party in the senate. The secretary of state shall be the clerk of said board. Said board shall meet at such times and places as the governor, as chairman thereof, shall determine. (119; 122)

Provisions Applicable to All Election Officials

Proceedings Open and Public

25. All the proceedings of the district board of registry and election, county board of elections, boards of county canvassers and board of state canvassers shall be open and public.

A Majority Necessary for Decisions

26. A decision of the major part of the members thereof, who shall be present at such meeting thereof, shall be deemed and taken to be the decision of such board; and if any member 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 in the case of the State Board of Canvassers to the Secretary of State and in all other cases to the clerk of the county, who shall file the same in his office. (32; 117; 129.)

Power to Maintain Regularity and Order

27. The district board of registry and election in each election district, the county boards of election, the board of county canvassers 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 three 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 shall 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. (186)

the voters within said county or said political division thereof greater than a single municipality, 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 two agents for each election district 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 also act as an agent as herein provided and may likewise appoint two agents for each district; provided, however, that only two agents shall be allowed for each election district to represent all the candidates nominated in and by the same petition or group of petitioners. 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 county board of elections five days before the election. (63; 264 Sec. 25.)

Issuance of Permit

2. Such county board of elections 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 filed by the persons named therein with the board of election in

the district named therein, as evidence of their authority to be present in the polling place, and such permits may be issued and revoked and others issued 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. (63; 264 Sec. 25.)

Powers

3. Such agents shall be the authorized agents and challengers for their respective parties and candidates, and shall be at liberty to challenge the right to vote therein of any person claiming such right; said agents may be present inside the railed inclosure while the votes cast at any election at which they were agents are being counted, and hear and see said ballots counted. (63; 264 Sec. 25.)

Badge to Be Worn by Agents

4. Every such challenger and agent shall on any primary, special or general election day wear a badge, to be furnished by the county board of elections, which shall show to any other person the political party or candidate or group of candidates for whom such challenger or agent is acting. (512, Sec. 27)

ARTICLE VIII

Polling Places; Ballot Boxes; Polling Place Equipment

Polling Places

Definition

1. For the purpose of this act a polling place shall be a room wherein a district board of registry and election is directed as hereinafter provided to meet for the purpose of registering voters or conducting elections.

Tentative List of Available Places

2. It shall be the duty of the clerk of every municipality to send to the county board of elections of every county wherein such municipality is located before the first day of August in each year, a suggested list of places in said municipality suitable for polling places. The said county board of elections shall select from said list the polling places for each election district in said municipalities of said county, provided no place shall be suggested by said municipal clerks or chosen by said county boards of election as a polling place in any building in which is located or maintained any inn or tavern or saloon where intoxicating liquors are licensed to be sold, and provided further, that said county board of elections shall not be obliged to select the polling places so suggested by the municipal clerks, but may choose others where they deem it expedient. (8; 483 Sec. 10)

Use of Schoolhouses (Municipalities Over 10,000)

3. Such county board of elections shall select the schoolhouse or schoolhouses as the polling places in any municipality in said county having a population of over ten thousand, whether or not such schoolhouses are located within the election district for which such polling place is established; and more than one polling place may be located in the same schoolhouse; provided, however, that the county board

of election may in its discretion select a polling place other than a schoolhouse for any election district, when the location of such election district and of the schoolhouses in the municipality in which such election district is located is such that great inconvenience would be caused the voters of such election district by locating the polling place thereof in a schoolhouse. No school shall be held in any schoolhouse in which the district board of registry and election shall sit at any time during which such board shall be sitting in said schoolhouse for the performance of any duty under any of the election laws of this State. (483 Sec. 10; 484 Sec. 11)

County Board of Elections to Certify Selected Places to Sheriff

4. Said county board of elections before the fifteenth day of August each year shall certify a list of the polling places so selected to the sheriff and to the clerk of the county.

Sheriff to Certify Selected Places to District Boards of Registry and Election and to Municipal Clerks

5. The said sheriff in his summons to members of the district boards of registry to serve as hereinbefore provided shall notify each member so summoned of the location of the polling place wherein he shall serve. The said sheriff shall also certify to the clerk of every municipality within his county the location of every polling place within the municipality of said clerk, and the election district or district for which said polling place has been selected.

Display of American Flag

6. An American flag, approximately three feet by five feet in size, shall be displayed in each polling place in this State by the boards of registry and elec-

tion during the hours when said boards are in session. (437 Sec. 1; 438 Sec. 2)

Ballot Boxes

Board of Chosen Freeholders to Provide and Repair

8. The board of chosen freeholders of each county shall at all times provide and keep in good repair sufficient ballot-boxes for use in the polling places of each election district within said county. (60; 251 Sec. 12; 380 Sec. 64.)

Description

9. Said boxes shall be made at least one foot in depth, width and length measuring the same on the exterior thereof, and shall be so constructed as to have four glass sides, supported by four upright columns, and no bolts, screws or other attachments by which the box is held together shall be exposed on the outside; and the door of said ballot-box shall be secured by three patent locks, no two keys of which shall be alike, and shall have an aperture in the top thereof measuring three (3) inches by half an inch, and shall have no stamping or marking devices. (251 Sec. 12; 380 Sec. 64.)

Polling Place Equipment

Enumeration

10. The clerks of the several municipalities of this State shall be responsible for the proper equipment of polling places to enable the district boards of registry and election to carry out the duties imposed upon them by this Act. Said equipment shall consist of polling booths, railing for enclosures, tables, chairs, pencils, lights and all other things of a similar nature necessary for the performance of said duties. Said equipment shall be furnished by said municipal clerks and shall be ready for use by said district boards of registry and election in ample time to enable them to perform any duties imposed upon them by this Act.

BOOTHS

Description of Booths

11. Said booths shall be sufficiently large to enable the voter to conveniently prepare his ballot as provided for and shall have swinging doors so arranged that some part of the person of the voters standing in said booths may be seen from the outside of the booths when the door is closed. Each booth shall contain a counter or shelf suitably placed to enable voters to place their ballots thereon while preparing the same for voting. (78; 380 Sec. 64)

Number of Booths

12. The number of such booths shall not be less than one for every one hundred votes cast at the next preceding general election held in such district, and

not less than two such booths shall be provided in any polling place. (78)

Location of Booths

13. Said booths shall be erected within a railed inclosure separating the same from the remainder of the room, and shall be so arranged that all the officers conducting the election can see whether more than one person enters or is in any booth at the same time. (78)

RAILED ENCLOSURE

Railed Enclosure

14. 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. (78)

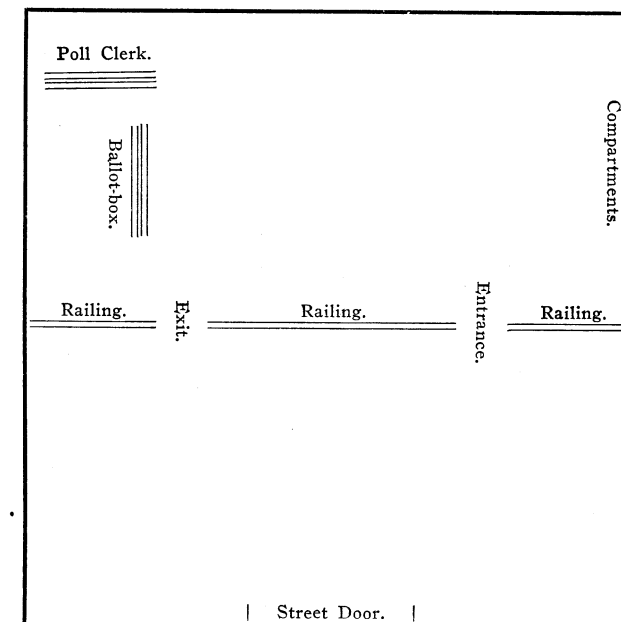
Arrangement of Polling Places

Location of Ballot Boxes

15. 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 booth before leaving the railed inclosure within which the booths and ballot-boxes are placed. (78)

Diagram

16. The arrangement of such polling place shall, as to said railed inclosure, and the entrance thereto and exit therefrom, and the location of the booths and ballot-box within such inclosure, be substantially as shown in and by the following diagram:



ARTICLE IX Election Supplies

Definition and Enumeration

1. For the purpose of this act the term election supplies shall be deemed and taken to mean such blank books, blank forms, pamphlets and things other than ballots and equipment as may be necessary to

enable the provisions of this act properly to be carried out.

Preparation of Supplies

2. Pamphlets of the Election Laws; Instructions; Books; Registry Lists; Identification Statements for

Registration Day; Identification Statements for Election Day; Canvassing Sheets and Statements of Election Results for offices or questions voted for by the voters of more than one county shall be prepared and distributed by the Secretary of State in ample time for use in carrying out the provisions of this Act. Upon the covers of any of said books shall be printed in conspicuous type such instructions to election officials regarding the use and disposition of such books by election officials as the Secretary of State shall deem necessary. All other supplies shall be prepared and distributed by the clerks of the various counties of this State.

Distribution of Supplies by Secretary of State

3. In all cases where such supplies to be prepared and distributed by the Secretary of State shall be needed in any county or municipality thereof the Secretary of State shall deliver to such county clerk such supplies on or before the time they shall be so needed and take a receipt for the same, which receipt shall indicate the time when such supplies were delivered by said Secretary of State and the time

when they were received by said clerk of the county. The Secretary of State shall file said receipt in his office for the period of at least a year.

Distribution of Supplies by County Clerks

4. In all cases where such supplies prepared either by said Secretary of State or the county clerk shall be needed in a municipality the county clerk shall deliver to the proper persons as provided in this act at his office or in any other way that he sees fit such supplies on or before the time they are so needed and take a receipt for the same, which receipt shall indicate the time when such supplies were delivered by said county clerk and the time when they were received by said persons. The county clerk shall file said receipt in his office for the period of at least one year.

Distribution of Supplies by Municipal Clerks

5. In all cases where such supplies are delivered by the county clerk to the municipal clerk for distribution said municipal clerk shall deliver the same at his office or in any other way he sees fit to the proper persons as provided in this act in time to enable the provisions of this act to be carried out.

ARTICLE X Notice of Elections

GENERAL ELECTIONS

the number of persons to be voted for each office. (286, Sec. 1)

Officials to Public

Prior to General Election Primary

5. The clerk of every municipality shall, at least two weeks preceding the primary for the general election, cause a notice to be published in not more than two newspapers of the county wherein such municipality is situate, as said clerk shall select, setting forth that the district boards of registry and election of each election district in such municipality will meet for the purpose of making a registration of voters on the days and between the hours hereinafter designated for that purpose; that a primary for making nominations for the general election will be held on the day and between the hours and at the places as provided in this act, and making known the time, place and purpose of holding the general election thereafter, and the office or offices to be filled thereat. (7)

Prior to General Election

6. At least two weeks preceding the general election the municipal clerk shall cause a notice to be published in like manner under his hand setting forth the time, place and purpose of holding such general election, and the office or offices to be filled thereat. (7)

Regulations as to Publication

7. In municipalities having more than ten thousand population, said notices shall include a short description of the boundary lines of each election district therein, and the place of meeting of the district board of registry and election for said district. (7)

8. In all municipalities said notices shall be published in such newspaper or newspapers at least once, and not more than twice, in each week; *provided*, that if there be a newspaper printed and published in such municipality, said newspaper shall be one of the newspapers so selected by the municipal clerk. (7)

Officials to Officials

Secretary of State to County Clerks

1. The Secretary of State shall, between the fifteenth day of July and the first day of August, in every year wherein electors of President and Vice-President of the United States, a representative in the United States Senate, members of the House of Representatives, a Governor, or Senator for any county, or any of them, are to be elected, direct and cause to be delivered to the clerk of the county wherein any such election is to be held, a notice stating that such officer or officers are to be elected at the ensuing general election. (5)

County Clerks to Municipal Clerks

2. The clerk of such county shall, between the first day of August and the first day of September, cause a copy of the same, certified under his hand to be true and correct, to be delivered to the clerk of each municipality in said county. (5)

3. It shall also 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 all other officers who are voted for by the voters of the entire county or of more than one municipality within said county, to direct and cause to be delivered to the clerk of each municipality in said county, a notice that such officer or officers, as the case may be, will be chosen at the ensuing general election. (6)

Municipal Clerks to County Clerks

4. It shall be the duty of all municipal clerks, at least sixty days before any general election, to make and certify under their hands and seals of office and forward to the clerk of the county in which such municipality is located a statement designating the public offices which are to be filled at such election, and

ARTICLE XI

Registration of Voters

ALL ELECTIONS

Municipalities Exceeding Ten Thousand Population

REGISTRATIONS REQUIRED

Time and Place

1. In all municipalities of this State which at the next last preceding Federal or State census had populations exceeding ten thousand, there shall be three days upon which the members of the district boards of registry and election of said municipalities shall meet in the election districts assigned to them for the purpose of preparing registers of the residents of said election districts entitled to vote at the next succeeding general election. The first registration day shall be on the second Tuesday of September of each year between the hours of three P. M. and nine P. M. The second registration day shall be on the fourth Tuesday of September of each year between the hours of twelve-thirty P. M. and nine P. M. The third registration day shall be on the Tuesday two weeks next preceding the general election between the hours of three P. M. and nine P. M. (21; 22; 349 Sec. 32; 359 Sec. 43.)

REGISTRATION IN PERSON

Registry Books

2. During each of said three registrations for the general election the members of each district board of registry and election shall enter in the registry books provided for the purpose the information required herein for each resident of the election district to which they are assigned, who shall appear before them in person and claim the right of registration in said election district for the next ensuing general election. Said registry books shall be arranged in fourteen columns, and the leaves thereof indexed from A to Z. The lines thereof shall be one-half inch apart and the pages of said registers shall be consecutively numbered. (360 Sec. 44.)

Information Required

3. The first column of said registers shall be left blank until the completion of registration on the last day for said registration. In the second column shall be entered the surname of such claimant in the alphabetical order of the first letter thereof, on the page bearing the index letter of such surname; in the third column his Christian name or names; in the fourth column the number or other designation of his residence; in the fifth column the name of the street or avenue of his residence, or a brief description of the locality thereof; in the sixth column the number of the floor or room occupied at the residence given by him; in the seventh column the full name of the householder, tenant, subtenant or apartment-lessee with whom he resides; in the eighth column the fact that he is over twenty-one years of age; in the ninth his length of residence by years in this State; in the tenth column the country of his nativity, which shall mean the country, State or province of his birth, irrespective of his former political allegiance; in the eleventh column the name of the municipality from which he last registered

or voted; in the twelfth column shall be entered, if he is in business for himself or with others, the name under which he is so in business, or, if he is employed by some other person, the name of his present employer. If he is not in business and has no employment, the word "none" shall be entered, together with the name under which he was last in business or the name of his last employer, if any; in the thirteenth column shall be entered the street and number, or if it has no street number, a brief description of the location of the place, if any, where he is so in business or employed, or, if unemployed, the place, if any, where he was last in business or employed. (360 Sec. 44.)

Signature of Registrant

4. The fourteenth column shall be reserved for the signature of such claimant at the time of registration, or in case he alleges his inability to write, for entering therein the number of the "identification statement," made by him as hereinafter provided, or, if he has registered by affidavit, for the entry and number of such affidavit as hereinafter required in such case. Above each horizontal line in the said fourteenth column shall be printed the words "the foregoing statements are true," and such claimant shall, at the time of registration (unless he registers by affidavit as hereinafter provided), sign his own name by his own hand and without assistance, using an indelible pencil or ink, below such words on the horizontal line in the register. (360 Sec. 44.)

Registrant Unable to Sign

5. If the claimant alleges his inability to sign his name, one of the members of the district board of registry and election, in addition to taking down the information required to be written in the "signature copy" of the registry book, shall read to such claimant the following list of questions from a book to be furnished said boards, and to be known as "identification statements for registry day," said questions to be printed on separate sheets of paper, bound together in book form, and numbered consecutively, and said member shall write down in said book the answers of such claimant to the following questions: What is or was your father's full name? What is or was your mother's full name? Are you married or single? Where did you actually reside immediately prior to taking up your present residence; state floor and character of premises? At the bottom of each list of questions shall be printed the following statement: "I certify that I have read to the above-named elector each of the foregoing questions, and that I have truly recorded his answers as above to each of said questions;" and said member who has made the above record shall forthwith sign his name to said certificate and date the same, and the number corresponding to the number on each sheet containing said list of questions shall be entered, when the questions have been answered, in the fourteenth column, in the register in which claimants registering have signed their names. Said book of "identification

statements for registry day" shall be kept at all times with the register in which persons registering sign their names as hereinbefore provided. (360 Sec. 44.)

REGISTRATION BY AFFIDAVIT

When Permitted

6. The district boards of registry and election shall place upon the registers the names of qualified voters who are unable by reason of illness or absence from the State to register personally, provided each of said voters shall file with the district board of registry and election of the district wherein he claims his residence an affidavit wherein he shall state the reason for his inability to register in person and also answer the same questions required to be answered in the case of personal registration. (32; 35; 359 Sec. 43; 360 Sec. 44; 439 Sec. 1.)

How Taken

7. Said affidavit shall be taken before some person legally authorized to take affidavits, and if taken outside of this State, shall be, when so required by the laws of this State, accompanied by a proper certificate showing the authority of the person administering the oath to take affidavits, provided that where such person is living outside of the State, in the employ of the United States Government, said affidavit shall be accompanied by a certificate from the department or bureau where such person is employed, certifying that the applicant for the right of franchise is a legal resident of the State of New Jersey, and is credited to this State on the records of the office where employed. (360 Sec. 44; 439 Sec. 1.)

Filing

8. Such affidavit shall be filed with the district board of registry and election of the district in which such voter is entitled to vote, on or before the last registry day; and such district board of registry and election on the receipt thereof shall endorse upon said affidavit a number showing the order of its receipt by said board, and shall thereupon enter the name of such voter on the registry list or book for the ensuing general election, together with the statements, as contained in said affidavit, which the voter would be required to make if registering personally, and shall enter in the fourteenth column of said registry list or book, instead of the signature of such voter, the words, "affidavit No. . .," giving the number endorsed on said affidavit. Such affidavit shall be preserved in the custody of the member of the district board of registry and election acting as judge, and shall be used on election day as hereinafter provided. (32; 35; 360 Sec. 44.)

SIGNATURE COPY OF REGISTER

Definition

9. The register, which in the fourteenth column contains the signatures, identification statement numbers, and affidavit numbers of those registering as hereinbefore provided, shall be known as the "signature copy" of the register. (360 Sec. 44; 362 Sec. 46.)

Certificates of Registration

10. The aforesaid signature copy of the register shall contain three certificates, to be known as "Certificates of Registration."

A. The certificate of registration to be made out at the close of the first day of registration shall be arranged to give the following information: The name of the county and municipality, the ward number and the election district number wherein the registration is being held; the number of names registered under each letter and the total number of names registered on the first day of registration; the certificate of the board of registry and election and shall have printed thereon "To be filled out at the close of the first day of registration."

B. The certificate of registration to be made out at the close of the second day of registration shall be arranged to give the following information: The name of the county and municipality, the ward number and the election district number wherein the registration is being held; the total number of names on the "signature copy" at the close of the first day of registration; the number of names added and the number of names erased under each letter and the total number of names on the "signature copy" at the close of the second day of registration; the certificate of the board of registry and election and shall have printed thereon "To be filled out at the close of the second day of registration."

C. The certificate of registration to be made out at the close of the third day of registration shall be arranged to give the following information: The name of the county and municipality, the ward number and the election district number wherein the registration is being held; the total number of names on the "signature copy" at the close of the second day of registration; the number of names added and the number of names erased under each letter and the total number of names on the "signature copy" at the close of the third day of registration; the certificate of the board of registry and election and shall have printed thereon "To be filled out at the close of the third day of registration."

At the close of each day of registration the district board of registry and election shall make out the proper certificate of registration in the "signature copy," and shall certify over their signatures on said certificate of registration that the statements contained therein are true and correctly made out. The said board shall also prepare and forthwith file in the office of the municipal clerk a duplicate copy of said certificate of registration. (449 Sec. 1.)

CLOSE OF REGISTRATION

Registrants Numbered

11. In the first column of such register there shall be entered, at the time of the completion of the registration on the last day of registration, a number opposite the name of each person so enrolled, beginning with copies of the lists of voters of each election district in "one" opposite the first name entered in the page index A, and continuing in numerical order to and including the last name entered upon the last page of such register. (360 Sec. 44.)

Registry Lists

12. Immediately after the close of the registration as herein provided the said district board of registry and election in each election district shall make and complete one list of all persons registered in their dis-

trict in the numerical order of the street numbers thereof. Said list shall be in the following form:

Grand Street.

*Residence number
or other designation.*

14

Name of Voter.

Smith, John M.

15

Jones, Charles M.

Said list shall be signed and certified by said board, and delivered forthwith to the county clerk. (361 Sec. 45.)

INVESTIGATION OF REGISTRANTS

Use of Registry Lists

13. The county clerk shall forthwith cause copies of said registry lists to be printed in hand-bill form, and shall furnish to any voter applying for the same copies of said registry lists, charging therefor, as nearly as may be, the cost of printing the same; he shall also furnish printed copies thereof to the respective district boards of registry and election of his county, who shall publicly expose the same for inspection as now required by law. Said county clerk shall also forthwith deliver to the chief of police of each of said municipalities not less than five copies of the lists of voters of each election district in such municipalities. The said chief of police shall cause an investigation to be made of the names of the persons so appearing on said lists, to ascertain if the said persons are residents of the houses from which they are registered, and shall forthwith forward the various reports of such investigation to the county board of elections, where they shall be kept open to public inspection. Said county clerk after causing copies of said registry list to be printed shall forthwith file said registry list with the county board of registry and election for use as hereinafter provided in the revision and correction of registers. (361 Sec. 45.)

DISPOSITION OF SIGNATURE COPY AND REGISTRY LIST *Custody Until Election*

14. Said signature copy of the register shall be other than public copy and after it shall have been signed and certified by said district board of registry and election as hereinbefore provided it shall be retained by the district board of registry and election in the custody of the chairman thereof for use at the polls on election day as hereinafter provided. Said registry list compiled from said signature copy of the register shall be filed by the said county clerk with the county board of elections. (360 Sec. 44.)

Municipalities of Ten Thousand Population or Less

FIRST REGISTRATION

Canvassing Procedure

15. The district boards of registry and election in all election districts in the state, outside of municipalities having a population exceeding ten thousand, shall meet annually on the second Tuesday of September in each year, and having first organized, shall 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 ensuing general elec-

tion by making actual inquiry at every dwelling-house or habitation, or of the head of every family residing therein. In making such enumeration the said district boards of registry and election may divide their election districts into subdivisions, and any two of their number, designated by the chairman and inspector, together and in company, may make the enumeration in such subdivision. 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, but no name shall be entered on such canvassing-books without the concurrence of both of said members, or if said enumeration be made by the entire board, without the concurrence of a majority thereof. Said board 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. (23)

SECOND REGISTRATION

Preparation of Registers

16. On the fourth Tuesday of September next preceding the general election said boards shall meet at the places provided in this act for holding the primary for the general election in their respective election districts at twelve-thirty P. M. and continue in session until nine o'clock P. M. At that time said boards, in addition to conducting the primary for the general election as hereinafter provided, shall transcribe and make up from said canvassing-books two lists or registers of the names contained in said canvassing-books, arranging the same in alphabetical order and adding information as to the residences and street numbers, if any, of all persons in their respective election districts entitled to the right of suffrage therein at the next general election. Said board shall also include in said registers the names, residences, street numbers and other information of all those who shall personally appear before them and establish their right to be registered, and of all those who shall be shown to the satisfaction of such board of registry and election by the affidavit in writing of some voter in that election district to be legal voters therein. When, on the day of their meeting, as herein provided, the district 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. (23)

Posting of Registry List

17. 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 one of the clerks of said district board of registry and election, in hand-bill form, in some conspicuous public place within such election district. (24)

THIRD REGISTRATION

Completion of Registers

18. The said district board of registry and election shall also meet on Tuesday next preceding the general election at the place of their former meeting, at the hour of three 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; *provided*, 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. Upon the completion of said registers the said district board of registry and election shall publicly announce and certify on each register the number of names entered thereon. (24)

Preparation of Third Copy

19. One of said clerks, to be designated by the chairman of said district board of registry and election, shall prepare an additional or third copy of the names, residences and street numbers, if any, on such completed register. (24)

DISPOSITION OF REGISTERS

Filing and Custody

20. On the day succeeding the completion of said registers, one of the original copies of the register shall be delivered by the chairman of said board to the county board of elections to be filed by them; the other original copy shall be retained by him for use by the district board on the day of election; the third or additional copy, after being certified as aforesaid, shall be by said clerk who prepared same, within two days after said last-mentioned Tuesday, filed with the clerk of the municipality within which such election district may be situated. (24)

Revision and Correction of Registers

COUNTY BOARD OF ELECTIONS

Meetings

21. It shall be the duty of the several county boards of elections to sit at the office so provided for them on Thursday and on Saturday next preceding the day of the general election, from eight o'clock in the forenoon till five o'clock in the afternoon of each of said days, for the purpose of revising and correcting the registry lists or registers hereinbefore provided to be filed with them. In revising and correcting the registers of municipalities of over ten thousand population the said county boards of election shall use so far as may be the reports of investigations of registrations as herein provided to be made by the chief of police of said municipalities. (25; 361 Sec. 45.)

Addition of Name to Registers Filed With County Board of Elections and Municipal Clerks

22. In case the name of any legal voter in any election district has been improperly or inadvertently left off the registry list, he may, on said days, apply in person to the county board of elections for the purpose of having his name placed upon the register; and the county board of elections, upon such application to

them, and upon proper evidence satisfying them that such person is a legal voter entitled to vote at any such election, shall add his name to the proper registry list or register on file with them, and shall give their certificate to that effect. Said board shall also notify the municipal clerk of the municipality wherein such district lies that such name has been added, and said clerk shall thereupon add said name to the registry list or copy of the register on file with him. (25)

Addition of Name to Registers in Custody of District Boards of Registry and Election

23. Such voter may present such certificate to the district board of registry and election of the district in which he is entitled to vote, and said board shall receive and file said certificate and add his name to the register in their possession, provided said board shall be satisfied that he is entitled to vote in said district. (25)

Removal of Name from Registers Filed With County Board of Elections and Municipal Clerks

24. Said board may order erased from any register the name of any person who shall be shown to the satisfaction of the board, for any cause, not to be entitled to vote at the next general election in the election district wherein he is registered, and shall erase the name of such person from the registry list or register on file with them, *provided*, that no name shall be erased or ordered erased from any such registry list or register in the absence of the person to be affected thereby, unless it shall appear to the board by affidavit of some qualified voter 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 meeting of the board, that at such meeting 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. When any name shall be stricken from any registry list or register as aforesaid, a certificate of such board, stating the name erased and the cause therefor, and from what election district, shall be given to the person applying to have such name erased. Said board shall also notify the municipal clerk of the municipality wherein such district lies of such erasure, and said clerk shall remove said name from the registry list or copy of register on file with him. (25)

Removal of Name from Registers in Custody of District Boards of Registry and Election

25. On the delivery of such certificate by the person to whom the same has been granted by the county board of elections to the district board of registry and election, the name of such person shall be erased by them from the register in their possession. (25)

COURTS

Meeting

26. It shall be the duty of the justice of the supreme court assigned to hold the circuit court, and the judge of the court of common pleas, in each of the several counties of this state, or one of said judges, to sit and hold a court of common pleas at the court house in their respective counties on the Monday next preceding the

Objections to Petitions

10. Every petition of nomination which is 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 petition was filed within two days after the filing of said certificates. In case such objection is made, notice thereof signed by said officer shall forthwith be mailed to the candidate who may be affected thereby, addressed to him at his place of residence as given in said petition of nomination. (46.)

Validity of Objections Determined

11. 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 for this purpose said officer shall have power to subpoena witnesses and take depositions. Said officer shall file his determination in writing in his office at least twenty days before the election, which determination shall be open for public inspection. (46.)

Appeal by Nominee to Court

12. The Chief Justice of this State in the case of candidates to be voted for by the electors of the entire State, or of more than one county thereof, and in all other cases the justice of the supreme court holding the circuit court in and for the county in which any petition of nomination shall be filed, on the application or complaint, duly verified, of any candidate setting forth any invasion or threatened invasion of his rights under the petition of nomination filed with the Secretary of State or 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 candidates. (46.)

Correction of Defective Petition

13. It shall be lawful for any candidate whose petition of nomination or any affidavit or affidavits thereto, be defective, to cause such petition, or the affidavit or affidavits thereto, to be amended in matters of substance or of form as may be necessary, or such amendment or amendments may be made by filing a new or substitute petition, or affidavit or affidavits, and the same when so amended shall be of the same effect as if originally filed in said amended form; *provided, however*, that every amendment shall be made at least five days before the election. This provision shall be liberally construed to protect the interest of candidates. (235 Sec. 1; 236 Sec. 2.)

Preservation of Petitions

14. All petitions of nomination, affidavits attached thereto, acceptances, objections thereto and determinations of officers or courts relative to said objections shall be preserved by the officer with whom they have been filed for a period of two years from the election at which the candidates named therein are to be voted for. (42.)

Nomination by Primary Election*Procedure*

15. The nomination of candidates for the general election by means of the primary election shall be car-

ried out in the manner hereinafter provided, and in such election the person having in the aggregate the highest number of votes shall be the candidate of his respective party for the office to be filled. In case more than one person is to be elected to the same or similar office, the persons having the highest number of votes to the extent of the number of offices to be filled shall be the candidates of their respective parties for the said offices. (291 Sec. 3.)

Nomination by State Convention*Electors of President and Vice-President of United States*

16. Whenever the State convention of a political party shall have nominated candidates for electors of President and Vice-President of the United States, as herein provided, said convention shall certify said nomination in a written or printed or partly written and partly printed certificate of nomination. Said 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 represents. The names of the candidates for President and Vice-President for whom such electors are to vote may be included in the certificate. Said convention may also appoint a committee to whom shall be delegated the power to fill vacancies occasioned by any cause and the names and addresses of said committee shall be included in said certificate. 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 addresses, and severally make oath before an officer qualified to administer the same that the affiants were respectively such officers of such convention and that said certificate and the statements contained therein are true as they verily believe. A certificate that such oath has been taken shall be made and signed by the officer administering the same and endorsed upon or attached to such certificate of nomination. Enclosed upon or attached to said certificate shall be statements in writing that the persons named therein accept such nominations. Said certificate of nomination and the acceptances thereof shall be filed with the Secretary of State at least twenty-five days previous to the general election at which such electors of President and Vice-President of the United States are to be voted for. All objections to said certificates of nomination; the determination of the validity of such objections; the correction of defective certificates and the presentation of said certificates and any documents attached thereto shall be the same as herein provided for direct petitions of nomination. (41-47.)

Vacancies Among Nominees*Time Limit of Resignations*

17. Whenever any person nominated as herein provided by direct petition, primary election or state convention for election to public office at the general election shall, at least twenty-five days before the day of said general election, in a writing signed by him and

duly acknowledged, notify the officer with whom the original petition or certificate of nomination was filed that he declines such nomination, said nomination shall be void. (44.)

Notice of Resignation

18. The officer to whom the notification of declination is given shall forthwith, by mail or otherwise, inform at least five of the persons who signed the aforesaid original petition that such nomination has been declined; *provided*, that in the case of the nomination of electors of President and Vice-President of the United States by the State convention of a political party he shall inform the committee appointed by such convention to fill vacancies or if there be no such committee then the chairman of such convention. (45.)

Time Limit on Filling Vacancies

19. Whenever any person shall thus decline his nomination, or if any petition or certificate of nomination or if any nomination be insufficient or inoperative, or if any nominee shall die or for any other reason vacate his nomination, the vacancy thus occasioned may be filled in the following manner, provided that no vacancies shall be filled later than twenty days before said general election. (44.)

Filling Vacancies Among Direct Petition Nominees

20. If the candidate vacating the nomination was nominated directly by petition his successor shall be nominated in the same manner by direct petition; *provided*, that said new petition of nomination must be filed with the Secretary of State, County Clerk or Municipal Clerk as the case may require, not later than twenty days before the day of the election whereat such candidate is to be voted for.

Filling Vacancies Among Primary Election Nominees

21. If the candidate vacating the nomination was nominated at the primary election held pursuant to this act said vacancy shall be filled in the case of a candidate who had been voted for at said primary by the voters of a political party of the entire State or of more than one county thereof by the chairman of the State Committee of such political party; in the case of a candidate who had been voted for by the voters of a political party of an entire county or more than one municipality thereof by the chairman of the county committee of such political party of said voters and in the case of a candidate who had been voted for by the voters of a political party of a municipality or portion thereof by the chairman of the municipal committee of the said political party. In filing such vacancy the chairman and secretary of such committee shall make and file with the Secretary of State in the case of offices to be voted for by the voters of the entire State or a portion thereof involving more than one county thereof; with the county clerk in the case of offices to be voted for by the voters of the entire county or a portion thereof involving more than one municipality thereof and with the municipal clerk in all other cases a certificate of nomination to fill such vacancy. Said certificate shall set forth the cause of said 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 any original petition of nomination. The petition so made shall be executed and sworn to by the chairman and secretary of such committee in the manner prescribed for the original petition of nomination, and shall, upon being filed at least twenty days before election, have the same force and effect as an original petition of nomination. Said petition must be filed with the Secretary of State, County Clerk or Municipal Clerk not later than twenty days before the day of the election whereat such candidate is to be voted for.

Filling Vacancies Among State Convention Nominees

22. If the nomination vacated is that of a candidate for elector of the President and Vice-President of the United States said vacancy shall be filled by the committee to whom power shall have been delegated to fill vacancies if such there be, otherwise by the State Committee of the political party the State convention of which nominated said elector whose nomination is vacated. The chairman and secretary of such vacancy committee or State Committee shall file with the Secretary of State not later than twenty days prior to the general election a certificate of nomination for filling such vacancy. Such certificate shall be made up and filed in the same manner and form as heretofore provided for filling vacancies among candidates nominated at the primary. (45.)

Certification of Nominees**ORIGINAL NOMINEES***Secretary of State to County Clerk*

23. It shall be the duty of the secretary of state not later than twenty days before any election whereat any candidates nominated in any direct petition, primary certificate of nomination or State convention certificate 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 thus nominated for whom the 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 such 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 directly by petition, without distinctive political appellation, be certified as independent candidates. (43.)

Municipal Clerk to County Clerk

24. It shall be the duty of every municipal clerk of every county of this State at least twenty days before any election whereat any candidates nominated in any direct petition or primary certificate of nomination on file with him is to be voted for to make and certify under his hand and seal of office and forward to the clerk of the county wherein such municipality is situated a statement of all the candidates thus nominated for whom the voters within such municipality may be by law entitled to vote at such election. Such statement

shall contain the names and residences of all such candidates, the offices for which they are respectively nominated and the names of the parties by which or the political appellations under which they are respectively nominated. Candidates nominated directly by petition without distinctive political appellations shall be certified as independent candidates.

VACANCY NOMINEES

Certification of Substitutes to Fill Vacancies Among Nominees

25. In the event of vacancies among the candidates whose petitions or certificates of nomination are on file with him, the Secretary of State or the Municipal Clerk, as the case may be, in certifying the nominations of candidates to fill such vacancies to the various county clerks, shall insert the name of the person who has been nominated as herein provided to fill such vacancy. In the event that he has already sent forward his certificate of nomination as herein pro-

vided 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. (45.)

PRECEDENCE OF NOMINATIONS

Determination by Nominee

26. Any candidate receiving the nomination of more than one political party or group of petitioners may, within five days after the time for certifying nominations expires, file with the county clerk a notice directing such official in what order the several nominations to be added to his name upon the official ballot, and if such candidate shall fail to make such directions as aforesaid, then said county clerk shall add said nominations or political designations to the name of such candidate in such order as said officer shall determine. (370 Sec. 54; 371 Sec. 55.)

ARTICLE XIII

Ballots

GENERAL ELECTIONS

Printer's Copy of Official Ballot

Time Limit for Delivery

1. Every county clerk shall have ready for the printer on or before noon of the seventeenth day prior to the general election a copy of the contents of official ballots as hereinafter required to be printed for use at said election. He shall also on or before such time place another copy of the contents of said official ballots on file in his office and keep the same open to public inspection until the sample ballots hereinafter provided to be printed shall have been distributed.

Contents and Form of Official Ballot

Regulations as to Contents

2. There shall be a single or blanket form of ballot, upon which shall be printed all the names of all the candidates of every party or group of petitioners having candidates to be voted for at said election. The name of any such candidate shall appear but once on said ballot and only as the nominee of the party or group of petitioners which nominated him. The name of any candidate who shall fail to accept his nomination in the manner herein provided shall not be printed on the ballot, provided that any person nominated at the primary for the general election who before the holding of such primary had not filed a certificate consenting to stand as a candidate if so nominated, may, within five days after the holding of such primary, file in the office of the clerk of the county within which said primary was held a certificate stating that he is qualified for the office and accepts such nomination, in which event the name of such person shall be printed upon the official ballot. The name of a candidate vacating his nomination as hereinbefore provided shall not be printed on the ballot. Furthermore, the name of any person who failed of nomination at the preceding primary shall not be printed on the official ballot for

said general election. In addition any question or proposition which is to be submitted to the people of the State, at said general election, shall be printed upon the ballot, underneath the names of the candidates, with appropriate instructions to the voter. The contents on said ballot shall be arranged so that said ballot may be as nearly as possible square in form. (42; 44; 47; 369 Sec. 53; 372 Sec. 56; 374 Sec. 58; 375 Sec. 59.)

Perforated Coupon; Polling Place Location

3. Each ballot shall have at the top thereof a perforated coupon the width of the ballot above the perforated line. The coupon shall be numbered from one consecutively to the number of ballots delivered to and received by the election officers of the respective polling places. Upon the coupon and above the perforated line shall be the words: "Ballot No. (number in figures)." "To be torn off by the judge of election." "Fold to this line." Below the perforated line shall be printed the words: "Official Ballot, city, town, &c., of, Ward, Election District No.; November, 19. . . John Doe, County Clerk." The blank spaces shall be filled in with the name of the proper city or other municipality, and the ward and district numbers, and the name of the county clerk shall be a facsimile of his signature. (373 Sec. 57.)

Directions to Voters

4. Upon the said ballot shall be printed such directions as will aid the voter, for example: "Mark a cross X in the square at the left of the name of the person for whom you desire to vote," "Vote for one," "Vote for two," "If you favor the proposition printed below, make an X mark in the square opposite the word 'Yes'; if you are opposed thereto, make an X mark in the square opposite the word 'No.'" (370 Sec. 54; 373 Sec. 57; 374 Sec. 58.)

Order of Arrangement for Public Offices

5. There shall be placed on such official ballots for each party or group of petitioners having candidates to be voted for at the general election the name or title of each office to be filled at such election, whether such party or group of petitioners shall have made any nomination for such office or not. Such offices shall be arranged in the following order: Electors of President and Vice-President of the United States, Member of the United States Senate, Governor, Members of the United States House of Representatives, Member of the State Senate, Members of the General Assembly, Supervisor of the County Board of Chosen Freeholders, Members of the County Board of Chosen Freeholders, County Clerk, County Register of Deeds, County Surrogate, County Sheriff, County Coroner, Mayor, Members of Municipal Governing Bodies, and so forth. Underneath the designations of such offices shall be listed all the names of the candidates for such offices with their party designations. The names of candidates for any office for which more than one are to be elected shall be arranged in groups as presented in the several certificates of nominations or petitions. (287 Sec. 2; 370 Sec. 54; 371 Sec. 55.)

Arrangement of Nominees for Electors of President and Vice-President

6. The names of candidates for Presidential electors shall be arranged in groups as presented in the several certificates of nominations or petitions. Said groups shall be arranged in the order of the congressional district in which the elector resides. The names of the Presidential electors shall be printed in ten (10) point type and the space between each name shall not exceed one-eighth of an inch, and if said names occupy more space than one line, the space between the lines shall not exceed one-eighth of an inch. The surnames of the candidates of each political party for the offices of President and Vice-President, with the political designation thereof, at the right of the surnames, shall be placed in one line above the group of candidates of such party for electors. A sufficient square, not less than three-eighths of an inch square, in which the voter may designate by a cross his choice for electors, shall be provided at the left of the surnames of the candidates for President and Vice-President. Each group of Presidential electors, surnames of candidates for President and Vice-President of the United States and their party designations shall be separated by a heavy-faced rule into parties. (371 Sec. 55; 372 Sec. 56.)

Arrangement of Other Nominees

7. The county clerks in arranging the names of candidates other than those for electors of President and Vice-President of the United States for the ballots for the general election shall take the whole number of names to be placed on the ballot and shall draw lots placing the names of candidates for the respective offices in the order in which the names appear by lot. The manner of casting the lots shall be as follows: Paper cards with the names of candidates written thereon for each set of offices shall be placed in a covered box with an aperture in the top large enough to allow the said strips to be drawn therefrom, each

strip containing one name, and shall be drawn therefrom by the clerk in the presence of a member from each of the two dominant parties, who shall be selected by the chairman of these respective parties, he endeavoring to draw same so it shall be without knowledge on his part as to what names he is drawing, and the name first appearing shall have the first place on the ballot and the name second appearing shall have second place, and so on, in numerical order until the last name shall be drawn, which shall have the last place on the ballot. If the names are to be bracketed and placed under or beside a party designation they shall all be put separately from names not to be bracketed in a box and drawn and printed in the ballot as above set forth. (558 Sec. 1.)

Party Designations

8. Following the name of each candidate upon the same line upon the ballot shall be printed the name of the political party or group of petitioners making the nomination. (370 Sec. 54.)

Style of Type, Rulings, Spacings, etc.

9. The names of all candidates shall be printed in capital letters in ten-point type, and the designation with capital and small letters of the same type; except that where there is more than one designation to a candidate the type may be smaller. If in case a candidate's name and party designation printed in full in ten-point type will overrun the space of three and three-quarters inches as provided in this section, the party designation may be abbreviated. On the same line, and to the left of the name of each candidate there shall be provided a square, or space not less than one-quarter of an inch square, in which the voter may designate by a cross his choice of said candidates, which square shall be printed from heavy-faced rule and shall be independent of all other rule or lines on the ballot. Each line upon which the name of the candidate and his political designation is printed shall be three and three-quarters inches in length, including the square for marking. A single light-face rule shall be used to separate the members of each group of candidates, except Presidential electors. A heavy-faced rule shall be used between each group of candidates for different offices. Blank spaces or lines shall be left at the end of the list of candidates for each different office equal to the number of persons to be elected to said office. In front and against the space or square, which the voter uses to indicate his choice of candidates, extending the length of each column shall be a full-face border not less than a quarter of an inch in width. The margin or border of the paper outside of the printing on the ballot shall not exceed one-half inch. All spaces except the spaces where the voter is to mark the ballot or to write or paste a name thereon, shall be printed in with scroll or filling, to guide the voter against marking in the wrong place. (370 Sec. 54; 372 Sec. 56; 373 Sec. 57.)

Ballot Model

10. The face of the official ballot shall be substantially in the following form:

BALLOT No. 23.	
To Be Turned Off by the Judge of Election.	
Fold to This Line	
(Perforated line.)	
OFFICIAL BALLOT.	
City of Ward No. Election District No. November 5th, 1912. JOHN DOE, County Clerk.	
<p>To Vote for All the Electors of Any Party, Mark a Cross X in the Square at the Left of the Surnames of the Candidates for President and Vice-President for Whom You Desire to Vote.</p> <p>To Vote for Part of the Electors of Any Party, Mark a Cross X in the Square at the Left of the Name of Each Elector for Whom You Desire to Vote. VOTE FOR FOURTEEN ELECTORS.</p> <p>PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.</p> <p>REPUBLICAN.</p> <p>Taft and Murphy.</p> <p>ELECTORS.</p> <p><input type="checkbox"/> CARTER W. LEWIS,</p> <p><input type="checkbox"/> WILLIAM T. READ,</p> <p><input type="checkbox"/> ROBERT E. HAND,</p> <p><input type="checkbox"/> ISAAC T. NICHOLS,</p> <p><input type="checkbox"/> AVERTEN GILGATE,</p> <p><input type="checkbox"/> GEORGE W. F. GAUNT,</p> <p><input type="checkbox"/> HARRY D. LEAVITT,</p> <p><input type="checkbox"/> JOHN D. PRINCE,</p> <p><input type="checkbox"/> WILLIAM W. SWALLEY,</p> <p><input type="checkbox"/> CARLOS B. PIERCE.</p> <p>DEMOCRAT.</p> <p>Wilson and Underwood.</p> <p>ELECTORS.</p> <p><input type="checkbox"/> JAMES A. C. JOHNSON,</p> <p><input type="checkbox"/> JAMES F. FIELDER,</p> <p><input type="checkbox"/> WILLIAM C. GERRARD,</p> <p><input type="checkbox"/> JOHN W. SLOCUM,</p> <p><input type="checkbox"/> RICHARD FIFTHURST,</p> <p><input type="checkbox"/> GEORGE C. LOW,</p> <p><input type="checkbox"/> J. WARREN DAVIS,</p> <p><input type="checkbox"/> THOMAS BAKER,</p> <p><input type="checkbox"/> JACOB C. PRICE.</p> <p>To Vote for a Person, Mark a Cross X in the Square at the Left of the Name of the Person for Whom You Desire to Vote.</p> <p>GOVERNOR. VOTE FOR ONE.</p> <p><input type="checkbox"/> WALTER E. EDGE = REPUBLICAN.</p> <p><input type="checkbox"/> GEORGE S. SILZER = DEMOCRAT.</p>	<p>To Vote for a Person, Mark a Cross X in the Square at the Left of the Name of the Person for Whom You Desire to Vote.</p> <p>CONGRESSMAN. VOTE FOR ONE.</p> <p><input type="checkbox"/> WILLIAM HUGHES = DEMOCRAT.</p> <p><input type="checkbox"/> THOMAS F. MCCRAN = REPUBLICAN.</p> <p>SENATOR. VOTE FOR ONE.</p> <p><input type="checkbox"/> JOHN HINCHLIFFE = DEMOCRAT.</p> <p><input type="checkbox"/> JOHN D. PRINCE = REPUBLICAN.</p> <p>MEMBER OF ASSEMBLY. VOTE FOR FIVE.</p> <p><input type="checkbox"/> WESLEY CHAMBERLAIN = DEMOCRAT.</p> <p><input type="checkbox"/> JAMES J. CROWLEY = DEMOCRAT.</p> <p><input type="checkbox"/> HARRY JOELSON = DEMOCRAT.</p> <p><input type="checkbox"/> CHARLES P. LYNCH = DEMOCRAT.</p> <p><input type="checkbox"/> THOMAS F. MORGAN = DEMOCRAT.</p> <p><input type="checkbox"/> RANDALL B. LEWIS = REPUBLICAN.</p> <p><input type="checkbox"/> JAMES PARKER = REPUBLICAN.</p> <p><input type="checkbox"/> LEONARD PIKAART = REPUBLICAN.</p> <p><input type="checkbox"/> GARRET H. VERMEULEN = REPUBLICAN.</p> <p><input type="checkbox"/> WILLIAM W. WATSON = REPUBLICAN.</p> <p>SHERIFF. VOTE FOR ONE.</p> <p><input type="checkbox"/> JOHN BURHANS = DEMOCRAT.</p> <p><input type="checkbox"/> AMOS H. RADCLIFFE = REPUBLICAN.</p> <p>MAYOR. VOTE FOR ONE.</p> <p><input type="checkbox"/> AUG. A. FISHER = REPUBLICAN.</p> <p><input type="checkbox"/> ANDREW F. MCBRIDE = DEMOCRAT.</p> <p>JUSTICE OF PEACE. VOTE FOR ONE.</p> <p><input type="checkbox"/> CHARLES R. BACON = REPUBLICAN.</p> <p><input type="checkbox"/> WILLIAM K. DEVEREAUX = DEMOCRAT.</p> <p>CONSTABLE. VOTE FOR ONE.</p> <p><input type="checkbox"/> JOHN RANCIER = REPUBLICAN.</p> <p><input type="checkbox"/> FRANK P. VAN NOORT = DEMOCRAT.</p>

Preparation and Distribution of Sample Ballots

Delivery by County Clerks to Municipal Clerks

11. The county clerk shall cause samples of the official ballot to be printed and not later than noon of the eighth day prior to the general election shall at his office furnish to the municipal clerk of each municipality in his county a sufficient number of the said official sample ballots and a sufficient number of stamped envelopes to enable each of the board of registry and election in said municipality to mail one of the said official sample ballots to each voter who is registered in said municipality for said election, and shall take a receipt for the same from each one of said municipal clerks which receipt shall indicate the number of sample ballots and stamped envelopes delivered by said county clerk and the date and hour of their delivery. (375 Sec. 59.)

Form and Contents

12. The said sample ballots shall be as nearly as possible a facsimile of the official ballot to be voted at the said election, provided that in any municipality having a population of more than ten thousand at any election, said sample ballot shall have printed thereon, after the words which indicate the ward and election district for which the ballots are printed, the following words: "The voting place of said election district is School No. (inserting the school number or

other words by which the school building in question is commonly known, or in case such voting place is not located in a schoolhouse, then stating the location of said voting place), on street, near street." Said sample ballot shall be printed on paper different in color from the official ballot, and have the following words printed in large type at the top thereof: "This ballot cannot be voted. It is a sample copy of the official ballot used on election day." (375 Sec. 59; 484 Sec. 11.)

Envelopes for Mailing Sample Ballots

13. Said stamped envelopes shall be of sufficient size and postage to enable the aforesaid sample ballots and anything else required to be enclosed therewith to be mailed therein. On the face of each of said envelopes shall be printed the words: "Sample Official Ballot" in large type, and in small type the words: "if not delivered in two days, return to County Clerk, Court House." (375 Sec. 59.)

Delivery by Municipal Clerks to District Boards of Registry and Election

14. Said municipal clerk to whom said sample ballots and stamped envelopes have been delivered by the county clerk as aforesaid shall deliver the same at his office, on or before noon of the Tuesday preceding the general election, to the clerk of each district board of registry and election, and shall take a receipt for the same from each one of said clerks of the district boards of registry and election of said municipality, which receipt shall indicate the number of sample ballots and stamped envelopes delivered by said municipal clerk and the date and hour of their delivery. (375 Sec. 59.)

Mailing by District Boards of Registry and Election

15. It shall be the duty of each of said boards to prepare and deposit in the post office, on or before twelve o'clock on Wednesday preceding the election day, a properly stamped envelope containing a copy of said official sample ballot, and addressed to each registered voter in the district of said board at the address shown on the registry. The clerk of the board of registry and election shall also post such sample ballots in the polling place in his district and in at least five other public places therein. Said board shall return to said clerk all ballots and envelopes not mailed or posted by them, with a sworn statement in writing signed by a majority of said board that all the remainder of said ballots and envelopes had been mailed. (376 Sec. 60.)

Preservation of Envelopes and Sample Ballots Returned by Postmaster

16. Said county clerk shall preserve all envelopes and sample ballots which shall have been mailed by said district boards of registry and election but returned to him by the postmasters of the various municipalities of said county for the space of thirty days open to public inspection. (375 Sec. 59.)

PRINTING AND DISTRIBUTION WITH SAMPLE BALLOTS OF REFERENDUM INFORMATION

Inclusion With Sample Ballot

17. Hereafter, whenever any question or proposition shall be submitted to the people of the State at

any general election, there shall be mailed to each registered voter in the same envelope with the sample ballot, a printed copy of the act of the Legislature or constitutional amendment which is so submitted. (443 Sec. 1.)

Descriptive Marks in Case of Amendments

18. Whenever an amendment to the constitution or to a statute is mailed as aforesaid, such part thereof as is new and is not contained in the then existing constitution or statute shall be underscored, and if any portion of the existing law or constitution is to be omitted in the proposed amendment, such portion shall be enclosed in brackets in the printed copies of the existing law or constitution so mailed, and there shall be annexed a note explaining the significance of the brackets and underscoring. (443 Sec. 1.)

Relation to Statute or Constitution Made Clear

19. When the act of the Legislature submitted is an amendment or supplement to a statute of this State, there shall be printed and mailed to each registered voter as hereinbefore provided, in addition to the copy of the act submitted, such portion of the statute to which the same is an amendment or supplement as shall be necessary to clearly disclose to the voter the relation of the act submitted to the existing statute law. When a constitutional amendment is submitted, there shall be printed and mailed to each registered voter as hereinbefore provided, in addition to the copy of the constitutional amendments submitted, such portion of the constitution as shall be necessary to clearly disclose to the voter the relation of the amendment submitted to the existing constitution. (443 Sec. 1.)

Attorney General to Designate Information to be Sent

20. Whenever, under the provisions of this act, it shall be necessary to mail to the voters any portion of the statute law of the State, or any portion of the State constitution, it shall be the duty of the Attorney-General to designate by writing filed with the Secretary of State what portion of the statute law or State constitution shall be so printed and mailed. (443 Sec. 1.)

Summary Statement Sufficient

21. The Attorney-General, in place of or in addition to designating any portion of the statute law or State constitution to be so printed and mailed, may if

he deem proper make a summary statement of the existing law or constitutional provisions upon the subject so far as necessary to inform the voters of the effect which the adoption or rejection of the question or proposition submitted to them will have upon said statute law or State constitution, and the mailing of such summary statement shall be a compliance with the provisions of this act. (443 Sec. 1.)

Printing and Delivering by Secretary of State

22. The Secretary of State shall cause to be printed and at least ten days before any general election at which any question or proposition is to be submitted, shall deliver to each county clerk a number of copies of the printed matter to be mailed as hereinbefore required, at least twenty per centum greater than the number of registered voters in the county. (444 Sec. 2.)

Printing of Official Ballots

Time Limit for Printing Order

23. Not later than noon of the fifth day preceding the general election the county clerk shall have printed and on hand in his office twice as many official ballots for each election district in each municipality in said county as there are voters registered in said election district. (53; 372 Sec. 56.)

Custody of Printed Ballots

24. Said county clerk shall keep said ballots in his office and be responsible therefor until they shall be delivered to the municipal clerks as hereinafter provided.

Correction of Errors in Official Ballots

25. Whenever it shall appear that any error or omission has occurred in the printing of the ballots by any county clerk, any voter resident in the county may present to a justice of the supreme court a verified petition setting forth such error or omission; and said justice being satisfied thereof, shall thereupon summarily, by his order, require the county clerk to correct such error or show cause before said justice, at the shortest possible day, why such error should not be corrected. Said county clerk shall correct the same 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. (53.)

ARTICLE XIV

Delivery of Ballots, Balloting Equipment and Supplies

GENERAL ELECTIONS

County Clerks to Municipal Clerks

1. The county clerks of the several counties, not later than three days prior to the general election, shall cause to be delivered by mail, express, or otherwise to the clerk of each municipality within their respective counties, the number of ballots hereinbefore required to be provided for each election district within his municipality at such election; said county clerk shall also deliver to the clerks of the various municipalities within his county at the same time as the ballots and in the same manner the keys of the ballot boxes of such

municipalities and such other balloting equipment and supplies as herein provided to be furnished by the county clerk for the conduct of the general election. The same shall be sent in sealed packages, one for each election district of said municipality, with marks or directions on the outside of each clearly stating the election district for which it is intended, together with the number of ballots and inventory of the other things enclosed; said county clerk shall also keep a record of the time when and the manner in which each of said packages was sent. Receipts for said ballots, equip-

ment and supplies thus delivered shall be given by the clerk receiving the same and filed with the county clerk. (54.)

Municipal Clerks to Clerks of District Boards of Registry and Election

2. The said municipal clerk shall, on the day preceding any such general election, deliver, at his office, to one of the clerks of each district board of registry and election within his municipality, the ballot box, the ballot-box keys, the ballots, and all other equipment and supplies by him received from the county clerk for such election district, and in addition shall deliver to such clerk all such other equipment and supplies as herein provided to be furnished by the municipal clerk to the district board of registry and

election of his municipality for balloting at the general election, and take the receipt of such election clerk therefor, which last mentioned receipt the clerk of such municipality shall file and preserve. (54.)

Clerks of District Boards of Registry and Election to Their Respective Boards

3. Said clerk of each district board of registry and election shall, on the morning of election and before the proclamation of the opening of the polls, deliver the ballot box, the packages of ballots and all other equipment and supplies by him received to the district board of registry and election of which he is a member, with the seals thereof unbroken, and shall take a receipt therefor from said board, which receipt said clerk shall carefully preserve for at least one year. (54)

ARTICLE XV Balloting

GENERAL ELECTIONS

Officials in Charge

District Boards of Registry and Election in Charge

1. The district boards of registry and election shall, in their respective election districts, hold and conduct the general election at which the method of voting hereinafter prescribed shall be observed. (64; 377 Sec. 61.)

General Rules and Regulations

Opening and Closing of Polls; Adjournment

2. The said district boards of registry and election shall open the polls for said election at six o'clock in the morning and close them at seven o'clock in the evening, and shall keep them open during the whole day of election, between the hours aforesaid; provided that the said board may adjourn 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. (4)

Lighting and Equipment of Booths

3. The said board shall cause the booths of said polling places to be at all hours well and sufficiently lighted to enable voters to read and prepare their ballots with ease, and shall cause each booth to be kept provided with sufficient lead pencils to enable the voters to mark their ballots. (78; 380 Sec. 64.)

Ballot Restrictions

4. The said board shall permit no other ballots to be used at said general election except the ballots which are by this act provided for. They shall confine the distribution and use of said ballots to the polling room in the manner herein directed and shall distribute no ballots (other than official sample ballots as herein provided) outside the polling place. The said board shall keep no ballots in the polling booths and shall not permit the use of envelopes for enclosing ballots on election day. (48; 372 Sec. 56; 375 Sec. 59; 377 Sec. 61.)

Registration Requirements

5. The said board shall permit no person to vote whose name does not appear on the register of their

election district or whose name shall have been ordered removed from said register by the county board of elections or by the court as herein provided. They shall permit any person to vote, however, whose name is ordered to be placed upon said register as hereinbefore provided, provided that said board may require said person to make a statement under oath to satisfy themselves of his right to vote. (25; 33; 36.)

Persons Allowed Within Railed Enclosure

6. 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 voters entering the same for the purpose of preparing their ballots and voting at such election; provided that not more than two of such voters in excess of the total number of booths shall be allowed within such railed inclosure at one time. After the hour fixed for closing the polls no voter shall be admitted within the railed inclosure, but voters already within such inclosure shall be permitted to prepare and cast their ballots. (78)

Persons Allowed in Polling Room Outside Railed Enclosure

7. 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, the duly authorized agents of the candidates of political parties, such voters as are present for the purpose of voting, and such officers as may be duly detailed to be present, pursuant to this act, for preserving the peace or enforcing the provisions hereof. (78)

Balloting Procedure

FORMAL OPENING OF POLLS

Proclamation of Opening

8. The district boards of registry and election, before they receive any vote, shall make public proclamation of the opening of the election, and of their readiness to receive the votes of the voters, and thereupon the election shall be opened. (66)

Distribution and Use of Ballot Box Keys

9. At the opening of the election, each of the keys of the locks of the ballot-box shall be taken by a different member of said board, who shall keep the same until the statement of the result of the election 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. In all cases in which the members of such board are directed to lock the ballot-box, each of the locks thereof shall be locked by the members of the board who shall have the key belonging thereto, as directed by this act. (65; 380 Sec. 64.)

Display of Ballot Box

10. Immediately before proceeding to receive the votes, such board shall, in an open and public manner, exhibit the ballot-box, so that those present may see that there is nothing contained therein, and thereupon shut and lock the same, leaving open the aperture in the lid thereof. (66)

Keeping of Poll-Book

11. One of the members of the board acting as clerk of election, to be designated by the judge, shall keep at such election a poll-book, in which shall be recorded the names of the voters voting at such election. Such clerk shall write a heading to the list of names so recorded in the following or like form: "Names of voters at the general election held in the _____ district of _____, in the county of _____, on the _____ day of _____, in the year of our Lord one thousand _____ hundred and _____, for _____" (naming the offices to be filled), and filling up the blanks in the form above given to conform to the facts of the case, provided that in all election districts in municipalities containing a population exceeding ten thousand, such book shall have six columns headed respectively: "Number of voter," "names of voters," "residence of voters," "signature or statement number of voter," "signatures compared" and "remarks." (67; 362 Sec. 46.)

CLAIMANTS' RIGHT TO RECEIVE BALLOT DETERMINED Voter in Person Claims Right to Vote

12. Every person qualified to vote in any such election shall at any time after the opening of the same, except during any period for which the district board of registry and election shall have adjourned, be at liberty to enter said railed enclosure and claim his right to vote at said election in such district, and such person shall claim such right in person before such board. Each voter in claiming such right to vote shall first give his full name and address to the member of the election board having charge of the poll-book, and in municipalities requiring personal registration shall sign his name therein. On such claim being made, one of the members of such board shall audibly and publicly announce the name of the claimant, and the member of said election board having charge of the registry, having ascertained that said voter is registered as a qualified voter, shall place in front of each name as they appear the consecutive poll number of each voter. (68; 80; 377 Sec. 61.)

Voter's Signature and Comparison of Signatures (Municipalities Over 10,000)

13. In municipalities of over ten thousand population, however, previous to each delivery of an official ballot by the ballot clerk to a voter, the member of said board having charge of the poll-book shall enter therein in the appropriate column the number of the voter, in the successive order of the delivery of ballots to voters, the names of the voter in the alphabetical order of the first letter of his surname, his residence by street and number, or if he has no street number, a brief description of the locality thereof. The voter shall, previous to the receipt of an official ballot, sign his name by his own hand and without assistance, using an indelible pencil or ink, in the column headed "signature or statement number of voter" below the words "the foregoing statements are true." After the voter shall have so signed, and before an official ballot shall be given to him, one of the members of said district board of registry and election shall compare the signature made in the poll-book with the signature theretofore made by the voter in the registration book on registration day, and if said signature is the same or sufficiently similar to the signature written on registration day, said voter shall be eligible to receive a ballot. (362 Sec. 46.)

Procedure if Voter is Unable to Sign (Municipalities Over 10,000)

14. If the voter on election day alleges his inability to sign his name, then one of the members of the district board of registry and election shall read the same list of questions to the voter as were required on registration day, both in the "signature copy" of the registry and in the "identification statements for registry day," from a book containing said questions to be provided for election day, and to be known as "identification statements for election day," and said member shall write the answers of the voter thereto. Each of these statements shall be numbered, and a number corresponding to the number on the statements sheet shall be entered in the fourth column opposite the name of the said voter answering the questions. Each statement shall contain the same questions as the voter was required to answer on registry day. The questions answered on registration day shall not be turned to or inspected until all the answers to said questions shall have been written down on election day by said member of the board. At the bottom of each list of questions shall be printed the following statement: "I certify that I have read to the above-named voter each of the foregoing questions and that I have duly recorded his answers as above to each of said questions," and said member of the board who has made the above record shall sign his name to said certificate and date the same, and note the time of day of making such record. If the answers to the questions asked of said voter on election day agree with the answers given by said voter to the same questions at the time he registered, said voter shall be eligible to receive a ballot. (362 Sec. 47.)

Signature Procedure if Voter is Registered by Affidavit (Municipalities Over 10,000)

15. If the voter has registered by affidavit as herein

provided, the signature made by the voter on such affidavit shall be compared with his signature made on election day, and if said signature is the same or sufficiently similar to the signature written on registration day, or in such affidavit as the case may be, as to identify it as being written by the same person who wrote the signature on registration day, or on such affidavit, said member shall thereupon certify that fact by writing his initials after such signature in the column headed "signatures compared," and said voter shall be eligible to receive a ballot. (362 Sec. 47.)

Comparison of Signatures or Statements to be Public (Municipalities Over 10,000)

16. The comparison of signatures of a voter made on registration and election days, and if the voter alleges his inability to write the comparison of the answers made by such voter on registration and election days, or if the voter is registered by affidavit, then the comparison of his signature and answers on election day with his signature and statements in his affidavit, shall be had in full view of the watchers, challengers or agents. (364 Sec. 48.)

CHALLENGE OF RIGHT TO RECEIVE BALLOT

Who Shall or May Challenge

17. The members of the district boards of registry and 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, and said person may be challenged by any duly accredited agent as hereinbefore provided. (72)

Procedure if Ground of Challenge is Crime

18. If a person be challenged as convicted of any crime which bars him from exercising the right to vote, he shall be required to answer in relation to such alleged conviction, and if he shall admit that he has been so convicted, he shall not be permitted to vote unless he shall make oath that he has been pardoned or restored by law to the right of suffrage; but if he shall deny that he has been so convicted, no proof of such conviction shall 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. (71)

Procedure if Person is Challenged on Ground of Being an Alien

19. 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 judge of election 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 of 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 that he has been admitted to the rights of a citizen of the United States. In the former case the said judge 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 the board." In case the person producing the same shall claim to have derived the rights of such citizen through the naturalization of his parent, then the aforesaid certificate shall show that the person alleged to be such parent has been admitted to the rights of such citizen. In the latter case, an oath or affirmation, in the following form, shall be tendered to such person:

"You do swear (or affirm, as the case may be), to the best of your knowledge, information and belief, that the person named in the certificate of naturalization which you have produced to this board was your parent, and that you were at the time of the naturalization of your parent under the age of twenty-one years, and resident of the United States." 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. (73)

Procedure if Person is Challenged as Being Disqualified

20. If any person shall be challenged, as not qualified or entitled to vote, the said judge may forthwith 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 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 election district; 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 election district, 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. (74)

Duty of District Board of Registry and Election to Question Persons Challenged

21. Upon any question or challenge of a voter 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. (76)

Questions to be Asked Persons Challenged (Municipalities Over 10,000)

22. In municipalities of over ten thousand, if a voter is challenged, the board shall ask him the questions which they asked him on registration day, the answers to which appear on the signature copy of the registry book if he has registered in person, and if he has registered by affidavit, said board shall ask him the same questions as are by this act required to be asked of a voter who has registered personally, and if the answers do not correspond a note of said fact shall

be entered in the column of the poll-book entitled "remarks." If the signatures of the voters or the answers to the questions made by the voter do not correspond, then it shall be the privilege of the watchers and challengers to challenge, and the duty of each member of the district board of registry and election to challenge, unless some other authorized person shall challenge. (364 Sec. 48; 365 Sec. 49.)

Determination of Right of Challenged Person to Receive Ballot

23. In all municipalities the district boards of registry and election shall in no case give a ballot to 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. The said board shall determine the right of such voter to vote, after making use of, and giving due weight to, the evidence afforded by his signature, if any, and the said answers, and if any member of such board shall give or assent to give a ballot to any person challenged, without requiring such person to take the oath or affirmation hereinbefore prescribed to be made upon such challenge, and such person shall not be qualified and entitled to vote, such member so giving or assenting to give a ballot, shall be deemed and taken to have given to such person a ballot, knowing it to be illegal. The question as to the giving of such ballot to said person shall be put in the following form: "Shall a ballot be given to this person by this board?" (75; 76; 365 Sec. 49.)

Challenged Person Denied Ballot to be Arrested

24. If a majority of the board shall decide against giving a ballot to such voter no ballot shall be given. It shall be the duty of such board of registry and election upon demand of a member of the board or any other citizen, to forthwith issue a warrant for the arrest of such person and deliver the same to a peace officer, who shall forthwith arrest such person, and the right to challenge voters shall exist until the ballot shall have been deposited in the ballot-box. (365 Sec. 49.)

CASTING OF BALLOT

Ballot Handed to Voter

25. In all municipalities after the district board of election shall have ascertained that a voter is properly registered and qualified to vote the inspector of election, who shall be stationed in close proximity to the entrance of said railed enclosure, shall furnish to such voter one official ballot numbered to correspond with the poll number of said voter, allowing for spoiled ballots, if any. The said inspector shall fold the ballot before handing it to the voter, so that no part of the face of the ballot is observable, and leaving the face of the coupon exposed, and at the same time shall call off said ballot number to the member having charge of the poll book, who shall make certain that the ballot number and poll number agree, allowing for spoiled ballots, if any. (377 Sec. 61.)

Voter Retires to Booth

26. Every person to whom a ballot is given shall thereupon retire into the polling booth, unless physically unable to do so; *provided*, that not more than one person, except as hereinafter provided, shall be permitted to enter or be in the same booth at one time. Said voter shall prepare his ballot in said booth secretly and screened from the observation of others. (78; 377 Sec. 61.)

Marking of Ballot

27. Said voter shall indicate his choice among the candidates for the offices in question by marking a cross X or plus + in black ink or black pencil opposite the name of each candidate for whom he desires to vote in the space or square indicated upon the ballot for that purpose, provided that the voter may vote for an entire group of candidates for Presidential electors by making a cross in the space or square at the left of the surnames of the candidates for President and Vice-President for whom he desires to vote. If a voter does not desire to vote for all the Presidential electors of the same party, he must not mark a cross X or plus + in the space or square at the left of the surnames of the candidates for President and Vice-President, he must mark a cross X or plus + in the space or square at the left of the name of each candidate for Presidential elector for whom he desires to vote. (377 Sec. 61.)

Voting for Names Not on Ballot

28. Nothing in this act contained shall prevent any voter from writing or pasting on said ballot the name or names of any person or persons for whom he desires to vote for any office or offices; or from writing or pasting the name of any other person and making a cross in the square at the left, provided that said writing shall be in black pencil or ink and provided that all pasters used shall be printed with black ink on white paper only. (59.)

Voter Spoils Ballot

29. Should any voter to whom any official ballot has been handed, spoil or render the same unfit for use, he may return the one so spoiled or unfit for use and obtain another from the district board of registry and election, but no more than two official ballots shall be furnished to any voter, except at the discretion of said board. The said board shall preserve all ballots returned by a voter as spoiled or unfit for use and keep a record thereof and place them on a string with the coupons. (375 Sec. 59.)

Voter Leaves Booth

30. Before leaving the booth the voter shall fold his ballot, so that no part of the face of the ballot shall be visible, and so as to display the face of the numbered coupon, and the ballot of such claimant shall remain in his own hand until such board shall have decided to receive the same. (377 Sec. 61.)

Voter Delivers Ballot to Ballot Box Clerk

31. He shall then hand the ballot with the coupon undetached to the member of the election board having charge of the ballot-box, which member shall call off the number of the ballot and the name of the voter. If the name and number agree with the

record in the poll-book, the election officer having charge of the poll-book shall so announce and place a check mark opposite the poll number to indicate that the person shown thereon as receiving the ballot has voted. The member of the board having charge of the registry list shall check the name of the voter thereon, and write in front thereof the number of such voter's ballot. (377 Sec. 61.)

Ballot Box Clerk Deposits Ballot

32. Thereupon the member of the board having charge of the ballot-box, without displaying any part of the face of the ballot, shall remove the coupon from the top of the ballot and place the ballot in the box and the coupon on a file string. The member of the board having charge of the ballot-box shall keep the ballot in full view of the voter and the other election officers until it is deposited, and the voter may take hold thereof, with the member of the board having charge of the ballot-box, until it is actually deposited. (68; 377 Sec. 61.)

Procedure When Ballot Box is Filled

33. When one ballot-box is filled with ballots the board shall seal the same and provide another. (377 Sec. 61.)

Time Limit for Challenging

34. The right to challenge voters shall exist until the ballot shall have been deposited in the ballot-box, and the procedure in case the right of a person to vote is challenged shall be the same as herein prescribed when the right of a person to receive a ballot is challenged. (365 Sec. 49.)

VOTER UNABLE TO PREPARE BALLOT

Procedure to be Followed

35. At any general election any person who declares under oath and establishes to the satisfaction of a majority of all the members of the district board of registry and election that he is unable to read the English language, or that by reason of blindness or other physical disability he is unable to mark his ballot without assistance, may have the assistance of one or more members of such board, to be assigned by the board, in preparing his ballot. Such member or members of such board shall retire with such voter to the booth and assist him in the preparation of his ballot and folding the same. The clerk of the district board of registry and election shall make a memorandum on the poll-book 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 member or members of the board who aided such voter. All members of the district board of registry and election shall have the right to witness the preparation of the ballot of any such voter, but no other person shall be allowed to assist such voter in marking his ballot or to witness the marking of the same. No member of such board shall reveal the name of any person for whom such voter has voted, or anything that took place while such voter was being assisted. (379 Sec. 63.)

VOTER'S NAME CHECKED AS HAVING VOTED

Procedure to be Followed

36. When any legal voter shall apply to the district

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 having voted, it shall be lawful for said district 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. (82)

Court Authorization to Vote

Determination of Applications for Right to Vote

37. It shall be the duty of the justice of the supreme court and the judge of the court of common pleas, or one of them, to sit and hold a court of common pleas at the court house in their respective counties on the day of the general election from eight o'clock in the forenoon till seven o'clock in the evening, and in case the vote of any person registered, in any election district, has been refused or rejected by the district board of elections, in such district, the said court shall, upon application, in person, by the person so refused or rejected, proceed, in a summary way, to inquire whether such person is entitled to vote in such election district. If the court shall find that such person is legally entitled to vote in said election district, it shall issue a certificate, under its seal, to the district board of registry and election of the district in which such person is entitled to vote, reciting that such person is entitled to vote in such election district and shall deliver such certificate to such person. Such person may present said certificate to the district board of registry and election of the district in which he is entitled to vote, and said board shall receive and file said certificate, and thereupon he shall be allowed to vote at such election. (280 Sec. 2.)

Emergency Official Ballots

Cause; Preparation; Use

38. If at any election the ballots to be furnished therefor shall not be delivered at the time above mentioned, or if after delivery they shall be destroyed or stolen and other official ballots cannot be obtained in time for such election, the clerk of such municipality, or the district board of registry and election, as the case may require, shall cause other ballots to be prepared as nearly in the form heretofore prescribed as practicable, but without the indorsement on the top thereof. Upon the receipt of ballots thus prepared from the clerk of such municipality, accompanied by a statement, under oath, of the person 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 district board of registry and election has caused such unofficial ballots to be prepared, the said board shall cause the ballots so substituted to be used at the election. (55)

Unofficial Ballots

39. If from any cause neither the official ballot 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. The mode and manner of voting such unofficial ballots shall, nevertheless, in all respects conform as nearly as possible to the mode and manner of voting hereinafter prescribed. (55)

Adjournment of District Board of Registry and Election Before Close of Election

Procedure

40. Whenever, before the close of the election, an adjournment shall be ordered by the said board, 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 members of such board 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. 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. During every such adjournment the ballot-box shall remain in the possession and under the care of one or more members of such board, to be appointed by such board for that purpose, who shall keep the same, during such adjournment, in public view. (77)

Transportation of Voters to Polls

Petition for Transportation

41. The chairman of the county committee or other organization of any political party which has nominated candidates to be voted for at any general election, or any person endorsed as a candidate for the nomination of any political party or group of petitioners to public office in any county may petition the judge of the Court of Common Pleas of said county at least fourteen days prior to the day of the general election, setting forth that certain voters described in said petition reside at a distance of at least two miles from the polling place at which, under the law, they are entitled to vote on election day, or are aged or infirm, and that the said voters do not, nor does any of them possess any vehicle or other means of trans-

portation from their places of residence to the said polling place, and no trolley line is available as hereinafter stated, and requesting that the said judge shall order the expense of the said transportation of the said voters on election day from their homes to their polling places and return, to be paid by the board of freeholders of said county upon vouchers, as herein-after provided. (517 Sec. 32.)

Order by Judge

42. If the said judge shall be satisfied that the public interests require the transportation of the said voters, he may make an order, authorizing the petitioner to employ such number of conveyances, at rates of compensation to be fixed in said order. (518 Sec. 33.)

Presentation of Bill With Affidavit

43. Each person who shall furnish a vehicle or conveyance under the order of the said judge, shall file with the said judge, within four days after the day of election, a voucher or bill, setting forth the number of voters transported in his vehicle, and the time consumed in such transportation. The owner or operator of such vehicle or conveyance shall make oath or affirmation to the truth of the facts set forth in said voucher. (518 Sec. 33.)

Affidavit of Persons Transported

44. Annexed to said voucher or bill shall be the affidavit of each person claimed to have been transported by the person presenting the said voucher or bill. Said affidavit shall state the place of residence of said voter, and shall set forth that the place of said residence is more than two miles from the polling place at which said voter voted, and that said voter did not own any horse and wagon or motor vehicle on said day of election, and that there was no trolley line running within half a mile of the residence of the said voter upon which he could be transported to within half a mile of the said polling place, or that said voter is aged and infirm. (518 Sec. 33.)

Obligation of County to Pay

45. If the said judge of said court shall approve the said voucher, the same shall be paid by the county board of freeholders. (518 Sec. 33.)

ARTICLE XVI

Counting of Ballots by District Boards of Registry and Election

GENERAL ELECTIONS

Rules and Regulations as to Counting

Summary Statement in Poll-Book

1. Immediately after the close of the polls and before proceeding to estimate and canvass the votes which shall have been received at said election the clerk of the district board of registry and election keeping the poll-book shall state therein, immediately after the last name, 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 to

conform to the fact; and the members of such board shall sign their names thereto. (86)

Public Count Without Adjournment

2. The said district board of registry and election shall then proceed forthwith to count the votes for each candidate or proposition and shall complete said count without delay or adjournment. Said counting 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. (89; 378 Sec. 62.)

Votes Based on Ballot Markings

3. Said counting shall be in accordance with the marks made upon the ballots as hereinbefore provided. In case of a referendum if the voter makes an X mark in black ink or black pencil in the square opposite the word "Yes", it shall be counted as a vote in favor of said proposition or question. If the voter shall make an X mark in black ink or black pencil in the square opposite the word "No" it shall be counted as a vote against such proposition or question, and in case no mark shall be made after the word either "Yes" or "No" it shall not be counted as a vote either for or against such proposition. In case of electors of President and Vice-President of the United States, if a voter mark a cross X or plus + in the space or square at the left of the surname of any candidate for President and Vice-President of the United States and also mark a cross X or plus + in some of the spaces or squares at the left of the name of candidates for Presidential electors, not exceeding the number to be elected, it shall count as a vote for all the candidates for Presidential electors nominated by the party represented by said candidates for President and Vice-President of the United States. (374 Sec. 58; 377 Sec. 61; 378 Sec. 62.)

Void and Partially Void Ballots

4. In counting the ballots said board shall deem and take to be null and void all ballots which are wholly blank. All ballots still remaining in the ballot box after ballots equal in number to the number of names of voters in the poll-box, exclusive of blank ballots, shall be deemed and taken to be null and void. Any ballot which shall have either on its face or back, any mark, sign, designation or device whatsoever, other than is permitted by this act, whereby such ballot can or may be identified or distinguished from other ballots cast at such election, shall be null and void; provided that no ballot shall be invalid by reason of the fact that such ballot is marked with a pencil or with ink of a color other than black, or by reason of the fact that such ballot contains any marks not contemplated by the act to which this act is a supplement, or by any act amendatory thereof or supplemental thereto, unless the board canvassing said ballots, or the board or officer conducting the recount thereof, shall be satisfied that the use of pencil or ink other than black or the placing of said mark upon the ballot was intended to identify or distinguish said ballot, and provided further that no ballot cast for any candidate shall be invalid by reason of the fact that the name of such candidate may be misprinted, or his Christian name or initials may be omitted, or by reason of the fact that the mark made by the voter may not be a plus or a cross mark, and may not be in the blank space opposite the name of such candidates, provided such canvassing board or officer shall be satisfied that the mistake was made in good faith, and not for the purpose of identifying or distinguishing the ballot. If a voter marks more names than there are persons to be elected to an office, or his choice cannot be determined, his ballot shall not be counted for such office, but shall be counted for such other offices as are properly marked. (54; 58; 84; 85; 91; 92; 378 Sec. 62.)

Counting of Void and Partially Void Ballots

5. In every case in which a ballot shall be declared null and of no effect, the same shall not be canvassed, estimated or numbered, but shall be marked "defective" on the outside thereof, and shall be preserved like other ballots. Ballots which shall be declared null and void with respect to a part of the officers or propositions to be voted on shall be canvassed, estimated and numbered with respect to the part which is not null and void and preserved as other ballots, but shall have marked on the outside thereof "partially defective." (91; 378 Sec. 62.)

Majority Decision of Board Final

6. The decision of a majority of the district board of registry and election on any question shall be deemed and taken to be the decision of such board, and final. If any member of such board shall dissent from any decision of the same, and shall desire to protect himself from the consequences which may result from such decision, it shall be lawful for such member to record his dissent, in cases relating to registration, in the register, and in all other cases, in the poll-book of such election, signing his name to such record with his own hand, and unless he shall do so, he shall be deemed and taken to have assented to the decision so made. (90.)

*Counting Procedure**Reading and Stringing of Ballots*

7. Such board in the actual procedure of counting the ballots shall thereupon unlock and open the ballot-box; the ballots shall then be taken singly and separately therefrom by the judge of election, and while each ballot shall remain in his hands, he shall audibly and publicly read the same; and before taking another ballot from the box shall deliver the ballot open to the inspector, to be examined and numbered; the inspector shall take and examine the same; and thereupon if he shall be satisfied that the same has been correctly read, write on the back thereof the number of such ballot from one onward, in the order in which the same shall have been taken from the box; the inspector shall string the ballot as one ticket 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. Defective ballots shall then be strung in the same manner in which the other ballots are directed to be strung, but on a different twine. (87; 91.)

Recording of Votes

8. The clerks of such board, under the inspection and direction of such board, shall each make a list of the names of all persons for whom one or more votes shall have been given, designating the office 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 thereon, as designated for any office. (88.)

Casting of Totals

9. 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. (88.)

Public Announcement of Results

10. After completing the same the chairman of said board shall audibly and publicly announce the

result thereof, particularly specifying the whole number of the votes 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. (89.)

ARTICLE XVII**Making of Returns by District Boards of Registry and Election**

GENERAL ELECTIONS

Number of Statements and Form

1. After the district board of registry and election shall have counted the ballots cast at said election they shall make triplicate statements of the result thereof in the following or like form, provided that if no officers or propositions were voted for at such election by the voters of the entire state or of more than one county thereof, said statements need only be made in duplicate:

FORM OF STATEMENT

"A statement of the result of an election held in the _____ election district of the _____ 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, member of the general assembly, a sheriff and three coroners, for said county; (or as the case may be).

The whole number of names on the register list of signature copy book is _____.

The whole number of names on the poll-book is _____.

The whole number of ballots rejected is _____.

For members 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

Making under each head a list of the names of all the person 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, 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. (95.)

Certification of Statements

2. Said election board shall then certify said statement in the following or like form:

"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 as designated for him.

in witness whereof, we have hereunto set our hands, this _____ day of November, in the year of our Lord one thousand nine hundred and _____

..... } *Board of Registry and Election.*

Provided that no member of any board of registry and election shall sign any returns of election until after the completion of the counting of votes, and his personal examination of the tally-sheets to determine the results. (89; 95)

Filing of Statements

3. After the district board of registry and election shall have made up and certified said statements the judge of the election or such one of their number as the said board shall designate shall, at the same time and with the ballot-boxes, as hereinafter provided, personally deliver or safely transmit one of said statements to the clerk of the municipality wherein such election is held, who shall forthwith file the same. The said officer shall, within two days next after election, personally deliver or safely transmit another of said statements of the result of such election to the clerk of the county, who shall forthwith file the same. In the event that officers or propositions were voted for at said election by the votes of the entire state or of more than one county thereof, then said judge or officer so designated shall within two days next after such election personally deliver or safely transmit said statements to the clerk of the county, and shall inclose, seal up and transmit the third statement to the secretary of state by mail, directing the same in the following manner: "To the secretary of state of New Jersey, Trenton, New Jersey," and the secretary of state on receiving such statement shall forthwith file the same in his office. (96.)

Penalty for Failure to Deliver Statements

4. If any member of a board of registry and election who shall have been appointed by such board to deliver or transmit the statement of the result of such election shall neglect or fail to deliver or safely transmit the same within the time herein required, 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 collector, with costs, in any court of competent jurisdiction; and it shall be the duty of the clerk of the county to certify to the county collector the names of all members so failing to deliver or transmit such statement; and the said county collector shall forth-

with institute proceedings to recover said penalty; and in case of failure on the part of said officer to produce the same within twenty-four hours after being served with such order, the said officer shall be deemed and considered in contempt of court, and shall be punished accordingly. (97; 98.)

Action by Court on Failure to File Statements

5. If said officer shall fail to deliver or transmit the statements of the result of any election to the person or place, and within the time herein required, any

municipal clerk, county clerk, secretary of state, member of the board of county canvassers, or member of the state board of canvassers may apply to any justice of the supreme court for an order to compel the immediate delivery of said statements, and the said justice, upon presentation of the facts which satisfy him that the said election officer has failed to deliver or transmit the same as herein required, may make an order requiring the immediate delivery thereof by said officer or by the district board of registry and election of which said officer is a member. (98.)

ARTICLE XVIII

Disposition of Ballot Boxes, Election Records and Election Equipment

GENERAL ELECTIONS

Election Records and Documents Placed in Ballot Box

1. As soon as the election shall be finished, and the votes canvassed and the statements made and certified by the district board of registry and election, as herein required, all ballots which have been cast, whether the same have been estimated and canvassed or rejected for any cause, the poll-list and tally-papers, spoiled and unused ballots, affidavits of registration and all other documentary books or blanks except the register, shall be carefully collected and deposited in the ballot-box. (99; 360 Sec. 44; 377 Sec. 61.)

Delivery of Ballot Boxes to Municipal Clerks

2. Such ballot-box, after being locked and bound with tape and sealed, shall, in all municipalities in this state, be immediately taken in charge by the two clerks of election, and by them forthwith carried to the office of the clerk of such municipality in which such election may be held, by the most direct route, and without delay, and said clerks shall not stop at any place between the polls and the municipal clerk's office. (99)

Municipal Clerk's Office Open Till All Ballot Boxes are Delivered

3. The clerk of such municipality shall attend at his said office on election day, or appoint one of the clerks in his office to act for him, 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 municipality at such election shall have been delivered at his office. The clerk of such municipality 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 district whence it was brought, names of the clerks 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 municipal clerk. (99)

Preservation of Ballot Boxes with Contents

4. Every municipal clerk to whom said ballot-boxes shall be delivered, shall thereupon keep the same, with their contents, but shall not have the keys thereof in his possession until required for the next ensuing election, and shall not open or permit to be taken or opened

any ballot-box deposited as aforesaid for the space of three months after the same has been so deposited, except when he shall be called upon by some court or other tribunal authorized to try the merits of such election, or to 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 to his custody; *provided*, that when any 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 clerk, it shall be lawful for the judge of the circuit court of the county, upon application of the governing body of any municipality, to direct the contents thereof to be removed and carefully preserved, and the said ballot-boxes to be used at such election. (100)

Disposition of Register

5. After the canvass of the votes the register kept and checked by the district board of registry and election shall be filed by said board with the clerk of the county. (67)

Disposition of Ballot Box Keys

6. After the canvass of the votes the keys of each ballot-box shall be deposited by the chairman of said district board of registry and election with the county clerk. (67)

Sale of Old Registers

7. All registers of voters or register books which are required to be filed with the county clerks of the various counties and the municipal clerks of the various municipalities of this State, by and under the above stated act, shall be preserved by such county and municipal clerks, respectively, for a period of five years after the holding of the general election at which they were used, and thereafter shall be sold by such county and municipal clerks as waste paper, the proceeds to be paid into the county and municipal treasuries respectively. This act shall also authorize the several county and municipal clerks to sell all register books, or registers of voters, which have been on file five years previous to the passage of this act, the proceeds to be paid into the county and municipal treasury respectively. (310 Sec. 1; 311 Sec. 2.)

ARTICLE XIX

Canvass of Returns by Board of County Canvassers

GENERAL ELECTIONS

Meetings and Adjournments

Time and Place of Meeting

1. The Board of County Canvassers of each county shall meet on the Monday next after any such election, at twelve o'clock noon, at the court house of such county, for the purpose of canvassing the statements of the district boards of registry and election filed with the county clerk as hereinbefore provided. At said time and place the said clerk of such county shall attend and bring with him the statements of the result of such election as filed with him by said district boards of registry and election. (103.)

Substitute Clerk in Absence of County Clerk

2. If the clerk of such county shall be absent at such meeting at the time appointed therefor, the board shall forthwith proceed to appoint a fit person to be the clerk of such board, who shall obtain such statements from the office of said clerk. (104.)

Administration of Oath to Clerk

3. Before proceeding to canvass and estimate the votes the chairman of the board shall administer to the clerk thereof, and the clerk thereof shall take an oath or affirmation in the following form: "You do swear (or affirm, as the case may be) that you will faithfully execute the duties of clerk of this board according to law." (104.)

Adjournment and Its Cause

4. 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, or if at that time the statements of the result of such election from every election district in such county shall not be produced, the members of the board then present shall adjourn to some convenient hour on the next day. (105.)

Obtaining of Missing Statements

5. If said adjournment is occasioned by the fact that at the time fixed for the meeting of such board the statements from every election district have not been filed with the clerk of the county, 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 lacking, in time to be produced to such board at their next meeting, and for this purpose the statements directed to be filed with the clerk of any municipality wherein such election was held, or those directed to be filed with the county clerk, a copy certified by the secretary of state, of the statements transmitted to him, shall be sufficient. The clerk of such board shall lay before such board, at their subsequent meeting, all such statements and certified copies as he shall have obtained as above directed. (106.)

Second Adjournment Permitted

6. At the hour to which such adjournment shall have been ordered, the member or members then pres-

ent may proceed as hereinafter directed, or may again adjourn for a period not exceeding three days, at which time the member or members then present shall proceed as hereinafter directed. (105.)

Custody of Statements During Adjournment

7. Whenever any board of county canvassers shall find it necessary to adjourn, as herein provided, all statements of the result of an election 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 and delivered to the county clerk for safe-keeping until the next meeting of such board. (107.)

Canvassing Procedure

Canvass and Statement Thereof

8. The members of said county board of canvassers shall proceed to examine the statements and copies of statements which shall be produced before them and shall canvass and determine the votes cast at such election; and shall forthwith make two statements of the result of such election; *provided*, that if no officers or propositions were voted for at said election by the voters of the entire State or of more than one county thereof one copy shall be sufficient. (108.)

Contents of Statement and Certificate

9. Each of which statements shall contain the name of each election district, the number of names of the voters on the poll-books of each election district, and of the ballots rejected, and the whole number of such names and rejected ballots in all of said election districts; the number of votes given in each election district for each person for whom any vote or votes shall have been given for any office to be filled by such election, mentioning the office for which each person shall have been designated and the name of such person (which numbers of names and numbers of votes given, and of ballots rejected, may be in figures), and the whole number of votes which shall have been given for each person for any such office, mentioning the office for which each person shall have been designated, and the name of such person (which numbers of votes and the names of persons and election districts shall be in words, written at full length). Each of such statements shall be certified to be true and correct by a certificate which shall be appended to the same, signed by the members of such board making such canvass. (108.)

Form of Statement

10. The statement shall be in the following, or like form: "A statement of the result of an election held in the county of _____, on the _____ day of November, in the year of our Lord one thousand _____ hundred and _____, to elect a member of the senate, members of the general assembly, a sheriff and coroners of said county [naming the officers as the case may be], made by the board of county canvassers of said county:

And the blanks in the form above given shall be filled up to conform to the facts of the case. (109.)

Form of Certificate

11. The certificate shall be in the following, or like form: 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 election districts, respectively, and of the ballots rejected, the whole number of the names of the voters in the poll-books of the several election districts, the name of each person for whom any vote or votes were given, the number of votes given for each person in each election 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 _____ hundred and _____.

Chairman of the board of canvassers.

Attest: _____, Clerk." (109.)

Delivery of One Statement to County Clerk

12. Such board shall deliver one of the said statements to the clerk of the county, who shall forthwith file the same. (110)

Delivery of Other Statement to Secretary of State

13. The chairman of such board shall inclose and seal up the other statement and deliver or safely transmit the same so inclosed and sealed up, to the secretary of state at Trenton, so that he shall receive the same within three days next after the meeting of such board, and the secretary of state shall forthwith file the same. (110)

Preservation of Statements Made by District Boards of Registry and Election

14. All the statements made by the district boards of registry and election and copies of such 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. (116)

Collection of Statements by Secretary of State

Secretary of State to Make Sure of Receiving Statements of County Board of Canvassers

15. 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 lacking; and for this purpose a copy of the statement directed to be filed with the clerk of the county, certified by such clerk, shall be sufficient. (118)

Secretary of State to Complete Defective Statements

16. 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 election district of such county; and if it shall appear to him that the statement of the result of such election in any election 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 such lacking statement has been received in his office; and if it shall appear to him that such copy has not been so received, he shall forthwith, by special messenger or otherwise, obtain a copy of the statement directed to be filed with the clerk of such county, or with the clerk of any municipality within said county, certified by such clerk, which shall be sufficient. (118)

Statements to be Delivered to Secretary of State

17. The clerk or member of the board of election of any election 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 dispatched for the same by the secretary of state, deliver to such messenger such statement or copy, such messenger shall be commissioned as such in writing, under the hand and official seal of the secretary of state, 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 said secretary of state. (124)

ARTICLE XX

Determination of Results by Board of County Canvassers

GENERAL ELECTIONS

Scope of Authority

1. The board of county canvassers, in case of officers or propositions voted for exclusively by the voters of a single county or any political subdivision thereof shall proceed to determine what officers have been elected and which of said propositions approved. (111)

OFFICES VOTED FOR BY COUNTY OR MORE THAN ONE MUNICIPALITY THEREOF

Statement of Determination

2. The board of county canvassers in the case of an election for a member of the senate, members of the general assembly, or other officer elected or proposition approved by all of said voters of said county, shall

make a statement of the result thereof, and their determination therein in the following or like form:

"A statement of the determination of the board of county canvassers relative to an election held in the county of _____ on the _____ day of November, in the year of our Lord one thousand _____ 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 (naming the officers, as the case may be).

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 (as the case may be)." (112; 113.)

Certification of Determination

3. The said board shall thereupon certify said statement to be true and correct, by a certificate appended to the same, and signed by the chairman of such board in the presence of the clerk of such board: "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 _____ hundred and _____.

Chairman of the board of canvassers.

Attest: _____, Clerk."

And the clerk of such board shall attest the signing of the same by such chairman, by signing his name thereto. (111)

Filing of Statements and Certifications with County Clerk

4. The statement of such determination, and the certificate thereto, shall be annexed to the statement of the results of the election, and shall be delivered therewith to the clerk of the county and filed in his office. (111.)

Certificates Issued to Successful Candidates by County Clerk

5. The clerk of such county, in the case of an election for senator or members of the assembly, or for any officer voted for by the voters of the entire county or of any subdivision more than a single municipality, shall make as many copies of the statement of the determination of such board, and the certificate appended thereto, as may be necessary, 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, 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. (114)

Copies of State Legislators' Certificates to Secretary of State

6. In the case of a State senator or member of the general assembly he shall also make, inclose, seal up and transmit another copy of the same to the secretary of state at Trenton, within five days next after the meeting of such board; and the said secretary shall file the same in his office. (114)

State Legislators' Certificates and Organization of Legislature

7. In the organization of the senate and general assembly the certified copies of the aforesaid statements of the determination of such board 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. (115)

MUNICIPAL OFFICES

Filing of Statements and Certifications with Municipal Clerks

8. The board of county canvassers in the case of officers elected or propositions approved by the voters of a municipality or part thereof shall in the same manner and form make and certify and sign as many statements as to their determination as there are municipalities concerned and file the same with the clerks of said municipalities. (111.)

Certificate Issued to Successful Candidate by Municipal Clerks

9. Said clerks of said municipalities shall forthwith make as many copies of said statements of determination of said board and of the certificate appended thereto as may be necessary and shall certify such copies to be true, full and correct by a certificate appended thereto as may be necessary, and shall without delay deliver one of the same to each person who shall be so elected. (111.)

Form of Certificates Issued by Municipal Clerks

10. Said statement and certificate appended thereto shall be in a form similar to that hereinbefore prescribed for the board of county canvassers, as far as the nature of such election will admit. (123)

ARTICLE XXI

Canvass by Board of State Canvassers

GENERAL ELECTIONS

Meeting

Time and Place of Meeting

1. The Board of State Canvassers shall meet at Trenton on the twenty-first day next after the day of election, for the purpose of canvassing and estimating the votes given for each person for whom any vote or votes shall have been given for one or more members of the United States senate or of the house of

representatives, or for electors of president and vice-president, or for Governor, 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. Said board 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. (119)

Substitutes for Absentee Members

2. 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. (122)

Oath of Members

3. The chairman of such board shall administer to each member thereof, and each member thereof shall take an oath or affirmation in the following form: "You do swear (or affirm, as the case may be) that you will faithfully 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. (120)

Substitute for Absentee Secretary

4. If the secretary of state shall be absent from such meeting at the time appointed therefor, such board shall forthwith, after the oaths or affirmations shall have been administered and taken, proceed to appoint a fit person to be the clerk of such board; and before proceeding to canvass and estimate the votes, the chairman of such board shall administer to the clerk thereof, and such clerk shall take, an oath or affirmation in the following form: "You do swear (or affirm, as the case may be) that you will faithfully execute the duties of clerk of this board." (121)

Procedure*Presentation of Statements*

5. The secretary of state shall thereupon produce and lay before such board all statements and copies relating to such election which he shall have received or obtained; as hereinbefore provided. If the secretary of state shall neglect to produce and lay before

such board any such statement or copy 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 and produce and lay before the board such statement or copy, and thereupon such secretary shall forthwith produce and lay the same before such board. (123; 125)

Statement and Certification of Canvass

6. Such board shall then forthwith canvass such statements and proceed to make a statement of the result of such election in the state; said 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 appended to the same; and the chairman of such board shall sign his name thereto, 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. (123)

Form of Statement and Certificate

7. Said statement and certificate appended thereto shall be in a form similar to that hereinbefore prescribed for the board of county canvassers, as far as the nature of such election will admit. (123)

ARTICLE XXII**Determination of Results by Board of State Canvassers****GENERAL ELECTIONS***Statement of Determination*

1. 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. (123)

Basis of the Statement

2. Such board shall base 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 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 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 election district 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 district, or the copy of such statement, which shall be laid before such board by the secretary of state as is hereinbefore directed. (126)

Certification of Statement

3. 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, 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. (123.)

Form of Statement and Certificate

4. And the statement of such determination, and the certificate appended thereto, shall be in a form similar to that hereinbefore prescribed for the board of county canvassers, as far as the nature of such election will admit. (123)

Filing of Statements

5. Said statement of determination shall be annexed to the statement of the result of such election; and both of such statements and certificates attached thereto shall forthwith be delivered to the secretary of state, who shall file the same in his office. 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. (123; 128)

Certificates Issued to Successful Candidates by Secretary of State

6. 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, and shall sign his name thereto 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. (127)

ARTICLE XXIII**Primary Elections****NOTICE OF ELECTIONS****Primary for the General Election***Party Officials to Public Officials*

1. The chairman of the State committee of a political party shall, on or before the fifteenth day of June in the year when a Governor is to be elected, notify in writing the chairman of each county committee of said party that a member of such State committee is to be elected from said county at the ensuing general election. Said chairman of the county committee shall, on or before the first day of July of said year, send a copy of such notice to the clerk of each municipality within said county. The chairman of each county or municipal committee shall also, on or before the first day of July in each year, file with the clerks of the several municipalities the number of committeemen to be elected at the ensuing primary for the general election to such county or municipal committee, as provided by the constitution or by-laws of such committee. (254 Sec. 6; 381 Sec. 65.)

Public Officials to the Public

2. In addition to the notice of the primary for the general election hereinbefore provided to be published along with the notice of said general election in the newspapers circulating in municipalities wherein such elections are to be held, notice of the time and place

Certificate in Case of United States Senator or Congressman

7. In case of an election for one or more members of the United States senate or of the house of representatives, the secretary of state shall prepare a general certificate of the election of such member or members of the United States senate and one of the member or members of the house of representatives, and lay the same before the governor, who shall sign his name thereto, in the presence of such secretary; and such secretary shall attest the signing of the same by the Governor by signing his name thereto, and shall thereupon affix the seal of the state thereto and transmit the same forthwith to the clerk of the United States senate and of the house of representatives, as the case may be, if they shall then be in session, and if not in session, then at their first meeting. (130)

Certificate in Case of Presidential Elector

8. 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, in the presence of such secretary; and such secretary shall attest the signing of the same by the Governor, by signing his name thereto, 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. (130)

of holding such primary elections shall be given by the clerks of each district board of registry and election by five or more advertisements posted at conspicuous places in their election district at least ten days before such primary elections. (252 Sec. 13.)

Primary for Delegates and Alternates to National Convention*State Committee to Secretary of State*

3. In every year in which primary elections are to be held as herein provided for the election of delegates and alternates to the national conventions of political parties the chairman of the State committee of said political parties shall notify the Secretary of State, on or before the fifteenth day of March of said year, of the number of delegates at large, and the number of alternates at large, to be elected to the next national convention of his party, by the voters of the party throughout the State, and also of the number of delegates and alternates who are to be chosen to said national convention in the respective congressional districts or other territorial subdivisions of the State, as mentioned in said notification. If the State chairman, or either of them, shall fail to file such notice, it shall be the duty of the Secretary of State to ascertain the said facts from the call for said national convention issued by the national or State committee of said party. (330 Sec. 13.)

Secretary of State to County Clerks

4. The Secretary of State shall, on or before the twentieth day of April in such year, certify to the county clerk of each county in this State the number of delegates and alternates at large to be chosen by each party as aforesaid, and the number of delegates and alternates to be chosen in each congressional district or other territorial subdivision of the State composed in whole or in part of the county of such county clerk. (331 Sec. 14.)

County Clerks to Public

5. The clerk of every county shall, at least two weeks preceding the primary for the election of delegates and alternates to the national convention of political parties, cause a notice to be published in at least one, but not more than two newspapers printed and published in each municipality within said county to the effect that such primary elections are to be held and giving the time, place and purpose thereof. In municipalities having more than ten thousand population, said notices shall include a short description of the boundary lines of each election district therein, and the place of meeting of the district board of registry and election for said district. In all municipalities said notices shall be published in such newspaper or newspapers at least once, and not more than twice in each week. Furthermore, notice of the time and place of holding such primary elections shall also be given by the clerks of each district board of registry and election by five or more advertisements posted at conspicuous places in their election district at least ten days before such primary elections.

REGISTRATION OF VOTERS**Primary for the General Election****MUNICIPALITIES EXCEEDING TEN THOUSAND POPULATION***Separate Primary Registry List Required*

6. In municipalities which at the Federal or State census immediately preceding any primary for the general election contained a population exceeding ten thousand each district board of registry and election shall prepare on the first day of registration for said general election in addition to the general registry list a primary registry list. (344 Sec. 29.)

Preparation of Primary Registry List

7. Said district board of registry and election shall prepare the primary list for their district by placing upon it in accordance with the streets upon which they live the names of all persons whose names appear upon the poll-book of their election district at the last preceding general election; the names of all voters who shall appear in person before said board and register upon said first registry day; and the names of all persons presented to said board by affidavit, as hereinbefore provided. Said boards shall upon the completion of said lists at the close of the first day of registration consult the party poll-books kept at the primary for the next preceding general election and place the letter "R" opposite the names on the said primary registry list as appear in the said Republican primary

poll-books; the letter "D" opposite such of the said names as appear in the Democratic primary poll-book, and so on. (344 Sec. 27; 345 Sec. 28.)

MUNICIPALITIES OF TEN THOUSAND POPULATION OR LESS*General Election Registry List to be Used as Primary Registry List*

8. In municipalities which at the Federal or State census immediately preceding any primary for the general election contained a population of ten thousand or less the district boards of registry and election shall use at said primary the registry list which they are now required by this act to prepare for the said general election. Said list shall be made up and open for inspection at least ten days prior to said primary election. After each name on said list shall be placed the letters "R" or "D," or as the case may be, in the manner and form hereinbefore provided for the preparation of said primary lists in municipalities of over ten thousand population. (347 Sec. 30.)

PREPARATION OF PRIMARY REGISTRY LISTS IN EMERGENCIES*New Election Districts Formed*

9. Whenever it shall happen, by reason of the creation of new election districts under this act, or for any other reason, that there is no copy of the poll-book of the said election district used at the general election of the previous year, or no copies of the primary books for such election district, the municipal clerk shall furnish to the said board of registry and election, on or before said first registry day, a list of the names of voters in said election district who voted therein at the last previous general election, and also of those who voted therein at the last previous primary election in each party primary, which names shall be taken from the poll-book and the primary books of the election district or districts of which the new district formed a part; and from such lists said board shall make up the primary registry list as herein provided. (345 Sec. 28.)

Poll-Books Missing

10. If the poll-book of any election district has been lost or destroyed at the time of the said first registry day, then the said board in said district shall make up the primary registry list in said district from the names checked as voting on the last registry filed with the county clerk and from the names on the primary books of the various political parties of the last previous primary, together with the names of voters filed with them by affidavit, as herein provided. (345 Sec. 28.)

REVISION AND CORRECTION BY COUNTY BOARD OF ELECTIONS*Procedure to be Followed*

11. The county board of elections shall sit on the Friday succeeding the first registry day for the general election for the purpose of revising and correcting the said primary registry lists. The said county board shall have power to strike off the said primary registry lists the names of all persons who shall be shown, by evidence satisfactory to the said board, not to be quali-

fied to vote at the said ensuing primary election. The county board of elections shall transmit to the respective district boards of registry and election a certificate or certificates showing the corrections made by them, as hereinbefore provided, in time for use at the ensuing primary for the general election. (348 Sec. 31.)

Appeal From Decision of County Board of Elections

12. Any voter who is dissatisfied with the action of the said county board of elections may apply to a judge of the Court of Common Pleas in the said county by petition, stating the act complained of, and said judge may hear such application in a summary way, and make such order as may be just, which order shall be binding upon said county board of and district board of elections. (348 Sec. 31.)

TRANSFER OF REGISTRANTS*General Election Procedure to be Followed*

13. Each board of registry and election in each election district, in issuing transfer certificates to voters who formerly lived in their districts, but who have between the last general election and the said day of the holding of said primary removed to some other district, shall be governed by the provisions of this act in relation to transfers for the general election. (349 Sec. 32.)

Primary for Delegates and Alternates to National Conventions*Primary Registry List*

14. In the case of primary elections for delegates and alternates to the national conventions of political parties every district board of registry and election shall prepare and have ready at least ten days before such primary election a primary registry list made up from the names of voters listed in the poll-book of the last preceding general election and of those who register by affidavit as herein provided. (340 Sec. 23.)

Registration by Affidavit

15. Any voter qualified to vote at the general election in this State, who did not vote at the general election preceding any primary election to be held under this act for the selection of delegates to national conventions, may have his name placed upon said primary registry list by filing with the municipal clerk of his municipality, at least ten days prior to the day of the primary, an affidavit in the form now required by law for registering voters for any general election. (340 Sec. 23.)

Party Affiliations Indicated on Register

16. Said district boards of registry and election after the completion of said primary registry lists shall consult the primary poll-books of the primary for the next preceding general election and in accordance with the voters listed therein place the letters "R" or "D," or as the case may be, after the names included in said primary registry list. (340 Sec. 23.)

NOMINATION OF CANDIDATES**Primary for the General Election****METHODS ALLOWED***Petition Exclusively Used for Primary Nominations*

17. Except as hereinafter otherwise provided, candidates to be voted for at the primary for the general

election shall be nominated exclusively by the members of the same political party by petition in the manner hereinbefore provided for the direct nomination by petition of candidates to be voted for at the general election. (243 Sec. 4.)

PETITION PROCEDURE*Addressees of Petitions*

18. Said petitions nominating candidates to be voted for by the voters of a political party throughout the entire State or of any subdivisions thereof more than a single county shall be addressed to the Secretary of State; petitions nominating candidates to be voted for by the voters of a political party throughout a county or any subdivisions thereof more than a single municipality shall be addressed to the clerk of said county; all other petitions shall be addressed to the clerks of municipalities.

Contents of Petition

19. Said petition shall set forth that the signers thereof are qualified voters of the State, congressional district, county, municipality, ward or election district, as the case may be, in which they reside and for which they desire to nominate candidates; that they are members of a political party (naming the same), and that at the last election for members of the general assembly preceding the execution of said petition they voted for a majority of the candidates whose names were printed in the first place upon the ticket of such party, and that they intend to affiliate with said party at the ensuing election; that they endorse the person or persons named in their petition as candidate or candidates for nomination for the office or offices therein named, and that they request that the name of the person or persons therein mentioned be printed upon the official primary ballots of their party as the candidate or candidates for such nomination. Said petition shall further state the residence and post-office address of each person so endorsed, and shall certify that the person or persons so endorsed is or are legally qualified under the laws of this State to be nominated. (241 Sec. 2; 243 Sec. 4; 290 Sec. 2; 292 Sec. 4; 354 Sec. 38; 381 Sec. 65.)

Numbers of Signers to Petitions

20. Said petitions for candidates to be voted for by the voters of a political party throughout the entire State shall in the aggregate be signed by at least one thousand of said voters; in the case of candidates to be voted for by the voters of a political party throughout a congressional district, by at least two hundred of said voters; in the case of candidates to be voted for by the voters of a political party throughout a county, by at least one hundred of said voters; in the case of candidates to be voted for by the voters of a political party throughout a municipality having a population of over ten thousand, by at least fifty of said voters; in the case of candidates to be voted for by the voters of a political party throughout a municipality having a population of ten thousand or less, by at least twenty-five of said voters; *provided*, that in municipalities containing but one election district said petitions in the aggregate need not be signed by more than ten of such voters. (241 Sec. 2; 243 Sec. 4; 290 Sec. 2; 292 Sec. 4; 353 Sec. 37.)

Freeholder Petition Privilege

21. In every county where the voters of two or more municipalities vote jointly for the office of chosen freeholder, said petition may be signed by not less than three legal voters of said political party in each and every one of the municipalities within said county. (312 Sec. 1.)

Signing Rules and Regulations

22. Not all of the names of petitioners need be signed to a single petition, but any number of petitions of the same purport may be filed; *provided*, in the aggregate the signatures thereto endorsing any one person shall be the number required by this act; and *provided further*, that the signers to petitions shall not therein endorse or recommend more persons as candidates for the position than are to be chosen at the ensuing primary election in the State or political subdivision in which the signers to said petition reside, nor shall said signers endorse more persons as candidates for nomination to office than are to be elected in said State or political subdivision. No member of one political party shall sign his name to any petition purporting to endorse any person as a candidate for office of another political party. (243 Sec. 4; 260 Sec. 21; 354 Sec. 38.)

Verification of Petition

23. Each of the said petitions shall be verified by the oath or affirmation of one or more of the signers thereof, taken and subscribed before a person qualified under the laws of New Jersey to administer an oath, to the effect that such petition is signed in their own proper handwriting by each of the signers thereof; that such signers are to the best of their knowledge and belief of the affiant, legal voters of the said State or political subdivision thereof, as the case may be, as stated in said petition, belong to the political party named in said petition, and that such petition is prepared and filed in absolute good faith for the sole purpose of endorsing the person or persons therein named, in order to secure his or their nomination or selection as stated in said petition. (243 Sec. 4; 354 Sec. 38.)

Vacancy Committee Named in Petition

24. The signers to said petitions may name three men in their petition as a committee on vacancies, which committee shall have power in case of death or resignation or otherwise of the person endorsed as a candidate in said petition to file with the Secretary of State, county clerk or municipal clerk (as the case may be), not less than fifteen days prior to the primary for the general election, a new petition endorsing a person in the place of the one so dying, resigning or otherwise vacating his nomination. (354 Sec. 38.)

Filing of Petitions

25. Petitions addressed to the Secretary of State shall be filed with said officer at least thirty days prior to the primary for the general election; petitions addressed to the county clerk shall be filed with said officer at least twenty-five days prior to said primary; petitions addressed to the municipal clerk shall be filed with said officer at least twenty days prior to said primary. (241 Sec. 2; 243 Sec. 4; 290 Sec. 2; 292

Sec. 4; 312 Sec. 1; 314 Sec. 1; 353 Sec. 37; 354 Sec. 38; 358 Sec. 42; 436 Sec. 2.)

Acceptance by Candidate

26. Accompanying said petition and attached thereto each person endorsed therein shall file a certificate, stating that he is qualified for the office mentioned in said petition; that he consents to stand as a candidate for nomination at the ensuing primary election, and that if nominated, he agrees to accept the nomination. (244 Sec. 5; 290 Sec. 2; 354 Sec. 38.)

Party Designation

27. Any person endorsed as a candidate for nomination for any public office, whose name is to be voted for on the primary ticket of any political party, may by endorsement on the petition of nomination in which he is endorsed, request that there be printed opposite his name on said primary ticket a designation, in not more than six words, as named by him in said petition, for the purpose of indicating either any official act or policy to which he is pledged or committed, or to distinguish him as belonging to a particular faction or wing of his political party. (352 Sec. 35.)

Grouping of Candidates

28. Several candidates for nomination to the same office may in said petitions request that their names be grouped together, and that the common designation to be named by them shall be printed opposite their said names. If two candidates or groups shall select the same designation, the Secretary of State, county clerk or municipal clerk, as the case may be, shall notify the candidate or group whose petition was last filed, and said candidate or group shall select a new designation. (322 Sec. 35.)

Defective Petition

29. In case any of said petitions of nomination shall be defective it shall be the duty of the officer with whom such petition has been filed to forthwith notify any candidate so endorsed, whose petition for nomination is defective, setting forth the nature of such defect, and the date when the ballots will be printed. (358 Sec. 42.)

Amendment of Defective Petition

30. Such candidate shall be permitted to amend such petition either in form or in substance, so as to remedy such defect, at any time prior to the printing of such ballots. (358 Sec. 42.)

VACANCIES AMONG NOMINEES

Filling of Vacancies

31. Should any person endorsed in any petition as a candidate to be voted for at any primary election, die before such election, or in writing filed at least fifteen days prior to the primary with the Secretary of State, county clerk or municipal clerk, with whom said petition had been filed, decline to stand as a candidate, the vacancy or vacancies thus caused shall be filled by a majority of the persons signing the petition in and by which the person so dying or declining was endorsed, filing within three days after the occurrence of such vacancy with the municipal clerk a new petition, setting forth the name of the person declining or dying, the office for nomination to which or the

position of delegate for which he was endorsed, and the name of the person to be substituted; the said petition shall be verified by three of the signers; the said new petition shall have the same force and effect as the original petition; *provided*, that in case such persons signing said original petition shall have appointed a committee on vacancy as hereinbefore provided, said vacancy committee shall file said new petition in the manner herein provided. (258 Sec. 19; 354 Sec. 38; 435 Sec. 1.)

CERTIFICATION OF NOMINEES

Secretary of State Certifies Nominees to County Clerks

32. The Secretary of State shall certify the names of the persons endorsed in said petitions filed in his office to the clerks of counties concerned thereby at least twenty-five days prior to the holding of said primary election, specifying in said certificates the political parties to which the persons so nominated in said petitions belong. (354 Sec. 38.)

County Clerks Certify Nominees to Municipal Clerks

33. The said county clerk shall certify all of said persons so certified to him by the Secretary of State and in addition the names of all persons endorsed in petitions filed in his office to the clerks of each municipality concerned thereby in his respective county at least twenty days prior to the time fixed by law for the holding of said primary elections, specifying in said certificate the political party to which the person or persons so nominated belong. (290 Sec. 2; 354 Sec. 38; 436 Sec. 2.)

*Primary for Delegates and Alternates to National Convention**Nomination by Petition*

34. Candidates for election as delegates or alternates to the national conventions of political parties shall be nominated by petition in the same manner as herein provided for the nomination of candidates to be voted for at the primary for the general election except as herein otherwise provided.

Delegates and Alternates at Large

Not less than one hundred members of said political parties may file with the Secretary of State on or before the first day of April in any year of a presidential election, a petition requesting that the name of the person therein endorsed shall be printed on the primary ticket of their political party as candidate for the position of delegates at large or alternate at large, to be chosen by the party voters throughout the State to the national convention of said party, or as a delegate or alternate to be chosen to said convention by the voters of any congressional district or other territorial subdivision of the State larger than a single county. The signers to the petition for any delegate at large or alternate at large shall be legal voters resident in the State; and the signers for any delegate or alternate from any congressional district or subdivision greater than a single county shall be voters of such district or subdivision. The Secretary of State shall, within five days thereafter, certify to each county clerk in this State said nominations for delegates and alternates at large, and the nominations for delegate or alternate for any congressional district or other terri-

torial subdivisions made up in part of the county of such county clerk. (332 Sec. 15.)

District Delegates and Alternates

35. Not less than one hundred votes of either of said political parties resident in any congressional district, or other territorial subdivision of this State, situated within a single county, entitled under the call of their party to choose delegates and alternates to the said national convention of the party, may file with the county clerk of their county on or before the first day of April in any presidential year a petition requesting that the name of the person therein endorsed may be printed on the primary ticket of their party as a candidate for the position of delegate or alternate for said district or subdivision. (332 Sec. 15.)

Choice for President in Petition

36. Candidates for the position of delegates or alternates may be grouped together, and they also may have the name of the candidate for president whom they favor placed opposite their individual names, or opposite such groups, if they so request in their petitions, under the caption "Choice for President." (334 Sec. 17.)

Nominees Certified to Municipal Clerks

37. Each county clerk shall forward, on or before the eighth day of April, to the clerk of each municipality in his county a statement of the persons whose names are to be printed on the primary ticket of each party as candidates for the position of delegates and alternates, filed with or certified to him as hereinbefore provided.

Petition Endorsing Nominee for President

38. It shall be lawful for not less than one thousand voters of any political party in this State to file a petition with the Secretary of State on or before the first day of April in any year in which a President of the United States is to be chosen, requesting that the name of the person endorsed in said petition as a candidate of the said party for the office of the President of the United States shall be printed upon the official primary ballot of said party for the then ensuing election for delegates to the national convention of said party. Said petition shall be prepared and filed in the form and manner herein required for the endorsement of candidates to be voted for at the primary for the general election; *provided, however*, that it shall not be necessary to have the consent of such candidate for President endorsed on said petition. (342 Sec. 26.)

Certification of Nominees

39. The Secretary of State shall certify the names so filed in his office to the county clerk of each county on or before the sixth day of April; *provided, however*, that if any person so endorsed shall on or before the sixth day of April decline in writing, filed in the office of the Secretary of State, to have his name printed upon said primary ticket as a candidate for President, the said Secretary of State shall not certify the name of such candidate to the respective county clerks. Such county clerk shall forthwith certify the names so certified to him by the Secretary of State to the municipal clerk of each municipality in his county on or before the eighth day of April. (342 Sec. 26.)

BALLOTS

Primary for the General Election

PRINTER'S COPY

Preparation and Display by Municipal Clerks

40. The clerks of the various municipalities of this State shall not later than fifteen days prior to the primary for the general election have prepared and ready for public inspection in his office the printer's copies of the official ballots to be used at said primary. (241 Sec. 2; 242 Sec. 4; 290 Sec. 2; 292 Sec. 4; 312 Sec. 1; 354 Sec. 38.)

CONTENTS AND FORM OF BALLOT

Separate Ballot for Each Party

41. There shall be separate ballots for each political party. (356 Sec. 40.)

Party Ballots Alike

42. Said ballots shall be alike for all political parties. (356 Sec. 40.)

Contents of Ballot

43. Said ballots shall be made up and printed in substantially the following form:

Each ballot shall have at the top thereof a coupon at least two inches square extending above a perforated line. The coupon shall be numbered for each of said political parties, respectively, from one consecutively to the number of ballots delivered and received by the election officers of the respective polling places. Upon the coupon and above the perforated line shall be the words "To be torn off by the judge of election. Fold to this line." Below the perforated line shall be printed the words "Democratic Primary Ticket," or "Republican Primary Ticket," or, as the case may be, naming the proper political party, as provided in this act; next there shall be printed the name of the municipality and number of the ward and election district in which the ballot is to be voted, and the date of the primary election and the name of the municipal clerk, which name shall be a facsimile of the signature of the said clerk. Next shall be printed directions instructing the voter how to indicate his choice for each office or position, and for how many persons to vote, as for instance, "Mark a cross X in the square at the left of the name of the person for whom you wish to vote." Next the offices for which candidates are to be voted for at said primary shall be listed in the same order as provided for the listing of said offices in the official ballot for the general election with such directions to the voter as may be necessary, as, for instance, "Vote for one," "Vote for two," or a greater number, as the case may be. Underneath such offices shall be placed the names of all those persons certified as candidates for such offices to said municipal clerk by the county clerks as hereinbefore provided, and the names of persons endorsed as such candidates in petitions on file in the office of said municipal clerk, provided that the name of any person endorsed in a petition as aforesaid who shall fail to certify his consent and agreement to be a candidate for nomination to the office specified therein shall not be printed upon the ballots to be used at such primary election, and provided further that in the case of a vacancy among nominees the name of the person selected in the man-

ner provided in this act to fill such vacancy shall be printed upon the ballots in the place and stead of the person vacating such nomination. Said candidates shall be arranged in groups and the groups bracketed in all cases where the petitions endorsing such candidates request such grouping. Said candidates and groups of candidates shall be arranged in the order and in the manner herein provided for the order of arrangement of the names of candidates on the official ballots for the general elections. The designation named by candidates in their petitions for nomination, as provided by law, shall be printed to the right of the names of such candidates or groups of candidates in a second column in as large type as the space will allow. At the left and opposite the name of each candidate for office, or for the position of delegate, shall be printed a square, at least one-quarter of an inch square, in which the voter is to indicate his choice. A single light-faced rule shall be used to separate the different names in each group of candidates. A heavy-faced rule shall be used between each group of candidates for different offices. There shall be no endorsement upon the back of any ballot. (241 Sec. 2; 243 Sec. 4; 245 Sec. 56; 290 Sec. 2; 292 Sec. 4; 312 Sec. 1; 352 Sec. 35; 356 Sec. 40; 381 Sec. 65.)

Form of Ballot

44. The following is an illustration of the said form of ballot:

To be torn off by the Judge of Election.	
No. 75.	
Fold to this line.	

Democratic Primary Ticket.	
City of Newark. Ward No. 5. Election District No.	
4. September 22, 1909. John Doe, City Clerk.	

Mark a cross X in the square at the left of the name of the person for whom you wish to vote.	
For Governor.	Vote for one.
<input type="checkbox"/>	THOMAS JONES.
<input type="checkbox"/>	JACOB SMITH.
<input type="checkbox"/>	HENRY STONE.
For Mayor.	Vote for one.
<input type="checkbox"/>	EDWARD HALL. For Commission Charter.
<input type="checkbox"/>	GEORGE JACKSON. Cleveland Democrat.
<input type="checkbox"/>	PETER RANDALL.
For United States Senator.	Vote for one.
<input type="checkbox"/>	WILLIAM KENT.
<input type="checkbox"/>	CHARLES BLACKSTONE.

using so much of said form as may be applicable to the current primary election and extending the same to provide for cases not therein specified. (356 Sec. 40.)

SAMPLE OFFICIAL BALLOTS

Ballots and Envelopes Ordered From Printer

45. Said municipal clerk shall cause to be printed

as herewith prescribed a sufficient number of sample primary ballots of each party, and a sufficient number of stamped envelopes, to enable every district board of registry and election to mail one copy of the sample primary ballot of each party to each voter who is registered in said district for said primary election. (346 Sec. 29.)

Sample Ballot Facsimile of Official Ballot

46. The said sample ballots shall be, as nearly as possible, a facsimile of the official ballot to be voted at the said primary election and shall be printed on paper different in color from the official ballot, so that the same may be readily distinguished from the official ballot. The sample ballot shall have printed at the top in large type the words: "This sample ballot is an exact copy of the ballot to be used on primary election day. This ballot cannot be voted." (346 Sec. 29.)

Words on Envelope

47. Each of said envelopes shall have printed on the face thereof, in large type, the words, "Official Sample Primary Ballot," and in smaller type the words, "If not delivered in two days, return to (city or town clerk)." (346 Sec. 29.)

Sample Ballots and Envelopes Furnished to District Boards of Registry and Election

48. The municipal clerk in each municipality in this State shall furnish to each board of registry and election in his municipality, at his office, on or before Tuesday preceding the primary election in September in each year, sufficient sample ballots and sufficient stamped envelopes to enable said board to mail said sample ballots to said voters as aforesaid. Each of said boards shall give the municipal clerk a receipt for said sample ballots and envelopes, signed by one of their members. (346 Sec. 29.)

Mailing of Sample Ballots

49. Each of said boards shall prepare and deposit in the post office, on or before twelve o'clock noon on Wednesday preceding the said primary day, said stamped envelopes containing a copy of the sample primary ballot of each political party addressed to each voter whose name appears in the said primary registry list. (346 Sec. 29.)

Posting of Sample Ballots

50. The clerk of the board of registry and election shall also post such sample ballot in the polling place in his district and five other public places therein. (346 Sec. 29.)

Return of Unused Sample Ballots and Envelopes

51. Said district boards of registry and election shall return to said municipal clerk the unused sample ballots and stamped envelopes, with a sworn statement in writing, signed by a majority of the members of said board, to the effect that the remainder of said sample ballots and envelopes were actually mailed or posted as provided in this act, and the members of said boards failing to file such statement shall receive no compensation for the service of mailing as aforesaid. (346 Sec. 29.)

Public Display of Returned Envelopes

52. All said envelopes which shall have been mailed but undelivered to the addressee and shall have

been returned to the municipal clerk and said returned envelopes shall be retained by said municipal clerk for thirty days, open to public inspection. (346 Sec. 29.)

Discovery of Error in Sample Ballot

53. Any person to whom a sample ballot shall have been sent as hereinbefore provided who shall discover any error or omission in said ballot may forthwith in writing notify the municipal clerk thereof, and said municipal clerk shall diligently investigate such error or omission, and in the event that he discovers that such an error or omission has been made shall forthwith correct the same before authorizing the printing of the official ballots for said primary. (New.)

OFFICIAL PRIMARY BALLOTS

Ballots Ordered from Printer

53. Not later than twelve o'clock noon of the Saturday preceding said primary for the general election said municipal clerks shall have had printed and on hand in his office for the use of each of said political parties official ballots equal in number to double the number of votes cast by such political party at the then last preceding election for members of the general assembly held in such election district. When an election district shall have been divided or the boundaries thereof changed, or a new district created, the municipal clerk shall ascertain as nearly as may be possible the number of voters in the new or re-arranged or divided district, and provide therefor a sufficient number of ballots in the above proportion. (249 Sec. 10.)

Style of Ballot

54. Said ballots shall be printed on plain white paper uniform in size and quality and type and of such thickness that the printing thereon cannot be distinguished from the back of the paper, and without any mark, device or figure on the front or back thereof except as in and by this act provided. (248 Sec. 9.)

Correction of Error in Official Ballots

55. Whenever it shall appear that any error or omission has occurred in the printing of the official ballots for any primary election, by any municipal clerk, any voter resident in any election district affected by such error or omission may present to the justice of the supreme court holding the circuit court in and for the county containing said election district a verified statement setting forth such error or omission, and such justice, being satisfied thereof, shall thereupon summarily, by his order, require the municipal clerk to correct such error and omission, or show cause why such error and omission should not be corrected. (257 Sec. 18.)

Primary for Delegates and Alternates to National Convention

PRINTERS' COPY

Preparation and Display by Municipal Clerks

56. The clerks of the various municipalities of this State shall not later than fifteen days prior to the primary for delegates and alternates to the national conventions of political parties have prepared and ready for public inspection in his office printers' copies of the official ballots to be used at said primary.

Contents and Form of Ballot

57. Said printers' copies of the ballots shall be prepared in the manner and form hereinbefore provided for printers' copies of the official ballots to be used by political parties at the primary for the general election and shall contain the names of the nominees of said parties for President, if such there be, under the words, "Choice for President of the United States," and the names of delegates and alternates certified to said municipal clerks as hereinbefore provided by the county clerk. (336 Sec. 19; 342 Sec. 26.)

*SAMPLE BALLOT**Printing of Sample Ballots*

58. Said municipal clerk shall in the same manner and form as herein provided for the primary for the general election cause to be printed from said printers' copy and available at his office for distribution on or before the Monday preceding said primary election for the selection of delegates to the national conventions, a sufficient number of official sample primary ballots of each party, and a sufficient number of stamped envelopes, to enable the said board to mail one copy of the sample primary ballot of each party to each voter who has registered for said primary election. (341 Sec. 24.)

Delivery of Sample Ballots to District Boards of Registry and Election

59. On the Tuesday preceding said primary election said municipal clerk shall at his office deliver to each board of registry and election in his municipality the sample ballots and stamped envelopes provided for the election districts which said board represents and take a receipt for the same signed by one of the members of said board. (341 Sec. 24.)

Disposition of Sample Ballots

60. Said sample ballots shall then be distributed, posted and otherwise disposed of at the same time and in the same manner hereinbefore provided for sample ballots for the primary for the general election. (341 Sec. 24.)

*OFFICIAL BALLOT**Printing and Correction*

61. The official ballots for said primary election shall be printed, delivered to the municipal clerk, and any errors or omissions on said ballot corrected at the same time and in the same manner hereinbefore provided for the printing and correction of the official ballots for the primary for the general election. (257 Sec. 18.)

*DELIVERY OF BALLOTS AND BALLOT BOXES**Primary for the General Election**Municipal Clerk to Clerks of District Boards of Registry and Election*

62. The said municipal clerk shall, on the morning of the day preceding said primary election, cause to be delivered, at his office, to the clerks of the board of registry and election of each election district within his municipality, the ballots and the ballot-boxes provided for each election district, and to take a receipt

of each election clerk therefor, which last mentioned receipt the clerk of such municipality shall file and preserve for the period of one year. (251 Sec. 12.)

Clerks of District Boards to Entire Board

63. Said election clerks shall, on the morning of the primary election, before proclamation of the opening of the polls, deliver the ballot-boxes and the ballots by them received to the election boards of their respective election districts, with the seals thereof unbroken, and shall take receipts therefor from said election board, which said receipts said election clerks shall file with the municipal clerk, and the same shall be preserved for one year. (251 Sec. 12.)

Primary for Delegates and Alternates to National Conventions

64. The ballots and ballot boxes required for use in each election district of this State shall be delivered to the district boards of registry and election of said district at the same hours and in the same manner as herein provided in the case of the primary for the general election.

*BALLOTING**Primary for the General Election**Time and Place of Holding*

65. The primary for the general election shall be held for all political parties in the same places and at the same time as herein provided for the second registration of voters entitled to vote at said ensuing general election, i. e., upon the fourth Tuesday of September in each year, between the hours of twelve-thirty P. M. and nine P. M. (23; 241 Sec. 2; 349 Sec. 32; 484 Sec. 11.)

Registration Privilege and Requirement

66. On said primary day any voter qualified to vote at said primary may register for the ensuing general election without being obliged to vote at said primary, but every voter voting at the said primary shall register for the ensuing general election in the manner herein provided. (344 Sec. 27; 349 Sec. 32.)

Officers in Charge

67. All of the members of said board of registry and election shall conduct the primary election for all political parties holding primary elections under this act.

Oath to be Taken by Officers

68. Before proceeding with such election each of the four members of the board of registry and election shall take and subscribe an oath to be administered by any duly qualified person, or by one member of the board to the others, that they and each of them will, to the best of his understanding and ability, conduct such primary election honestly and in accordance with law; that they will challenge, in the manner provided in this act, the vote of any person offering to vote at such election whom they believe not entitled to vote thereat, and that they will also challenge the vote of any person at such election offering to vote in the ballot-box of one existing political party, whom they believe, or have reason to believe to belong to another existing political party, and that they will

refuse to receive the vote of such person, in case such vote is challenged, until he shall have taken an oath or affirmation, to be administered by a member of the board in the form prescribed. (252 Sec. 13.)

Method of Conduct

69. Said primary for the general election shall be conducted by the district boards of registry and election in the same manner as the general election except as herein otherwise provided. (241 Sec. 2; 350 Sec. 33; 261 Sec. 22.)

Use of Primary Registry Lists

70. Each district board of registry and election shall use at said primary the primary registry lists made up as hereinbefore provided and the number of the ballot given to each voter shall be marked in front of the name of said voter on said primary list. (357 Sec. 41.)

Keeping of Party Primary Books

71. In addition to the registry lists hereinbefore provided, there shall also be kept two books or lists, one for each political party, which shall be called and labeled Republican Primary Book, and Democratic Primary Book, or as the case may be. The board of registry and elections shall cause the name of each voter at said primary to be written in ink, in the primary book of the party in whose ballot-box his vote is deposited. Each of these primary books shall be signed by the members of the district board of registry and elections at the close of said election and delivered by said board to the clerk of the municipality at the time of the delivery of the ballot-boxes. (241 Sec. 2.)

Balloting Regulations

72. No voter shall be allowed to vote at said primary unless his name appears on the poll-book of the previous general election, or has been placed on said registry list prior to said primary day as hereinabove provided. No voter shall be allowed to vote in the ballot-box of a political party if the name of such voter appears in the primary book of another political party as made up at the next previous primary election. (241 Sec. 2; 252 Sec. 13; 260 Sec. 21; 344 Sec. 27; 349 Sec. 32.)

Ascertainment of Right to Vote

73. Each voter offering to vote shall announce his name and the party primary in which he wishes to vote. The board of registry and election shall thereupon ascertain by reference to the primary registry book required by this act, and if necessary by reference to the primary book or poll-book of the preceding primary or general election, that said voter is registered as required by this act, and also that he did not vote in the primary of the other political party at the last preceding primary election; in which event he shall be allowed to vote. (349 Sec. 32.)

Balloting Procedure

74. Said voter shall thereupon prepare and cast his ballot in the same manner as herein provided for the preparation and casting of ballots at the general election and subject to the same regulations so far as may be. (249 Sec. 10; 253 Sec. 14; 355 Sec. 39; 356 Sec. 40; 357 Sec. 41.)

Challenge Procedure

75. In case a voter is challenged, he shall take an oath or affirmation, to be administered by a member of the board, in the following form: "You do solemnly swear (or affirm) that you are a member of the political party (specifying the political party to which the affiant claims to belong); that at the last election for members of the General Assembly at which you voted you voted for a majority of the candidates of said party nominated for national, State and county offices, and that you intend to support the candidates of said party at the ensuing election." 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 at such primary election. (253 Sec. 13; 349 Sec. 32.)

*Primary for Delegates and Alternates to National Convention**Procedure*

76. The primary for delegates and alternates to the national conventions of political parties shall be conducted by the members of the district boards of registry and election, as near as may be in the manner hereinbefore provided for the conduct of the primary for the general election. (338 Sec. 21.)

*CANVASS OF VOTES; ASCERTAINMENT AND CERTIFICATION OF RESULTS**Primary for the General Election**COUNTING OF BALLOTS BY DISTRICT BOARD OF REGISTRY AND ELECTION**County Procedure*

77. At the close of the primary for the general election each district board of registry and election shall forthwith proceed to count the votes cast at such election and ascertain the results thereof for each political party holding such elections, proceeding in the manner indicated by the statement hereinafter provided for, and as nearly as may be in the manner herein required for the counting by said district board of registry and election of votes cast at the general election. (245 Sec. 6; 252 Sec. 13; 254 Sec. 15; 342 Sec. 25; 355 Sec. 39; 357 Sec. 41; 381 Sec. 65.)

Statement of Election

78. The said district boards of registry and election shall at the conclusion of such canvass make up and sign a statement of the result of such election. Said statement shall in words at length show the entire number of votes cast at such election, the whole number of ballots rejected, the whole number of ballots cast for each party as indicated by the party names at the head of the respective party tickets, and the number of votes received by each person as a candidate for nomination for office. (254 Sec. 15; 342 Sec. 25.)

Form of Statement

79. The aforesaid statement shall be in the following form:

Statement of the result of a primary election held in the election district of the (municipality) in the county of and State

of New Jersey, on the
191 :

At said election
of votes cast was:

The total number of democratic ballots cast was:

The total number of republican ballots cast was:

The total number of citizens' reform ballots cast was:

The total number of democratic ballots rejected was:

The total number of republican ballots rejected was:

The total number of citizens' reform ballots rejected was:

For candidates of the democratic party for the position
* * *

John Doe	received	votes;
Richard Doe	received	votes;
Thomas Jones	received	votes;

And in like form for all parties having candidates
voted for at such election. (254 Sec. 15; 342 Sec. 25.)

Certification of Statement

80. To such statement shall be added a certificate
in the following form:

We certify the foregoing to be a true and correct
statement of the result of the primary elections held
in such district at the time above stated; that the same
truly and correctly exhibits the entire number of votes
cast for each political party at such election, the whole
number of ballots rejected and the number of said
ballots rejected belonging to each party respectively;
also the number of votes received by any person to be a
candidate of any party for any office, * * * named
on any ballot or ballots cast at such election.

In witness whereof, we have hereunto set our hands
this day of , one thousand nine
hundred and .

.....	} Board of
.....	
.....	

(254 Sec. 15; 342 Sec. 25.)

Statement Transmitted to Municipal Clerk

81. Said district board of registry and election
shall as soon as may be transmit said statement to the
clerk of the municipality within which the said pri-
mary election was held. (245 Sec. 6; 291 Sec. 3; 292
Sec. 4; 312 Sec. 1; 342 Sec. 25; 355 Sec. 39; 357 Sec.
41; 381 Sec. 65.)

CANVASS BY MUNICIPAL CLERKS OF STATEMENTS OF
DISTRICT BOARDS OF REGISTRY AND ELECTION

Canvassing Procedure for Municipal Clerks

82. Said municipal clerk shall forthwith canvass
said statements of the district boards of registry and
election and in the case of party officers elected by and
public officers nominated by the voters of said mu-
nicipality or portion thereof shall determine what
persons have, by the highest number of votes, been so
elected or nominated by said political parties. In the
case of all other officers said municipal clerk shall
forthwith transmit to the clerk of the county wherein
such municipality lies a statement showing the total
number of votes cast for such officers in said mu-
nicipality. Said statement shall be in the form herein
provided for the statement required to be transmitted
to the municipal clerk by the district boards of registry

day of

the total number

and election. (291 Sec. 3; 292 Sec. 4; 312 Sec. 1;
355 Sec. 39.)

Certificate of Election to County and Municipal Committeemen

83. The municipal clerk shall issue a certificate of
election to each person shown by the returns filed in
his office to have been elected as a member of the
county and municipal committees of any political party
in his municipality. (383 Sec. 67.)

CANVASS BY COUNTY CLERKS OF STATEMENTS OF
MUNICIPAL CLERKS

Canvassing Procedure for County Clerks

84. Said county clerks shall forthwith canvass said
statements of said municipal clerks and in the case
of party officers to be elected by and public officers to
be nominated by the voters of the entire county or of
any portion thereof involving more than one mu-
nicipality shall determine what persons have by the high-
est number of votes been so elected or nominated by
said political parties. In the case of all other officers
the said county clerk shall forthwith transmit to the
Secretary of State a statement showing the total num-
ber of votes cast for such officers in said county. Said
statement shall be in the form herein provided for the
statement required to be transmitted to the municipal
clerk by the district board of registry and election.
(291 Sec. 3; 355 Sec. 39.)

Certificate of Election to the County Clerk

85. The county clerk shall issue a certificate to the
person receiving the highest number of votes for the
position of member of the State Committee of any
political party at the primary as shown by the returns
in his office.

CANVASS BY SECRETARY OF STATE OF STATEMENTS OF
COUNTY CLERKS

Canvassing Procedure for Secretary of State

86. Said Secretary of State shall forthwith canvass
said statements of said county clerks and determine
what persons by the highest number of votes have
been so nominated by the voters of said political par-
ties of such State or portion thereof involving more
than a single county. (355 Sec. 39.)

Primary for Delegates and Alternates to National Convention

87. The district boards of registry and election,
the municipal clerks, the county clerks and the Secre-
tary of State upon the close of the primary held for
the election of delegates and alternates to the national
conventions of political parties forthwith in turn can-
vass the votes cast thereat, prepare statements of such
canvass and issue certificates of election to the persons
shown by such canvass and statements to have been
elected to the positions of such delegates and alter-
nates. In making such canvass and in ascertaining
and certifying to the results thereof they shall pro-
ceed in the same manner as herein provided for the
primary to the general election, provided that the
Secretary of State in all cases where nominees for
President of the United States have been placed upon
the ballot of any political party shall publicly announce

the vote cast for said candidate as shown by the said
statements so filed in his office. (342 Sec. 26.)

FILLING VACANCIES AMONG NOMINEES

Primary for General Election

After Primary and Twenty Days Before General Election

88. In the event of a vacancy occurring by death,
removal or otherwise among candidates nominated at
primaries, which vacancy shall occur not later than
twenty days before the general election, or in the event
of inability to select a candidate because of a tie vote
at said primary, a candidate shall be selected in the
following manner: In case of an office to be filled by
the voters of the entire State or a portion thereof in-
volving more than one county, said candidate shall be
selected by the State committee of the political party
wherein such vacancy has occurred; in the case of an
office to be filled by the votes of an entire county or
a portion thereof involving more than one mu-
nicipality, said candidate shall be selected by the county
committee of such political party within said county,
and in the case of an office to be filled by the voters
of an entire municipality or portion thereof, then such
candidate shall be selected by the municipal committee
of such political party within said municipality, pro-
vided that in case of a tie vote such selection shall be
made from among those who have thus received the
same number of votes at said primary. Such com-
mittee shall make such selection within five days after
the vacancy shall occur and file a statement of such
selection as follows: The State committee with the
Secretary of State, the county committee with the
county clerk, and the municipal committee with the
municipal clerk, provided that such statement shall not
be filed later than fifteen days prior to the general
election. The person so selected shall be the candi-
date of the party for said office at the ensuing gen-
eral election. (256 Sec. 16; 317 Sec. 1; 355 Sec. 39.)

RETURN OF ELECTION DOCUMENTS, EQUIPMENT, ETC.

All Primaries

District Boards of Registry and Election to Municipal Clerks

89. At the close of all primary elections held
according to the provisions of this act, and after
counting the ballots cast at such primary and making
the statements thereof as hereinafter provided, each
district board of registry and election shall place all
ballots voted at such election and all spoiled and
unused ballots inside the ballot-boxes used at said
election, and after locking the same, shall forthwith
deliver said ballot-boxes and the keys thereof to the
municipal clerk. Said board shall also at the same
time and along with said ballot-boxes deliver to said
municipal clerk the poll-books, primary-books, regis-
ters, affidavits and all other books and forms which
shall have been used by said board at said election.
(342 Sec. 25; 357 Sec. 41.)

Primary Books Open to Public Inspection

90. The said primary books shall be kept by the
municipal clerk subject to public inspection, and any
voter whose name appears therein may apply to the
judge holding the circuit court for his county, at any
time prior to the next primary election to have his
name stricken from said book and said judge shall
have power to hear said application in a summary
way, at such time and upon such notice to such person
as he may prescribe, and if satisfied that the applying
voter's name has been improperly placed on said pri-
mary book, said judge may make an order directing
the municipal clerk to erase said name from said
primary book, and said clerk shall thereupon erase the
same. (241 Sec. 2; 252 Sec. 13; 345 Sec. 28.)

Custody of Primary Books

91. Said primary books shall be kept by said clerk
until the ensuing primary election, and then delivered
by him to the board of registry and election for use
as herein provided at such ensuing election. (241
Sec. 2.)

ARTICLE XXIV Special Elections

General Provisions

General Election Procedure to be Followed

1. Except as herein otherwise provided candidates
for public office to be voted for at any special elections
shall be nominated and said special elections shall
be conducted and the results thereof ascertained
and certified in the same manner and under the same
conditions, restrictions and penalties as herein pro-
vided for general elections. (95; 112; 140; 275
Sec. 1.)

No New Register Required in Unchanged Election Districts

2. In all cases where the boundaries of an election
district shall have remained unchanged between one
election and the time for preparing registers for a
next ensuing special election, it shall not be necessary
for the district board of registry and election of said
district to make a new register but only to correct and

revise the register used at the election next preceding
such special election. (26; 31; 140; 275 Sec. 1.)

Vacancy in U. S. Senate; U. S. House of Representa- tives; State Senate; General Assembly

NOTICE BY OFFICIALS TO OFFICIALS

Writ of Election

3. In the case of a special election to fill a vacancy
in the representation of this State in the United States
Senate or in the House of Representatives or in the
representation of any county in the State Senate or in
the General Assembly said election shall be authorized
and notice thereof given by means of a writ of elec-
tion.

Nature of Writ

4. 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. (136.)

Special Election and Primary Therefor Designated

5. Said writ may designate the next general election day for the election, but if a special day is designated, then it shall specify the cause and purpose of such election, the name of the officer in whose office the vacancy has occurred, the day on which a special primary election shall be held, which shall be not less than thirty-one days, nor more than forty days, following the date of such proclamation, and the day on which the special election shall be held, which shall be not less than fourteen nor more than twenty days following the day of the special primary election. Furthermore, said writ shall specify the day or days when the district boards of registry and election shall meet for the purpose of making, revising or correcting the registers to be used at said special election. (136.)

Delivery of Writ to Secretary of State

6. Every such writ shall, by the officer issuing the same, be delivered forthwith to the secretary of state, who shall forthwith affix thereto the seal of this state, and file the same in his office.

Delivery of Copies of Writ to County Clerk

7. In case such vacancy or vacancies shall have happened in the representation of any county, in the senate or assembly, said secretary of state 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 United States senate he shall cause as many copies of such writ to be made as there are counties in the state, 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 in such vacant congressional district or districts, certify each of the same to be true under his hand and cause one of such copies to be delivered to the clerk of each of said counties. (137.)

NOTICE BY OFFICIALS TO PUBLIC

Publication of Writ

8. The clerk of each of said counties shall forthwith after the receipt of any such copy cause the same to be published as often as required by said writ in at least four newspapers printed and published in said county, if so many there be. (138; 275 Sec. 1.)

Special Elections Other Than Those to Fill Vacancies in U. S. Senate; U. S. House of Representatives; State Senate and General Assembly

NOTICE OF SPECIAL ELECTION

Procedure

9. Notice of special elections other than those to fill vacancies in the United States Senate, United States House of Representatives, State Senate or General Assembly shall be given in accordance with the provisions of any statute, ordinance or resolution relative thereto, provided that if such statute, ordi-

nance or resolution fails to provide for the giving of said notice by officials to officials or by officials to the public, then such notice shall be given in the same manner as herein provided for giving notice of the general election so far as may be.

GENERAL PROVISIONS REGARDING REGISTRATION

Modification of Procedure by County Boards of Election

10. The registers for such special elections shall be made up as herein provided with such modifications, if any, as to the time of meeting of the district boards of registry and election as the county boards of election may deem necessary.

Delivery of Registers by County Clerk to Municipal Clerk

11. In each municipality which at the Federal or State census next preceding said special election has a population exceeding 10,000 the county board of election shall deliver to the clerk of said municipality in which said special election is to be held, seven weeks at least prior thereto, the copies of the registers filed with said county board of elections at said previous general or special election. In any municipality of 10,000 population or under said county board of elections shall deliver said registers to the clerk of such municipality at least four weeks prior to said special election. (27.)

Delivery of Registers by Municipal Clerk to District Boards of Registry and Election

12. In said municipalities of over 10,000 population said municipal clerks shall deliver said registers to the district boards of registry and election of said municipalities at least six weeks prior to said special election. In said municipalities of 10,000 population or under said municipal clerks shall deliver said registers to the district boards of registry and election of said municipalities at least three weeks prior to said special election. (27.)

REGISTRATION IN MUNICIPALITIES OF OVER TEN THOUSAND

First Meeting of District Boards

13. In said municipalities exceeding 10,000 population said district boards of registry shall meet at the polling places assigned to them for registration purposes on Tuesday four weeks next preceding said special election, between the hours of 3 P. M. and 9 P. M. (26.)

Posting Copies of Register After First Meeting

14. On the day succeeding such first meeting, each of the clerks shall post, in hand-bill form, in some conspicuous place in such election district, a copy of the revised register. (26.)

Second Meeting of District Boards

15. Said boards shall hold a second and final meeting at the same places and between the same hours on the Tuesday two weeks next preceding said special election. (26.)

Disposition of Registers After Second Meeting

16. On the day succeeding such second meeting, one copy of said register shall be delivered by the

chairman to the county board of elections to be filed by them and one copy shall be retained by him for use by the district board of election at said special election. (26.)

REGISTRATION IN MUNICIPALITIES OF 10,000 OR UNDER
Meeting of District Boards

17. In said municipalities of 10,000 population or under said district boards of registration and election shall meet for registration purposes as herein required for said boards in municipalities of over ten thousand on the Tuesday next preceding such special election, between the hours of 3 P. M. and 9 P. M.

Disposition of Registers After Meeting

18. No copy of any register prepared or revised and corrected register at such meeting need be posted, but one copy thereof shall be filed by the chairman

of the district board of registry and election with the county board of elections within one day thereafter and another copy retained by him for use by the district board of election at said special election.

REVISION OF REGISTERS BY COUNTY BOARDS OF ELECTION

Meetings and Procedure

19. It shall be the duty of the several county boards of elections to sit on Thursday and also on Saturday next preceding any special election in their respective counties for the purpose of adding to the register the names of any legal voters entitled to vote at such election and erasing therefrom the name of any person not so entitled to vote; and such county board shall proceed in all respects as is provided for the revision by them of the register for the general election. (30.)

ARTICLE XXV

Recount of Votes

ALL ELECTIONS

Application to Court for Recount

1. Whenever any candidate at any election shall have reason to believe that an error has been made by any district board of registry and election or board of canvassers in counting the vote or declaring the vote of such election, or whenever any citizen shall have reason to believe that an error has been made by any of said boards in counting the vote or declaring the result of any election upon any proposition or question submitted to the electors, whereby the result of such election has been changed, such candidate or such citizen may, within three days after such board shall have filed a statement of the result of such count as herein provided, apply to any Justice of the Supreme Court for a recount of the votes cast at such election.

Expenses of Recount

2. Any applicant for such recount upon applying therefor shall deposit with the county clerk such sum as such justice shall order as security for the payment of the expenses of such recount, or if such justice shall so order, shall file with the county clerk a bond to the incumbent, with two or more sureties, to be approved by such justice, in such sum as he may require, conditioned to pay all costs and expenses in case the original count be confirmed, or the result of such recount is not sufficient to change the result; the said justice shall fix and determine the amount of compensation to be paid for making such recount of the ballots, and the costs and expenses thereof; if it shall appear that an error sufficient to change the result has been made, then the expenses of such recount shall be paid by the county or municipality in and for which such election was held, 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. (161.)

Recount Proceedings

3. Said justice shall be authorized to order and cause, upon such terms as he may deem proper, a recount of the whole or such part of the votes as he may

determine, to be publicly made under his direction by the county or state board of canvassers as the case may require, after due notice by such candidate to the parties interested of the time and place of such recount. Said Justice shall have power to decide all disputed questions which the board shall fail to decide by a majority vote thereof. (159)

Correction of Error in Public Office Recount

4. If it shall appear upon such recount that an error has been made sufficient to change the result of such election, then such Justice in case of candidates shall revoke the certificates of election already issued to any person, and shall issue in its place another certificate in favor of the party who shall be found to have received a plurality of the votes cast at such election, which certificate shall supersede all others and entitle the holder thereof to the same rights and privileges as if said certificate had been originally issued by the canvassing board. (159)

Filing of New Certificate

5. Whenever any such certificate shall be issued by any justice of the supreme court, the same shall be filed with the secretary of state or with the clerk of the county or municipality in and for which such election was held. (160.)

Certificate Delivered to Successful Candidate

6. Such secretary of state or clerk shall make and certify, under his hand and official seal, a copy thereof, and shall without delay deliver such copy to the person who shall be so declared elected. (160)

Copy of Certificate to Secretary of State in Certain Cases

7. In case of an election for senator, members of the assembly or any county officers, the county clerk shall within five days thereafter transmit to the secretary of state at Trenton another copy of such certificate, signed by him and attested by his official seal. (160)

Correction of Error in Referendum Recount

8. In case of questions said justice shall make an order that the result of such election be corrected. (159.)

ARTICLE XXVI

Contest of Nominations or Elections

Grounds for Contest

1. The nomination or election of any person to any public office or party position, or the approval of any public proposition, may be contested by the voters of this state or any of its political subdivisions upon one or more of the following grounds:

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

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

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

IV. When the incumbent had 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;

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

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;

VII. For any other cause which shows that another was the person legally elected;

VIII. The paying, promise to pay or expenditure of any money or other thing of value or incurring of any liability in excess of the amount permitted by this act, or for any purpose or in any manner not authorized by this act. (163; 533 Sec. 48.)

Term "Incumbent" Defined

2. The term "incumbent" in this act means the person whom the canvassers declare elected; but in case of a tie vote either party may contest the election, in which case the term "incumbent" means the person having an equal number of votes with the contestant. (164)

Petition to Courts for Redress

3. In the case of an office or proposition voted for by the voters of the entire State or of more than one county thereof, said contest shall be heard by and determined by the Chief Justice or a justice of the Supreme Court assigned for that purpose by the Chief Justice, and shall be commenced by the filing of a petition therefor with the Clerk of the Supreme Court signed by at least twenty-five voters of the state or by any defeated candidate for said nomination, party position or public office.

In all other cases said contest shall be heard and determined by the several circuit courts of this state and shall be commenced by the filing of a petition therefor with the clerk of said circuit court holding session in the county wherein such office or proposition is to be contested, signed by at least fifteen voters of said county or by any defeated candidate for said nomination, party position or public office.

Such petition shall be verified by the oath of at least two of said petitioners, or by the candidate filing the same, as the case may be, which verification may be made on information and belief. Said petition shall be accompanied with a bond to the incumbent, with two or more sureties, to be approved by the justice holding such circuit, 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. When the reception of illegal or the rejection of legal voters is alleged as a cause of contest, the names of the persons who so voted, or whose votes were rejected, with the election district where they voted, or offered to vote, shall be set forth in the petition, if known. (162; 166; 167; 528 Sec. 53.)

Filing of Petition

4. Said petition contesting any nomination to public office, election to party office or the proposal of any proposition shall be filed not later than ten days after the primary election. Said petition contesting any election to public office or approval of any proposition shall be filed not later than thirty days after such election, unless the ground of action is discovered from the statements, deposit slips or vouchers filed under this act, subsequent to such primary or other election, in which event such petition may be filed ten or thirty days respectively after such statements, deposit slips or vouchers are filed. (538 Sec. 53.)

Time Fixed for Trial of Case

5. The court shall appoint a suitable time for hearing such complaint, not more than thirty nor less than fifteen days after the filing of said petition, 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. (167)

Adjournment

6. 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 it may see fit, of which adjournment the parties interested shall take notice. (168)

Trial Proceedings

7. 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 hear and determine the matter without a jury, 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 party, on such terms as shall seem reasonable to the court, the grounds for such adjournment being shown by affidavit. (169)

Appearance of Witnesses and Submission of Evidence

8. 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 ballot-boxes, books, papers, tally lists, ballots and other documents which may be required at such hearing; 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. (170)

Witness Obligated to Answer Questions

9. 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 election district where he voted, then the court can compel him to answer for whom he voted; and if the witness answers such questions no part of his testimony on the trial shall be used against him in any criminal proceeding. (171)

Judgment Pronounced by Court

10. 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; *provided* that if misconduct is complained of on the part of the members of the board of election in any election district, it shall not be held sufficient to set aside the election, unless the rejection of the vote of such district would change the result as to that office. (165; 173)

Effect of Judgment in Certain Cases

11. 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. (173)

Successful Party to Possess Office

12. When either the contestant or incumbent shall be in possession of the office, by holding over or otherwise, the court shall, if the judgment be against the party in possession of the office, and in favor of his antagonist, issue an order to carry into effect its judgment, 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. (174)

ARTICLE XXVII

Miscellaneous

SOLDIER AND SAILOR VOTING

Purpose of Act

1. The purpose of this act is to afford every qualified elector of this State, who is in active service in the military forces of this State, or of the United States, the right to vote at any primary, general or special election held in this State or in any subdivision thereof, notwithstanding the fact that such person may be absent on said election day from the election district in which he resides, whether such person is within or without this State, or within or without the United

Appeal to Supreme Court for Error of Law

13. 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" (Revision), approved March twenty-seventh, eighteen hundred and seventy-four; *provided*, the amount of such recognizance shall be fixed by the judge who presided at the trial, and shall be at least double the probable compensation of such officer for six months. (175)

Hearing of Appeal

14. Such appeal shall take precedence over all other causes upon the calendar, 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*, that the appellant shall give ten 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. (176)

Enforcement of Judgment

15. If, upon appeal, the judgment be affirmed, the judge who presided at the trial, or in his absence or inability to act, any justice of the supreme court, shall order the judgment of said circuit court to be enforced, 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. (177)

Liability for Costs

16. 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 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 the entry of the judgment of the court the costs may be collected by attachment or otherwise. (172.)

States, and notwithstanding the fact that such person may not be registered for such election as now required by law. (462 Sec. 3.)

To Whom Act Applies

2. Any person shall be deemed to be in active service in the military forces of this State or of the United States if actually in active service as a member of the State Militia, New Jersey National Guard, any branch or department of the Army or Navy of the United States, or any auxiliary forces acting in co-operation therewith. (462 Sec. 3.)

Where Act Applies

3. The provisions of this act shall apply in this State or any political subdivision thereof wherein any such primary, general or special election shall be held. *When Act is Applicable*

4. Whenever any emergency exists whereby, in the judgment either of the President of the United States or the Governor, it may become necessary to concentrate, either within or without the State, citizens of the State who are legal voters therein for the purpose of defense against either foreign or domestic enemies, this act shall apply. (460 Sec. 1.)

Governor's Order for Enforcement of Act

5. When such an emergency exists the Governor shall file an order with the Secretary of State, which order shall set out the nature of such emergency and direct that the provisions of this act be enforced. (461 Sec. 2.)

Enforcement of Act by Secretary of State

6. Thereupon the Secretary of State shall proceed to carry out the provisions of this act until the Governor shall by further order determine that the emergency has ceased to exist and direct that the provisions of this act be discontinued. (461 Sec. 2.)

Names and Addresses of Men in Active Service Obtained

7. Within sixty days prior to any primary, general or special election of this State or any subdivision thereof, the Secretary of State shall ascertain either from the Adjutant-General of New Jersey or from the Adjutant-General or other proper authority of the United States, the names and post-office addresses of every qualified elector of this State in active service in the military forces of this State or of the United States as aforesaid. (463 Sec. 4.)

Names and Addresses Sent to County or Municipal Clerks

8. The Secretary of State shall, at least twenty days prior to any primary, general or special election, forward to the county clerks, who are to prepare the ballots for such election, or, if such ballots are to be prepared by clerks of any municipalities, then to the clerks of such municipalities, the names and addresses of the qualified electors in the military forces of this State or of the United States, residing within the limits of such county or such municipality, as the case may be; *provided, however*, that the names of the persons in the active military service of the United States shall not be forwarded by the Secretary of State to any county clerk or clerk of any municipality if the Secretary of War of the United States shall object. (464 Sec. 5.)

Names of Candidates Sent to Men in Active Service

9. The clerk of such county or of such municipality, as the case may be, shall, as soon as possible, forward to each of such persons, by mail or otherwise, a printed or written list of the names of the candidates whose names will appear on the ballot for such election, together with the names of the nomination or office for which such person is a candidate; *provided*, that if the Secretary of War objects thereto as afore-

said then and in that case the Secretary of State shall, as soon as possible, forward, by mail or otherwise, to the persons in active military service, as aforesaid, the names of the candidates to be voted for at such election. (464 Sec. 5.)

Blank Ballots Sent to Men in Active Service

10. At least twenty days prior to any primary, general or special election, the Secretary of State shall forward by mail or otherwise to each person in such active service, as aforesaid, a blank ballot, conveniently prepared so that such person may vote for any candidates at such election or on any question to be submitted to the voters at such election. (463 Sec. 4.)

Type of Ballot

11. The Secretary of State may either print the names of the candidates, when such names are known to him, upon such ballot, or may provide that the person voting such ballot shall write the names of the persons for whom he is voting upon the ballot, or may print some names and leave others blank, to be written in as aforesaid as, in his discretion, may be most convenient. (463 Sec. 4.)

Preparation of Ballot Out of United States

12. The Secretary of State is hereby authorized, if, in his discretion, it shall be advisable so to do, to arrange for the printing of the ballots to be used by the qualified electors of this State in active service in the military forces of the United States, who are stationed, at the time of any such election, outside of the United States, in the country in which such persons shall be stationed, and may send a representative to such country for the purpose of arranging for the printing of such ballots, and may transmit, by cable or otherwise, the necessary information to such representative. (466 Sec. 7.)

Directions for Voting

13. The Secretary of State shall send with each ballot either a printed copy of this act or printed directions for voting and transmitting a ballot as required by this act. (465 Sec. 6.)

Envelopes for Mailing Ballots

14. The Secretary of State shall also send with each ballot, whether such ballot is sent by mail or otherwise, to each qualified elector of this State in active service in the military forces of this State or of the United States, two envelopes, the outer one of which shall be addressed to said Secretary of State, and shall contain a space upon the back thereof for the name of the military organization to which such person belongs and the home address at which such person is entitled to vote; the inner envelope shall be plain, and shall contain no marks whatever. (465 Sec. 6.)

Preparation of Official Ballot

15. Any person who is unable to vote at any primary, general or special election in the election district in which he resides, because of absence from such election district due to his being in active service in the military forces of this State or of the United States, shall be entitled to fill in any ballot forwarded to him by the Secretary of State in accordance with

the above requirements on the day of such election or on any day prior thereto. (467 Sec. 8.)

Enclosing of Ballots in Envelopes

16. Such ballot, after having been prepared by the person intending to vote the same, shall be placed in the inner envelope, which envelope shall then be sealed and placed in the outer envelope, to which reference has above been made. Such person shall then write upon the back of said outer envelope, in the space left therefor, the name of the military organization to which such person belongs and the home address of such person at which he is entitled to vote, and also a statement as follows: "This ballot was prepared on the day of..... (filling in the date), beneath which he shall sign his name." (467 Sec. 8.)

Deposit of Envelope with Officer

17. Such envelope shall then be deposited with the officer designated to receive such ballots by the commanding officer of the force with which such person is operating. (467 Sec. 8.)

Forwarding of Envelopes by Officer

18. Such officer, so designated as aforesaid, shall endorse upon said envelope his name and rank and the time when such ballot was received, and such envelope shall, with other like envelopes which shall have been deposited with such officer, be forwarded by him to the Secretary of State of this State. (467 Sec. 8.)

Voting by Unofficial Ballot

19. Any person in active service in the military forces of this State or of the United States who shall not have received an official ballot prior to the date of any primary, general or special election, shall be entitled to prepare and vote, on the date of such election, but not before such date, an unofficial ballot, indicating thereon the candidates for whom he intends to vote and the offices for which such persons are candidates and the propositions upon which he intends to vote. Any such person voting an unofficial ballot as aforesaid shall seal the same in a plain envelope, and place such plain envelope, when so sealed, in an outer envelope, which outer envelope shall contain the information required for the outer envelopes mentioned in the next preceding section, and shall be addressed to the Secretary of State of this State and such outer envelope, when prepared as aforesaid, shall be delivered to the officer designated to receive ballots as aforesaid, which said envelope, when so delivered, shall be forwarded to the Secretary of State in the same manner that official ballots are required to be forwarded. (468 Sec. 9.)

Distribution of Envelopes to County Boards of Election

20. Upon the receipt of envelopes containing ballots from persons in active service in the military forces of this State or of the United States, the Secretary of State shall distribute said envelopes to the county board of elections in the county in which the persons so voting shall reside, and upon the delivery of such ballots to such county board of elections, shall take from the secretary or clerk of said board a receipt therefor, which receipt shall specify the number of official envelopes and the number of unofficial envelopes delivered.

21. Before proceeding to open said outer envelopes, the county board of elections shall make such investigations as they may deem necessary to ascertain whether or not the persons whose names appear upon the outside of such outer envelopes were actually entitled to vote at such election, in the manner prescribed by this act.

Canvass of Ballots by County Boards of Election

22. The county board of elections shall act as a canvassing board and at a meeting or meetings to be held for that purpose not more than thirty days subsequent to the day of the primary or other election, proceed to open said envelopes and count the ballots in the manner now provided by law, *provided*, that after the outer envelopes have been removed, the plain envelopes therein contained shall be mixed together before the same are unsealed.

Preservation of Outer Envelopes

23. All of the outer envelopes in which such ballots are received shall be retained by the county board of elections and filed in the same way as ballots are now required to be filed.

Counting Procedure

24. Any ballot received from any person in active service in the military forces of this State or of the United States, who is entitled to vote in the manner prescribed by this act, shall be counted notwithstanding the fact that such person may not know or may not have properly designated the election district in which he is entitled to vote, and notwithstanding the fact that the ballot may be informally prepared or may be marked with a pencil or ink or some color other than black, or notwithstanding the fact that any paster may be used thereon, whether the same is printed in black or otherwise. No ballot shall be rejected for or on account of any informality in its preparation. Wherever the intent of the voter is apparent upon an examination of the ballot, the vote shall be counted in accordance with such intent, whether such intent is expressed in the manner now provided by law or otherwise.

Challengers Present at Canvassing

25. The political committee of each political party in each county, or in case of municipal election, the municipal committee of each party shall each be permitted to have two challengers present at the meeting or meetings of the county board of elections at which such votes are counted and canvassed.

Certification of Results

26. Said county board of elections shall make proper certification to the proper officers of the result of such election.

Construction of Act

27. This act shall be liberally construed for the purpose of affording an opportunity to persons in active service in the military forces of this State or of the United States to vote at any primary, general or special election.

*MEETING OF ELECTORAL COLLEGE**Time and Place*

28. The electors of president and vice-president

shall convene at the state house at Trenton, on the day appointed by congress for that purpose, at the hour of three o'clock in the afternoon of that day, and constitute an electoral college. (131.)

Vacancies and Their Filling

29. 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 a majority of votes, all such vacancies in the electoral college; provided, that if the members of the electoral college shall have been nominated and elected as representing different political parties, any vacancy occurring shall be filled by the elector or electors representing the same political party as the absent elector; and if there shall be no elector present representing the same political party as the absent elector, then such vacancy shall be filled by a majority of the electors present, who shall choose some person of the political party which the absent elector represents. (132.)

Organization and Performance of Duties

30. After choosing a president and secretary from their own body, said electors shall proceed to perform the duties required of them by the constitution and laws of the United States. (132.)

ENFORCEMENT OF ELECTION LAWS IN COUNTIES OF THE FIRST CLASS

Prosecutor of Pleas to Investigate Complaints Regarding Registration

31. In counties of the first class in this State, in order to enforce the laws of this State regarding the conduct of elections, it shall be lawful for the prosecutor of the pleas and his assistants to investigate all complaints relating to the registration of voters. (549 Sec. 1.)

Investigative Powers of Prosecutor

32. For the purpose of investigating said complaints the said prosecutor of the pleas or any assistant prosecutor, or any person or persons designated by him, shall have full power and authority to visit and inspect any house, dwelling, building, inn, lodging-house or hotel and interrogate any inmate, house-dweller, keeper, caretaker, owner, proprietor or landlord thereof or therein as to any person or persons residing or claiming to reside therein or thereat; to inspect and copy any books, records, papers or documents relating to or affecting the elections, either general, special or primary, or the registration of voters in the custody and control of district boards of registry and elections, county boards of registry and elections, or the clerks or other officers of municipalities; to require every lodging-house keeper, landlord or proprietor to exhibit his register of lodgers therein at any time to such prosecutor, his subordinates, or any other person so designated by the said prosecutor. (549 Sec. 1.)

Power of Prosecutor to Issue Subpoenas

33. The prosecutor of the pleas shall have power

to issue subpoenas for the purpose of investigating any complaint for violation of the election laws of this State, such subpoenas to be issued in the name of the prosecutor of the pleas, and for the purpose of aiding him in enforcing the provisions of the election laws of this State. He may, in proper cases, issue subpoenas duces tecum. A subpoena issued by the prosecutor of the pleas may be served by any of the prosecutor's detectives, any peace officer or any other person designated by him for that purpose. (550 Sec. 2.)

Power of Prosecutor at Elections

34. The prosecutor of the pleas or any assistant prosecutor, or any person or persons designated by him, may attend at any election. The said prosecutor, or any assistant prosecutor, or such person or persons designated by him, shall be admitted at any time within any polling place and within the guard rails thereof. (551 Sec. 3.)

Landlords to Keep Register of Patrons

35. When directed by the prosecutor, it shall be the duty of every landlord, proprietor, lessee or keeper of a lodging-house, inn or hotel, to keep a register in which shall be entered the names and residences, the date of arrival and departure of his guests, and the room, rooms or bed occupied by them. This register shall be so arranged that there shall be a space on the same line in which each male guest or male lodger shall sign his name, above which space shall be printed the following words, "the foregoing statements are true." (552 Sec. 4.)

Patrons to be Questioned by Landlords

36. To the end that the sworn report herein required shall truly set forth the facts therein stated, it shall be the duty of the said landlord, proprietor, lessee or keeper to question each male person lodging or living in such lodging-house, inn or hotel, as to his intention of claiming such place as a voting residence, and such person shall thereupon declare his intention, thereof, and if he shall claim such place as his voting residence, he shall give to such landlord, proprietor, lessee or keeper such facts regarding himself as are required to be incorporated in the sworn report herein provided for. (552 Sec. 4.)

Sworn Report by Landlords

37. Such landlord, proprietor, lessee or keeper shall make a sworn report upon a blank to be prepared and furnished by the prosecutor of the pleas thirty days before the election next ensuing to the said prosecutor, which report shall contain a detailed description of the premises so used and occupied as a lodging-house, inn or hotel, including the size and character of building, and in case only part of a building is so used, a statement as to what part of said building is so used, and the names of the lodgers therein, and all employees and all other persons living therein, including the landlord, proprietor, lessee or keeper, and members of his family, who claim a voting residence at or in such lodging-house, inn or hotel, together with the length of time they have been regularly lodging or living therein, the beginning of such residence, the color, approximate age, height, weight,

whereby such persons may be identified, the nationality, the occupation and place of business of such persons, and the room occupied by each such person, and whether such person is a guest, landlord, proprietor, lessee or keeper, and the signature of each such person. (552 Sec. 4.)

Statement by Landlords as to Signatures and Identity of Patrons

38. In the form of affidavit, which shall be sworn to by the landlord, proprietor, lessee or keeper of such lodging house, inn or hotel, shall be included the statement that the signatures of the guests or lodgers certified to in said report were written in the presence of such landlord, proprietor, lessee or keeper, and that he personally knows them to be the persons therein described. (552 Sec. 4.)

Landlord to File Report with Prosecutor

39. Said report and affidavit shall be filed personally by such landlord, proprietor, lessee or keeper with the prosecutor of the pleas at his office. (552 Sec. 4.)

Registration Cards to be Made

40. The district board of registry and election of each election district shall on each day of registration transfer to cards a complete copy of the name of each person registered in their respective districts, together with all the answers made and information given by the person registered at the time of registration. (553 Sec. 5.)

Form and Style of Registration Cards

41. Said cards shall be in form and style approved by the prosecutor of the pleas, and shall be provided for the purpose by the county clerk of said county. (553 Sec. 5.)

Delivery of Registration Cards to Prosecutor

42. Such cards, enclosed and sealed in a cover to be provided for that purpose, by the aforesaid county clerk, shall be delivered personally or by mail forthwith by the chairman of said district board of registry and elections to the prosecutor of the pleas at his office in the county court house.

Statement to Accompany Cards

43. Accompanying such cards shall be a statement on a blank form to be furnished by the aforesaid county clerk, after approval by the prosecutor of the pleas, that the cards delivered contain a correct copy of all the names registered and information given by the persons so registered.

Prosecutor to Prepare Challenge List for Registration

44. The prosecutor of the pleas for each county shall prepare for each election district in said county a challenge list containing the names, alphabetically arranged, and the addresses of all persons who, by reason of death, removal, conviction or otherwise, have lost the right to register from the addresses within such election district from which they registered at the last preceding election. (554 Sec. 6.)

Delivery of Challenge List to District Boards of Registry and Election

45. Such challenge list shall be delivered to the respective boards of registry in such city at least one-

half hour before the commencement of registration. (554 Sec. 6.)

Challenge of Names on Lists

46. It shall be the duty of the chairman of such respective boards of registry and elections to challenge the registration of any person applying to them for unless it shall affirmatively appear after strict examination of the voter, and, if necessary, others also, that registration under any name on such challenge list, such voter has become domiciled at a new address within the election district. (554 Sec. 6.)

Return of Challenge Lists to Prosecutor

47. At the close of the last day of registration said challenge list shall be signed and certified as true by each member of such board of registry and elections and returned to the prosecutor of the pleas in a sealed envelope provided therefor by the county clerk of said county. (554 Sec. 6.)

Prosecutor to Prepare Challenge List for Election

48. After the last day of registration and before election day in each year, the prosecutor of the pleas also shall prepare for each election district a challenge list containing the names, alphabetically arranged, and addresses of all persons registered in such district during said last preceding period of registration, not to be entitled to vote at said election. (554 Sec. 6.)

Delivery of Challenge List to District Boards of Registry and Election

49. Such challenge lists shall be delivered to the respective boards of registry and election at least one-half hour before the opening of the polls of each election. (554 Sec. 6.)

Challenge of Names on List

50. It shall be the duty of the chairman of the respective district boards of registry and election to challenge the vote of any person presenting himself to vote under any name on said challenge list. Said challenge list shall contain a column headed "remarks," and it shall be the duty of the chairman of the respective boards of registry and election to enter in said column opposite the names on said lists whether any person applying to vote under any name on said list, who was challenged, was allowed to vote, and the reason for allowing him to vote. If a person applies to vote under any name on said challenge lists, who is challenged and does not vote, then there shall be entered opposite such name in the aforesaid column headed "remarks" the words "challenged, but did not vote." If no person applies to vote under any name on said challenge lists, then there shall be noted opposite each such name in the aforesaid column headed "remarks" the words "no application." (554 Sec. 6.)

Return of Challenge Lists to Prosecutor

51. At the close of the polls said challenge lists shall be signed and certified as true by each member of such board of registry and elections and returned to the prosecutor of the pleas of said county in a sealed envelope provided therefor by the county clerk of said county. (554 Sec. 6.)

Duplicate Challenge Lists and Their Preservation

52. The prosecutor of the pleas shall prepare dupli-

cates of all challenge lists provided for in this section, and he shall keep duplicate challenge lists on file in his office from the time of their preparation until the close of the third general election following the preparation of said challenge lists. (554 Sec. 6.)

Preservation of Original Challenge Lists

53. The aforesaid original challenge lists shall also be kept on file for two years after the general election following their preparation. (554 Sec. 6.)

Challenge Lists Open to Public Inspection

54. All such challenge lists shall be open to inspection by any citizen at any time the prosecutor's office is open for business. (554 Sec. 6.)

Power of Prosecutor to Appoint Assistants

55. The prosecutor of the pleas shall have the power to appoint a sufficient number of persons as in his judgment may be necessary for the purpose of carrying out the provisions of the above act. (555 Sec. 7.)

NON-BINDING REFERENDUMS IN CITIES OF THE SECOND CLASS

Request to Have Question Placed on Ballot

56. Whenever the common council, board of aldermen or other governing body of any city of the second class desires to ascertain the sentiment of the legal voters of such municipality upon any question or policy pertaining to the government or internal affairs thereof, and there is no other statute by which such sentiment can be ascertained by the submission of such question to a vote of the electors in such municipality at any election hereafter to be held therein, it shall be lawful for such common council, board of aldermen or other governing body to adopt at any regular meeting a resolution requesting the clerk of the county in which such municipality is situated to print upon the official ballots to be used in such city at the next ensuing general election a certain proposition to be formulated and expressed in such resolution in concise form. (458 Sec. 1.)

County Clerk to Place Question on Ballot

57. If a copy of such resolution certified by the clerk or secretary of such common council, board of aldermen or other governing body of any such city is delivered to such county clerk not less than thirty days before any such general election, he shall cause to be printed on each sample ballot and official ballot to be printed for or used in such city at the next ensuing general election, beneath the names of the candidates, the following:

"If you favor the proposition printed below, make an X mark in the square opposite the word 'yes.'"

"If you are opposed thereto make an X mark in the square opposite the word 'no.'"

	Yes.	(Here print the proposition to be voted on.)
	No.	

(458 Sec. 1.)

Canvass of Votes

58. The said ballots so cast for or against said

proposition shall be counted and the result thereof returned by the election officers and a canvass of such election had and announced in the same manner as is now provided by law in the case of the election of a mayor or other like officer of such municipality. (458 Sec. 1.)

Result Not Binding

59. Such result shall in no manner bind the governing body from which such resolution emanated, nor be taken or construed as other than an expression of their sentiment by the voters, to be followed or disregarded by such governing body in its discretion. (458 Sec. 1.)

When Provisions Operative

60. Said submission of question in the manner herein provided shall not become operative in any city until the common council, board of aldermen or other governing body thereof shall, by resolution duly passed, declare its desire to submit any question or questions in this manner. (458 Sec. 1.)

ELECTION OF FIRST OFFICIALS OF CONSOLIDATED MUNICIPALITIES

To be Elected at General Election

61. Whenever the voters of two or more municipalities in the same county shall vote to consolidate and form a city by virtue of any act of the Legislature of this State, and, by reason thereof said municipalities are to become a city on a certain date, the first set of officers and officials of said city shall be elected within the limits of the said municipalities at the general election immediately preceding the date on which said municipalities are to become a city. (452 Sec. 1.)

Preparation and Delivery of Election Essentials

62. The clerk of the county wherein such municipalities lie shall prepare and deliver all books and records or registry of voters as well as all ballots, booths, books and other equipment to be used in said municipalities for registry of voters and the nomination and election of said officers and officials of the city so formed at said primary and general election. (453 Sec. 1.)

Nomination

63. Said officers and officials shall be nominated as in this act provided. All petitions of nominations, acceptances thereof, appointment of committees and statement of contributions and expenses as required by the provisions of an act entitled "An act to regulate elections" (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight, and the acts amendatory thereof and supplemental thereto, for said primary election and said general election shall be filed with the clerk of the county in which said municipalities are located. (452 Sec. 1; 453 Sec. 2.)

Conduct of Primary and General Election

64. The primary on said general election and the general election within municipalities that are to become a city, shall be held in the manner provided for in this act at the polling places within the election districts and wards fixed and determined in the manner designated in the act providing for the formation of said city. (452 Sec. 1.)

Appointment and Duties of District Boards of Registry and Election

65. It shall be the duty of the board of elections of the county wherein said municipalities are located to appoint and provide proper election officers at the various polling places, designated in the manner provided in the act providing for the formation of said city, to register voters and properly conduct said primary election and said general election and perform

the usual duties required of said officers by the laws of this state. (454 Sec. 3.)

66. Certificates of election shall be issued by the clerk of the county within which such municipalities lie and be issued by him to the successful candidates at said primary election and general election, which said certificates shall be filed with the clerk of said city on the date set for said municipalities to become a city. (453 Sec. 2.)

ARTICLE XXVIII

Campaign Expenditures

Limitation of Expenditures

General Provision

1. No money, or other thing of value, shall be paid or promised, or expense authorized or incurred in behalf of any candidate for nomination or election to any office or party position, whether such payment is made or promised, or expense authorized or incurred by the candidate himself, or by any other person, committee or organization in furtherance or in aid of his candidacy, under any circumstances whatsoever, in excess of the sums hereinafter provided; but said sums shall not include the traveling expenses of the candidate or of any person other than the candidate, if such traveling expenses are voluntarily paid by such person without any understanding or agreement with such candidate that such expenses shall be, directly or indirectly, repaid to him by such candidate. (486 Sec. 1.)

Limit for Candidate for Governor

2. The amount which may be spent in aid of the candidacy of any candidate for nomination for Governor at any primary election of a political party shall not exceed twenty-five thousand dollars. The amount which may be spent in aid of the candidacy of any candidate for election to the office of Governor at any general election shall not exceed twenty-five thousand dollars. (487 Sec. 2.)

Limit for Candidate for U. S. Senate

3. The amount which may be spent in aid of the candidacy of any candidate for nomination for United States Senator at any primary election of a political party shall not exceed twenty-five thousand dollars. The amount which may be spent in aid of the candidacy of any candidate for the office of United States Senator at any general or special election shall not exceed twenty-five thousand dollars. (488 Sec. 3.)

Limit for Candidate for U. S. Congress

4. The amount which may be spent in aid of the candidacy of any candidate for nomination for member of Congress at any primary election of a political party shall not exceed thirty-five hundred dollars. The amount which may be spent in aid of the candidacy of any candidate for election to the office of member of Congress at any general election shall not exceed thirty-five hundred dollars. (489 Sec. 4.)

Limit for Candidate for State Senate

5. The amount which may be spent in aid of the candidacy of any candidate for nomination for State Senator at any primary election of a political party

shall not exceed ten cents for each voter who voted in the county at the last preceding general election at which presidential electors were chosen. The amount to be spent in aid of the candidacy of any candidate for election for the office of State Senator at any general election shall not exceed ten cents for each voter who voted in the county at the last preceding general election at which presidential electors were chosen. (490 Sec. 5.)

Limit for Candidates for General Assembly

6. The amount which may be spent in aid of the candidacy of any candidate for nomination for member of General Assembly at any primary election of a political party shall not exceed five cents for each voter who voted in the county at the last preceding general election at which presidential electors were chosen. The amount which may be spent in aid of the candidacy of any candidate for election for the office of member of General Assembly at any general election shall not exceed five cents for each voter who voted in the county at the last preceding general election at which presidential electors were chosen; *provided, however*, that in case two or more candidates, either for nomination for or election as members of General Assembly, shall arrange for a joint campaign, either for nomination or election as aforesaid, as hereinafter provided, no sum shall be spent at either the primary or general election by such candidates in excess of two thousand dollars for each candidate engaged in such joint campaign; *provided further*, that in case two or more candidates for nomination to General Assembly shall cause their names to be bracketed in a group upon any primary ticket, no more than two thousand dollars shall be expended by each candidate in such group. (491 Sec. 6.)

Limit for Candidates for County Office With Fixed Salary

7. The amount which may be spent in aid of the candidacy of any candidate for nomination for any county office, having a fixed annual salary, at any primary election of a political party, shall not exceed one-half of the annual salary of said county office. The amount which may be spent in aid of the candidacy of any candidate for election to any county office, having a fixed annual salary, at any general election, shall not exceed one-half of the annual salary of said county office. (492 Sec. 7.)

Limit for Candidate for County Office With No Fixed Salary

8. The amount which may be spent in aid of the

candidacy of any candidate for nomination for any county office, having no fixed annual salary, at any primary election of a political party, shall not exceed ten cents for each voter who voted at the last preceding general election at which presidential electors were chosen in said county, or in the portion of said county in which such candidate is to be voted for. The amount which may be spent in aid of the candidacy of any candidate for election to any county office, having no fixed annual salary, at any election, shall not exceed ten cents for each voter who voted at the last preceding general election at which presidential electors were chosen in said county, or in the portion thereof in which such candidate is to be voted for. (493 Sec. 8.)

Limit for Candidate for Municipal Office

9. The amount which may be spent in aid of the candidacy of any candidate for nomination for any municipal office at any primary of a political party shall not exceed ten cents for each voter who voted at the last preceding general election at which presidential electors were chosen in said municipality, or in the portion thereof in which such candidate is to be voted for. The amount which may be spent in aid of the candidacy of any candidate for election to any municipal office at any general or charter election shall not exceed ten cents for each voter who voted at the last preceding general election at which presidential electors were chosen in said municipality, or in the portion of such municipality in which such candidate is to be voted for. (494 Sec. 9.)

Limit for Candidate for Party Delegates

10. The amount which may be spent in aid of the candidacy of any candidate for the party position of delegate at large to a national convention shall not exceed five thousand dollars, and the amount which may be spent in aid of the candidacy of any candidate for the position of delegate to a national convention from any district shall not exceed five thousand dollars. (495 Sec. 10.)

Limit for Candidate for Presidential Elector

11. The amount which may be spent in aid of the candidacy of any candidate for the position of presidential elector in any presidential election shall not exceed five thousand dollars. (496 Sec. 11.)

Limit for Candidate for State Committee

12. The amount which may be spent in aid of the candidacy of any candidate for the position of member of the State Committee shall not exceed five hundred dollars. The amount which may be spent in aid of the candidacy of any candidate for the position of member of any county committee, city or municipal committee of any political party shall not exceed ten dollars. (497 Sec. 12.)

Campaign Manager

Appointment

13. Every candidate for nomination for any public office or for election to any public office or party position shall, before receiving any contribution or expending any money in furtherance or in aid of his candidacy, appoint a campaign manager, and file a certificate of such appointment, signed by such candi-

date with the cashier of a National or State bank authorized to transact a banking business in this State, or with the treasurer of a trust company organized and existing under the laws of this State, and also in the public office in which such campaign manager is required to file the statement of campaign expenses of such candidate, as hereinafter provided; *provided, however*, that any candidate for nomination for or election to any township office, borough office or any office of any municipality other than a township, which is filled by the voters of a single ward in such municipality, or any office or party position who by this act is prohibited from expending more than fifty dollars in connection with any primary or other election, may disburse moneys for the purposes authorized by this act in furtherance or in aid of his candidacy without selecting a bank or trust company and depositing the funds so to be disbursed therein, and without complying with the method outlined in this act for the deposit and disbursement of moneys expended in aid of his candidacy; *provided, further*, that in such case no moneys shall be spent in furtherance or in aid of the candidacy of such candidate except by such candidate as campaign manager. Any candidate may appoint himself as campaign manager, which appointment shall be certified in the same manner as the appointments above referred to. Two or more candidates for nomination for or election to any public office or party position may arrange to conduct a joint campaign, in which event they shall jointly appoint a campaign manager and select a bank or trust company. (498 Sec. 13; 501 Sec. 16.)

Removal

14. Such candidate may remove any campaign manager so appointed. Any joint campaign manager may be removed by the vote of a majority of those joined under this section. (498 Sec. 13; 501 Sec. 16.)

Filling of Vacancy

15. In case of death, resignation or removal of such campaign manager such candidate shall forthwith appoint his successor and certify the appointment in the manner provided in case of an original appointment. In case of such removal, or in case of the death or resignation of a joint campaign manager, a successor shall be chosen by the vote of a majority of the joint candidates. (498 Sec. 13; 501 Sec. 16.)

Custody of Funds

16. All money which may be spent by any such candidate in behalf of his candidacy, or by any other person, corporation or organization in furtherance or aid of the candidacy of any such candidate, shall be paid to the campaign manager so appointed as aforesaid. (498 Sec. 13.)

Campaign Contributions

Time Limit for Contributions

17. All contributions in furtherance or in aid of the candidacy of a candidate for nomination for or election to any public office or party position shall be sent to the campaign manager of such candidate at least five days before the election at which such candidate is to be voted for. Any contribution received by such campaign manager less than five days before

the election at which such candidate is to be voted for shall be returned by said campaign manager to the person sending the same, and shall not, under any circumstances, be used or expended in behalf of such candidate, or in furtherance or aid of his candidacy. (499 Sec. 14.)

Deposit of Contributions

18. Any contribution received by such campaign manager shall, within twenty-four hours, excluding holidays and Sundays, after the same shall have been received by him, be deposited by such campaign manager in the bank or trust company in which the certificate of appointment of such manager has been filed, in a special account to be designated (Primary or Election, as the case may be), "Campaign fund of.....(naming candidate)." In case of a joint campaign, the account to the credit of which such funds shall be deposited shall be designated "Joint Campaign Fund of.....(naming all of the candidates joining in such campaign)." No deposit shall be made or received to the credit of any such fund unless such deposit shall be accompanied by a deposit slip containing in detail the true name and post-office address of each person, association or corporation contributing any part of the money so deposited and the amount contributed by each such person, association or corporation. Such deposit slip shall be retained by such bank or trust company and disposed of as hereinafter directed. (498 Sec. 13; 500 Sec. 15; 501 Sec. 16.)

Solicitation of Contributions by Political Parties or Groups of Petitioners

19. It shall be lawful, after any primary election, for the State, county or municipal committee or organization of any political party or group of petitioners, to solicit and receive contributions in aid of any or all of the candidates duly nominated at any party primary or by petition. (503 Sec. 18.)

Solicited Contributions Forwarded to Campaign Managers

20. All such contributions, when received in behalf of any particular candidate, shall be forwarded by the said committee to the campaign manager of such candidate, together with a statement of the amount of each contribution and the name and post-office address of the person making the same. (503 Sec. 18.)

Allotment of General Solicited Contributions

21. If such committee receives contributions on behalf of all the candidates upon any party or group of petitioners' ticket, the chairman or presiding officer of such committee shall have the power to allot such contributions to the credit of any one of the candidates on said ticket or to apportion such contributions among said candidates, but all such contributions shall be forwarded to the campaign manager of each candidate to whom any allotment is made, with a statement of the names and addresses of contributors and the amount contributed by each, as hereinbefore provided. (503 Sec. 18.)

Deposit of Solicited Contributions

22. All such contributions so forwarded, if received within the time limited by this act, shall be

deposited by such campaign manager in the bank or trust company selected by said candidate, as above provided, to the credit of the campaign fund of such candidate. In case the State, county or municipal committee or organization of any political party, or any other committee, association, society or corporation shall forward money to the campaign manager of any candidate, which money shall have been solicited and received by said committee, association, society or corporation as contributions to the campaign fund of such candidate, a statement of the amount of each contribution and the name and post-office address of the person making the same shall accompany said money, when forwarded to said campaign manager as aforesaid, said manager shall copy said list on the deposit slip accompanying the deposit of said money in the campaign fund of said candidate. (502 Sec. 18; 504 Sec. 19.)

Contributions by Candidates

23. It shall be lawful for any State committee, county committee or municipal committee of any political party, after the primary election but not before such election, to receive contributions from any candidate of any such party, such contributions to be spent in aid of the candidacy of the contributor or of the candidates of such party and may be expended for the following purposes only: expenses in connection with the conduct of public meetings, for advertising in newspapers or periodicals, and for the preparation and mailing of letters, and for the hire of watchers at the polls on any election day. Such contributions when made by such candidates shall be accompanied by a statement of the campaign manager of such candidate of the specific purpose for which such contribution is to be expended, and shall be paid to said committee by said campaign manager from the campaign fund of such candidate in the manner outlined in this act for the expenditure of money from such campaign fund, and such moneys shall be expended by said committee for no purpose other than that so named. (506 Sec. 21.)

Expenditures

Expenditures Restricted to Deposits

24. No campaign manager shall authorize, in the manner provided by this act, or in any other manner, the incurring of any expense in behalf of the candidate whose campaign he is managing, or in furtherance or aid of his candidacy, unless there are moneys on deposit in the bank selected in accordance with the provisions of this act, to the credit of the account known as the campaign fund of such candidate sufficient to pay the amount of expenditure so authorized, together with all other expenditures previously authorized. Any contract made or liability incurred for any purpose or in any manner except as authorized by this act shall be absolutely void. (502 Sec. 17.)

Written Authorization of Expenditure Required

25. No expenses shall be incurred by any candidate or by any person, corporation or association whatsoever in behalf of such candidate, or in furtherance or aid of his candidacy unless prior to the incurring of such expense a written order shall be made in the form below set forth and signed by the campaign man-

ager of such candidate, authorizing such expenditure, and no money shall be withdrawn or paid by any bank or trust company from any campaign fund account except upon the presentation of such written order, signed as aforesaid, accompanied by the affidavit of the person claiming such payment, which affidavit shall state that the amount named in the order, or such part thereof as may be claimed, naming the amount claimed, is justly due and owing to such claimant, and that the order truly states all of the purposes for which such indebtedness was incurred, and that no person other than the undersigned is interested, directly or indirectly, in the payment of such claim, and unless an order for payment in the form below set forth, signed by the campaign manager, is presented to such bank or trust company. (502 Sec. 17.)

Form of Expenditure Authorization

26. Such order authorizing the incurring of expense, affidavit and order for payment shall be on the same piece of paper and shall be in the following form: Campaign Fund of.....

John Doe (name of candidate)
to

Richard Roe, Dr. (name of claimant)

(Here insert items for which expenditure is to be authorized or payment claimed, in detail.)

I hereby authorize the expenditure from the campaign fund of.....(name of candidate) of a sum not to exceed.....for the above purpose.

State of New Jersey } ss.
County of.....

..... being duly sworn according to law, on his oath says that the sum of..... is justly due and owing to him from the campaign fund of (naming candidate); that said indebtedness was incurred pursuant to and for the purpose named in the above order and for no other purpose; that no person other than the deponent has any interest whatsoever, direct or indirect, in the payment of the above claim.

Sworn and subscribed before me,
this day of
nineteen hundred and

.....
(signature of deponent)

Pay to the order of.....
(name of claimant).....dollars.

Campaign Fund of.....
(name of candidate)

To Bank
(502 Sec. 17.)
Campaign Manager.

Expenditure Authorization in Joint Campaigns

27. No candidate who has joined with another candidate for the conduct of a joint campaign shall pay or promise any money, or other thing of value, or authorize or incur any expense, nor shall any money, or other thing of value be paid or promised, or expense authorized or incurred in his behalf, or in furtherance or aid of his candidacy, unless such payment is made from such joint campaign account by the joint campaign manager, in the manner provided by

this act. (501 Sec. 16.)

Time Restriction for Expenditures

28. The time during which such expenditures may be made and for which accounting shall be required shall be the period of eight months next preceding the election at which such candidate is to be voted for, and no money, or other thing of value, shall be paid or promised, or expense authorized or incurred by or in behalf of any candidate in furtherance or in aid of his candidacy prior to the commencement of such time; *provided, however*, that any person who publicly announces his candidacy for nomination for or election to any public office or party position prior to the commencement of such period of eight months before the election at which such person is to be voted for, and who appoints a campaign manager and selects a bank or trust company in the manner hereinafter provided, prior to the commencement of said period of eight months, may make expenditures authorized by this act, but such expenditures shall be made and accounted for in the manner provided by this act. (486 Sec. 1.)

Presumption of Candidacy

29. For the purpose of this act, any person who becomes a candidate for nomination for or election to any public office or party position without having publicly announced his candidacy more than eight months prior to the election at which he is to be voted for, shall be conclusively presumed to have been such candidate for the period of eight months next preceding the holding of the election at which such candidate is to be voted for. (486 Sec. 1.)

Audit and Payment of Bills

Time Limit

30. All bills incurred in the candidacy of any person for any nomination for or election to any public office or party position shall be properly audited and paid within fifteen days after the primary or general or special election at which such person has been a candidate, and not after, except as hereinafter provided. (507 Sec. 22.)

Disposition of Balance

31. Any balance which may remain may be withdrawn by the campaign manager in the same manner as hereinabove provided for the withdrawal of funds from said account. (507 Sec. 22.)

Payment After Time Limit

32. The judge of the Court of Common Pleas in the county wherein the statement of expenses of a candidate is required to be filed, or in case the statement of expenses is required to be filed in the office of the Secretary of State, then any justice of the Supreme Court may, on the application of either the campaign manager or a creditor, allow any bill incurred in aid of the candidacy of any person to be paid after the time limited by this act, provided that the expenditure of such money has been duly authorized in the manner and form as required by this act, and a statement of any sum so paid, with the certificate of its allowance, shall forthwith after payment be filed by the campaign manager in the same office as the statement of campaign expenses of the candidate is required to be filed. The claims of one or more creditors may be

united in one application, but the amount and specific character of each claim shall be separately stated. Any claim ordered to be paid by the Common Pleas judge as aforesaid, shall be paid from the account known as the campaign fund of the candidate, on deposit in the bank or trust company selected by the candidate in accordance with the provisions of this act, or if such account has been closed, then from any other funds in the hands of the candidate or his manager. (507 Sec. 22.)

Statement of Campaign Manager Before Election

Contents of Statement

33. On the Friday or Saturday next preceding any primary or general or special election, the campaign manager of any candidate who is to be voted for at such election shall file, as hereinafter provided, an itemized statement, showing in detail all moneys, or other thing of value, contributed, donated, subscribed or in anywise furnished or received for the use of such candidate, or coming into his custody or under his control, directly or indirectly, as campaign manager for such candidate, together with the name and address of and the amount contributed, donated or subscribed by each contributor, donor or subscriber, to the date of such statement, together with a statement of the total amount expended, or liability incurred by or on behalf of such candidate, or in furtherance or in aid of such candidacy. (508 Sec. 23.)

Verification of Statement by Campaign Manager

34. Such statement shall be verified by the affidavit of the said campaign manager, which affidavit shall be substantially in the following form:

State of New Jersey, County of....., ss.

I, (name of campaign manager), being campaign manager of..... (name of candidate), a candidate for nomination for (or election to, as the case may be) the office (or party position, as the case may be) of..... (name of office or party position) at the..... (primary or general, as the case may be) election, to be held on the day of in the (county, district or other political division of) in the State of New Jersey, do solemnly swear (or affirm) that the foregoing statement is a true and accurate statement in detail of all moneys contributed, donated, subscribed or in anywise furnished or received for the use of said candidate as aforesaid, or coming into my custody or under my control, directly or indirectly, as campaign manager for such candidate, together with the name and address of each contributor, donor or subscriber or furnisher, and the amount contributed, donated, subscribed or furnished by each; that all of said moneys were deposited by me within twenty-four hours after the same were received, in the bank, to the credit of the account known as the Campaign Fund of, with a true and accurate list of each contributor, or donor, or subscriber, or furnisher thereof, and the amount contributed, donated, subscribed, or furnished by each; that no money, or other thing of value, has been received by me, or in anywise come into my custody or under my control, except as above stated; that

to the best of my knowledge, information and belief, no money has been received by said candidate, or by anyone in his behalf, for use in aid of or in furtherance of his candidacy, except as above stated; that the above statement of the total amount expended or liability incurred by or in behalf of the said candidate, or in aid of or in furtherance of his said candidacy, is a true and accurate statement; that no money has been expended, and no expenditure has been authorized by me, directly or indirectly, for any purpose or in any manner not permitted by law, and that to the best of my knowledge, information and belief no money has been expended by said candidate, or by anyone in his behalf, or in furtherance or aid of his candidacy for any purpose or in any manner not authorized by law; that no moneys were expended by me in furtherance of or in aid of said candidacy prior to the day of (the date eight months prior to the primary, general or charter election at which said candidate is to be voted for, or, in case said candidate has publicly announced his candidacy at an earlier date than eight months prior to the election at which such candidate is to be voted for, then the affidavit in lieu of the last clause shall contain the following:) that said publicly announced his candidacy for nomination for (or election to, as the case may be) the office (or party position, as the case may be) of on the day of and on the day of I was appointed campaign manager of said campaign; that no money was expended by me in furtherance of or in aid of such candidacy prior to the date of my said appointment, and that, as I am informed and believe, no money was expended by the said candidate, or by anyone in his behalf, or in furtherance of or in aid of his candidacy, prior to the date of my said appointment as campaign manager. (508 Sec. 23.)

Verification of Statement by Candidate

35. The said candidate shall also make and attach to said statement an affidavit substantially in the following form:

State of New Jersey, County of....., ss.

I, (give name), a candidate for at the (primary, special, charter or general, as the case may be) election, to be held in the State of (county of, district of, or other political division, as the case may be), on the day of, do solemnly swear (or affirm) that I have not received or contributed any money, or other thing of value, for use in my said candidacy, or to be expended in furtherance of or in aid of said candidacy, except as appears in the above statement; that all money, or other thing of value which has come into my hands for use in my said candidacy has been immediately turned over to, the above-named campaign manager; that the above statement of the total amount expended in my behalf, or in furtherance of or in aid of my said candidacy, is true, to the best of my knowledge, information and belief; that I have not expended any money, or other thing of value, or incurred any liability, or authorized the expenditure of money, or other thing of value, or the incurrence of

any liability for any purpose other than that permitted by law, or in any manner except through my said campaign manager, in the manner required by this act; that to the best of my knowledge, information and belief no money has been expended by anyone in my behalf, or in furtherance of or in aid of my candidacy for any purpose nor in any manner not authorized by said act; that no money was expended by me, nor, to the best of my knowledge, information and belief, by anyone in my behalf, prior to the day of (eight months prior to the election day at which such candidate is to be voted for, or, if said candidate publicly announced his intention of becoming a candidate at an earlier date than eight months prior to said election day, then the affidavit in lieu of the last preceding sentence shall contain the following:) that I publicly announced my candidacy for nomination for (or election to, as the case may be) the office (or party position, as the case may be) of on the day of and appointed as my campaign manager on the day of; that prior to the appointment of my said campaign manager no money, or other thing of value, was expended, or liability incurred, by me, nor was the expenditure of any money, or other thing of value, or the incurring of any liability in furtherance of or in aid of my candidacy, by anyone whatsoever, authorized by me prior to the day of, the date of the appointment of my said campaign manager. (508 Sec. 23.)

Statement of Campaign Manager After Election

Contents of Statement

36. Within twenty days after any primary, or general, or special election, the campaign manager of any candidate for nomination for or election to any public office or party position shall file, as hereinafter provided, a statement of the total amount expended, or liability incurred, by or in behalf of such candidate, or in furtherance of or in aid of such candidacy, which statement shall include the total amount named in the statement of expenses filed prior to such election, as well as the total amount of expenses incurred subsequent to the date of filing such last-mentioned statement. (509 Sec. 24.)

Verification of Statement by Campaign Manager

37. Such statement shall be verified by the affidavit of such campaign manager, which affidavit shall be in substantially the following form:

State of New Jersey, County of, ss.
I, (name of campaign manager) campaign manager of (name of candidate), a candidate for at the (primary, special, charter or general, as the case may be) election, held in the State of (county of, district of, or other political division, as the case may be) on the day of, do solemnly swear (or affirm) that no money has been received by me in behalf of such candidate, or come into my custody, or under my control, directly or indirectly, since the day of (five days previous to the election at which such candidate was voted for); that the foregoing statement is a true

and accurate statement of the total amount expended or liability incurred by or in behalf of said candidate, or in furtherance of or in aid of his said candidacy; that no money has been expended and no expenditure has been authorized by me, directly or indirectly, for any purpose, or in any manner not permitted by law, and that to the best of my knowledge, information and belief no money has been expended by said candidate, or by anyone in his behalf, or in furtherance or aid of his candidacy, for any purpose, or in any manner not authorized by law; that I have not authorized, directly or indirectly, the expenditure of any money, or other thing of value, or the incurring of any liability in furtherance or in aid of the candidacy of said except from the campaign fund of said duly deposited in the bank (or trust company, as the case may be), and that every voucher upon which funds have been withdrawn from said account has truly stated the purpose for which such withdrawal was made. (509 Sec. 24.)

Verification of Statement by Candidate

38. Such statement shall also be verified by the affidavit of the candidate, in substantially the following form:

State of New Jersey, County of, ss.

I, (giving name), a candidate for at the (primary, special, charter or general, as the case may be) election, to be held in the State of (county of, district of, or other political division, as the case may be) on the day of, do solemnly swear (or affirm) that I have not received or contributed any money, or other thing of value, for use in my said candidacy, or to be expended in furtherance or in aid of said candidacy, after the day of, nineteen hundred and (the date five days previous to the election at which such candidate was voted for); that the above statement of the total amount expended in my behalf, or in furtherance or aid of my said candidacy, is true, to the best of my knowledge, information and belief; that I have not expended any money, or other thing of value, or incurred any liability, or authorized the expenditure of any money, or other thing of value, or the incurring of any liability for any purpose other than that permitted by law, or in any manner except through (name of campaign manager), my campaign manager, in the manner required by an act entitled "A further supplement to an act entitled 'An act to regulate elections (Revision of 1898),' approved April fourth, one thousand eight hundred and ninety-eight," approved (date of approval of this act); that to the best of my knowledge, information and belief no money has been expended by anyone in my behalf, or in furtherance or aid of my candidacy for any purpose or in any manner not authorized by said act. (509 Sec. 24.)

Statement of Campaign Manager Unable to Complete Duties

Partial Reports to Be Filed

39. Any campaign manager who shall be removed or who shall resign shall, unless physically unable so

to do, file the report of receipts and expenditures, up to the date of such resignation or removal, stating and verifying the same as required by section twenty-three of this act.

Candidacy of Candidate Not Affected

40. The failure of such campaign manager to file such report shall not affect the candidacy of such candidate unless such failure was counselled or caused by such candidate. (498 Sec. 13.)

Statements When Candidate Acts as Campaign Manager

Same Procedure Required

41. Such candidate shall be required to file the reports of expenditures required by this act and all other provisions of this act shall apply to such candidate and to the campaign conducted by him or in his behalf. (498 Sec. 13.)

Statement of Depository of Campaign Funds After Election

Scope of Statement

42. Within twenty days after any primary, or general, or special election, the cashier or treasurer of the bank or trust company selected by any candidate at said election, as above provided, shall file, as hereinafter provided, all of the deposit slips presented to said bank with any deposit of moneys to the account known as the campaign fund of such candidate, arranged in the order of their respective dates, and all of the vouchers presented to said bank upon which any funds were withdrawn from any such account, arranged in the order of their respective dates. (510 Sec. 25.)

Affidavit of Depository

43. Attached to such deposit slips and vouchers shall be an affidavit by such cashier or treasurer, or some employee of said bank or trust company, having knowledge of the facts, which affidavit shall be in substantially the following form:
State of New Jersey, County of, ss.

....., being duly sworn according to law, on his oath says that he is the of the bank (or trust company, as the case may be); that annexed to this affidavit are the original deposit slips presented to said bank with any deposit of moneys to the account known as the Campaign Fund of; that said account was opened on the day of; that no deposit has been received in said account unless accompanied by one of the deposit slips hereto annexed; that annexed to this affidavit are all of the vouchers presented to said bank upon which any funds were withdrawn; that no funds have been withdrawn from

ARTICLE XXIX Public Election Expenses

Distribution of Burden

GENERAL PROVISIONS

Elections Held at Public Expense

1. All General, Special and Primary Elections held in this State or in any of the political subdivisions shall

said bank except upon one of the vouchers hereto annexed. (510 Sec. 25.)

Filing of Statements

Place of Filing

44. Any candidate for nomination for or election to any public office to be filled by the voters of the State, or any political division thereof greater than a county, or of any political division thereof including parts of two counties, shall cause to be filed the statements of their campaign managers in the office of the Secretary of State. Candidates for all other offices shall cause to be filed the statements of their campaign managers in the same office in which the petitions for nomination for such office are or hereafter shall be required by law to be filed. Any affidavits, statements or vouchers required by this act to be filed by the cashier or treasurer of any bank or trust company, relating to the candidacy of any candidate for nomination for or election to any public office or party position, shall be filed in the same office in which the above mentioned statements of such candidate are by this act required to be filed. (511 Sec. 26.)

Application to Court for Late Filing or Correction of Error

45. In case any statement required by this act to be filed by or on behalf of any candidate has not been filed within the time herein limited, or in case such statement, or the affidavit verifying the same, contains an error or false recital, such candidate or his campaign manager may apply to a justice of the Supreme Court if such statement has been filed, or is required to be filed in the office of the Secretary of State, or to a judge of the Court of Common Pleas of the county in which such statement is filed or required to be filed, if such statement is required to be filed with the county clerk of any county, or with any other public officer within any county. (511 Sec. 26.)

Action by Court

46. If it shall appear to such justice or judge that the failure to file such statement within such time, or the inaccuracy or false recital contained therein or in the affidavit thereto annexed was due to the illness of such candidate or the absence, illness or death of his campaign manager, or was caused by the misconduct of any person other than the said candidate or his campaign manager, or by any other reasonable cause not involving gross negligence on the part of such candidate or his manager, or willful intention to violate any provision of this act, such justice or judge may make an order permitting such statement to be filed as of time, or permitting an amendment of such statement or affidavit. (511 Sec. 26.)

be conducted at the expense of such State or its political subdivisions.

EXPENDITURES BY STATE

Authorized Expenditures by State

2. All lawful costs, charges and expenses incurred

by the State Board of Canvassers, Secretary of State or by any other officer or official of the State government in carrying out any provisions of this act herein directed shall be paid by the State.

Sum at Disposal of Attorney General

3. The Attorney General of the State is hereby authorized to expend annually, under the direction and with the approval of the Governor, a sum not exceeding twenty-five thousand dollars, for the purpose of securing evidence of violations of this act and assisting in the prosecution of such violations; *provided*, such sum shall be regularly appropriated in any annual or supplemental appropriation bill. (544 Sec. 59.)

EXPENDITURES BY COUNTIES

Authorized Expenditures by County

4. All lawful costs, charges and expenses incurred by the county clerk, county board of elections or by any other officer or official of a county in carrying out the provisions of this act as herein directed shall be paid by said county.

EXPENDITURES BY MUNICIPALITIES

Authorized Expenditures by Municipalities

5. All lawful costs, charges and expenses incurred by the municipal clerk, district boards of registry and election or by any other officer or official of a municipality in carrying out the provisions of this act as herein directed shall be paid by said municipality.

Salaries of Officials

Compensation of Members of District Boards of Registry and Election

6. The compensation of each member of the district boards of registry and election for all services performed by them under the provisions of this act shall be as follows:

For each registry day other than the primary registry day, including the services in making the house-to-house canvass in municipalities having a population of less than ten thousand, eight dollars; for the primary registry day, including all services rendered in holding the primary election, except services in mailing the ballots, fifteen dollars; for mailing the primary and election sample ballots, four dollars; for all services

on election day, including counting of the votes and delivery of returns and ballot-box, with contents to the municipal clerk, fifteen dollars; for services at any special election, ten dollars; for all services in holding the primary for selection of delegates to national conventions, including the making up of the registry list and the mailing of sample ballots, fifteen dollars. The same shall be in lieu of all other fees and payments whatsoever. (276 Sec. 2; 328 Sec. 11.)

Compensation of Members of County Boards of Election

7. The members of the several county boards of election of this State shall receive a reasonable compensation for their services, which compensation shall be determined by the board of chosen freeholders; *provided*, also, that the member of said county board of elections who shall be the secretary thereof, may receive an additional compensation not exceeding one-third of the compensation of the individual members of said board, except in counties of the first class, where there shall be a clerk of said board who shall receive such compensation as shall be fixed by said board of freeholders. (180.)

Compensation of Judges

8. Each of the judges holding court, as herein required, shall be entitled to receive the sum of twenty dollars for each day he shall be personally present, pursuant to the provisions of this act, in addition to the salary to which he is now entitled by law, which sum shall be paid by the collector of the county as other court expenses are paid. (285 Sec. 7.)

Compensation of County and Municipal Clerks

9. 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 the 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 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 municipalities.

ARTICLE XXX

Crimes and Penalties and Enforcement of Laws

Registration

False Registration by Officials

1. If any member or members of the board of registry and election shall willfully refuse to enter in the canvassing-books or upon the registers the name of any person legally entitled to vote, or shall register the name of any person contrary to the provisions of this act, such member or members 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. (33.)

False Registration by Registrant

2. 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 wherein said registry is made, at the next election to be held therein, shall be punished for each offence 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. (34; 525 Sec. 40.)

Illegal Transfer of Registrants

3. It shall not be lawful for any district board of registry and election in any municipality exceeding ten thousand inhabitants in the State to execute or deliver to any voter any paper in the nature of a transfer, purporting to authorize the said voter to vote in any other election district than that in which he is registered, as now provided by law, except when authorized by the court as hereinafter provided. (367 Sec. 51.)

Nomination

Certificate of Petition of Nomination

4. 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 * * * 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 for not more than five years. (195.)

Improper Signing of Petition

5. Any person who, being a member of one political party, shall sign his name to any petition endorsing any person as a candidate for office of another political party, shall be guilty of a misdemeanor. (260 Sec. 21.)

Ballots

Violation of Duty by Printer

6. If any printer employed by any county or municipal clerk to print the official ballots * * * for such clerk, 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 * * * 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 * * * 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 a fine not exceeding one thousand dollars or imprisonment not exceeding five years, at the discretion of the court. (199.)

Unauthorized Persons Not to Print or Have Ballots

7. No person not authorized by the proper officers shall print or make any official or sample ballot provided for in this act, or on or prior to election day have in his possession an official ballot, without being such person as is authorized by this act to have charge or possession thereof. Any person or persons who shall willfully violate any provision of this act, or who shall do any act herein prohibited, shall be guilty of a misdemeanor.

Forgery of Ballot

8. No person shall forge or falsely make any ballot or the official endorsement thereof. Every person violating any provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not more than five years. (195.)

Conduct of Elections

Convicted Person Not to Vote

9. If any person convicted of crime which disfranchises him shall vote at any 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 a fine not exceeding two hundred dollars, or imprisonment at hard labor not exceeding two years, or both. (71.)

Hindering of Election

10. 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; * * * 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 the conviction are paid. (196.)

Obstruction of Polling Place

11. 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 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. (207.)

Breach of Ballot Regulations

12. 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 as by this act required, nor shall any voter at any election where official ballots are not used, vote or offer to vote any ballot; no person shall on any pretext carry any official ballot from the polling-room on an election day except such persons as may by this act be authorized to do so; any person violating any of the foregoing provisions of this section shall incur a penalty of twenty-five dollars for each 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. (198; 384 Sec. 68.)

Sample Ballots Not to be Accepted

13. It shall be unlawful for any election officer to accept from any voter and deposit in the ballot-box any sample primary ballot. (341 Sec. 24; 346 Sec. 29; 375 Sec. 59.)

Prompting of Voter

14. Any person who shall prompt a voter in answering any questions provided by this Act shall be guilty of a misdemeanor. (363 Sec. 47.)

Identification Marks on Ballot

15. If any person shall write, paste or otherwise place upon any official ballot * * * 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

* * * 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, * * * 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. (198; 200.)

Fraudulent Voting

16. Every person not entitled to vote, who fraudulently votes, and every person who votes more than once at any one election; or knowingly hands in two or more tickets folded together; or changes any ballot after the same has been deposited in the ballot box; or adds, or attempts to add, any ballot to those legally polled at any election, either by fraudulently introducing the same into the ballot box before or after the ballots therein have been counted; or adds to or mixes with, or attempts to add to or mix with, the ballots lawfully polled, other ballots while the same are being counted or canvassed, or at any other time, with the intent to change the result of such election; or carries away or destroys, or attempts to carry away or destroy, any poll list, or ballots, or ballot box, for the purpose of breaking up or invalidating such election; or willfully detains, mutilates or destroys any election returns; or in any manner so interferes with the officers holding such election, or conducting such canvass, or with the voters lawfully exercising their rights of voting at such election, as to prevent such election or canvass from being fairly had and lawfully conducted, shall be guilty of a misdemeanor. (526 Sec. 41.)

Impersonating

17. Every person not entitled to vote, who fraudulently attempts to vote, or who, being entitled to vote, attempts to vote more than once at any election, or who personates or attempts to personate, a person legally entitled to vote, shall be guilty of a misdemeanor. (527 Sec. 42.)

Seeking to Discover Vote

18. Every inspector, judge or clerk of an election, who, previous to putting the ballot of an elector in the ballot box, attempts to find out any name on such ballot, or who opens or suffers the folded ballot of any elector which has been handed in to be opened or examined previous to putting the same in the ballot box, or who makes or places any mark or device on any folded ballot with the view to ascertain the name of any person for whom the elector has voted, shall be guilty of a misdemeanor. (531 Sec. 46.)

Revealing Vote

19. If any member of any board of election have knowledge how any person has voted and shall reveal such knowledge to any other person, or shall fraudulently or corruptly disclose what other candidates were voted for on any ballot bearing a name not printed thereon, or fraudulently or corruptly give any informa-

tion concerning the appearance of any ballot * * * voted, such person so offending shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding two thousand dollars or imprisonment not exceeding five years. (201.)

Criminal Treatment of Registry Lists

20. Any person who shall remove, destroy or mutilate any registry list or copy thereof, or who shall before such election closes, 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 of not more than one thousand dollars or imprisonment for not more than two years. (209.)

Criminal Treatment of Ballot Boxes and Election Records

21. If any person shall rob or plunder any ballot-box, or unlawfully and by stealth or violence take the same or remove therefrom any ballot * * * or other paper, or exchange, alter or destroy any ballot * * * or other paper 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 five hundred dollars, or by imprisonment at hard labor for any term not exceeding two years, or both. (190.)

Interference with Return of Ballot Boxes

22. Any person who shall willfully obstruct or interfere with the clerk or clerks 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. (101.)

Insignia at Polls

23. No person shall sell, give or provide any political badge, button or other insignia to be worn at or about the polls on any primary, general or special election day, except the badge furnished by the county board of elections as herein provided. (524 Sec. 39.)

Summary Provision

24. Whoever shall solicit the registering of his name on the registry list of any election district or precinct in this state, knowing that he is not a legal voter in such district or precinct; whoever shall willfully counsel, procure, aid, advise, assist or abet in the registering of the name of any other person on the registry list of any election district or precinct, knowing such other person is not entitled to vote therein; whoever at any election, knowing that he is not a qualified voter, votes thereat; whoever at any election votes or attempts to vote more than once on his own

name; whoever at any election votes or attempts to vote in more than one election district or precinct; whoever at any election votes or attempts to vote upon any other name than his own; whoever knowingly casts or attempts to cast more than one ballot at one time of balloting; whoever at any election counsels, procures, aids, advises, assists or abets any person, knowing that he is not a qualified voter, to vote thereat; whoever at any election counsels, procures, aids, advises, assists or abets any person in voting in more than one election district or precinct; whoever at any election counsels, procures, aids, advises, assists or abets any person to vote or to attempt to vote upon any name other than his own, or knowingly casts or attempts to cast more than one ballot at one time of voting; whoever at any election in this state shall in any way willfully mark or deface his ballot, or shall willfully counsel, procure, aid, advise, assist or abet any person in the marking or defacing of a ballot; whoever at any election in this state shall in any way counsel, procure, aid, advise, assist or abet any official or person in any act which is contrary to the provisions of this act or the act to which this is a supplement; whoever at any election in this state shall in any way willfully hinder or prevent a voter from casting his legal vote, knowing such person to have a right to vote; whoever shall willfully tamper with, injure, mutilate, destroy or render unfit for use, any ballot-box * * * shall be guilty of a misdemeanor and punishable by a fine of five hundred dollars or imprisonment in state prison for the term of three years, or both. (278 Sec. 2.)

25. Any person who, being a member of one political party, shall vote in the ballot-box used for the primary election of another political party, shall in each case be guilty of a misdemeanor, and, on conviction, shall be punished by a fine not exceeding five hundred dollars, or be imprisoned not exceeding two years, or both, at the discretion of the court. (260 Sec. 21.)

False Voting at Primary

26. If any person not entitled to vote at any primary election as herein provided shall vote or offer to vote at any such primary meeting or caucus 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, or if any person having voted at any primary meeting held by any political party or organization to nominate candidates or to elect delegates to nominate candidates, to be voted for at any election, shall vote or offer to vote at the primary meeting held by any other political party or organization held to nominate candidates or to elect delegates to nominate candidates, to be voted for at the same election, such person or persons shall be guilty of a misdemeanor, and on conviction thereof shall for each offense be punished by imprisonment at hard labor for a term of not more than three months, or by a fine of not more than one hundred dollars, or both, at the option of the court. (215.)

be guilty of a misdemeanor, and on conviction thereof shall for each offense be punished by imprisonment at hard labor for a term of not more than three months, or by a fine of not more than one hundred dollars, or

both, at the option of the court. (215.)

Fraudulent Actions at Primary

27. If any judge, inspector, clerk or other officer of a primary election as aforesaid shall presume to act in such a capacity before taking and subscribing to the oath or affirmation required by this act, or 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, or if any judge or inspector of any primary election as aforesaid shall knowingly reject 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, or 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 punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or both, at the discretion of the court. (217.)

Betting

By Persons in General

28. No person shall make, lay or deposit any bet, wager or stake, to be decided by the result of any election, by the election or defeat of one or more persons at any election, or by any contingency connected with or growing out of any 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. (187.)

By Candidate

29. It shall be unlawful for any candidate for public office, before or during an election, to make any bet or wager with a voter, or take a share or interest in, or in any manner become a party to such bet or wager, or provide or agree to provide any money to be used by another in making such bet or wager, upon any event or contingency whatever. Nor shall it be lawful for any person, directly or indirectly, to make a bet or wager with a voter, depending upon the result of any election, with the intent thereby to procure the challenge of such voter, or to prevent him from voting at such election. (529 Sec. 44.)

Liquor

Prohibition Against Sale

30. No spirituous, vinous, malt or intoxicating liquors shall be sold, offered for sale, or exposed for

sale on election day; any violation of the provisions of this section shall be deemed a misdemeanor and punished accordingly. (New.)

Additional Penalty

31. In addition to the penalties provided by law for the unlawful sale or offer to sell or exposure for sale of any spirituous, vinous, malt or intoxicating liquors on any election day, 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. (192.)

Not to be Brought Into Polling Place

32. Spirituous, vinous, malt or intoxicating liquors shall not be brought by any person into the polling place on the day of election, or on any day of registry during the hours that the election or registration is in progress, nor during the counting or canvassing of the votes; any violation of the provisions of this section shall be a misdemeanor, punishable by a fine not exceeding one hundred dollars or imprisonment not exceeding two months, or both. (193.)

Bribery

Bribery by Giving or Promising Reward

33. 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 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 at an election, such person so offending shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a 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. (202.)

Bribery by Giving or Promising Employment

34. 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. (203.)

Receiving of Bribe

35. 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. (205.)

Bribery at Election of Delegates

36. If any person shall, directly or indirectly, give, offer or promise to give any sum or sums of money or any valuable thing in action, victuals, drink or preferment or other considerations, 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; or 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 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. (218.)

Bribery at Election

37. 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 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 a 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. (219.)

Bribery at Election

38. Any person who shall, directly or indirectly, by himself or by any other person in his behalf, give, lend, or agree to give or lend, or procure, or agree to procure or offer or promise to procure, or endeavor to procure, any money or other valuable consideration or thing, or any office, place or employment to or for any voter, or to or for any person, in order to induce such voter to vote or refrain from registering or voting at any election, or shall corruptly do or commit any of the acts in this section mentioned, 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 upon conviction thereof shall be sentenced to disfranchisement for a period of five years from the date of conviction. (293 Sec. 1.)

Contributions for Bribery Purposes

39. Any person who shall give, advance or pay, or cause to be given, advanced or paid, any money or other valuable thing to any 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 a voter or voters at any election, shall be guilty of a misdemeanor, and, on conviction thereof, shall be sentenced to disfranchisement for five years from the date of conviction. (294 Sec. 2.)

Receiving of Rewards

40. Any person 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 on conviction thereof, shall be sentenced to disfranchisement for a period of five years from the date of conviction. (295 Sec. 3.)

Bribery

41. No person shall give or agree to give for the purpose of promoting or procuring the election of a candidate for public office, or for the purpose of promoting or procuring the nomination of any person as a candidate for public office, any money or any valuable thing to be used for any of the purposes herein-after enumerated.

(a) To provide or give or to pay, wholly or in part, the expense of giving or providing any meat, drink, entertainment or provision to or for any person for the purpose of influencing that person or any other

person to give or refrain from giving his vote at any election, or on account of any such person or any other person having voted or refrained from voting.

(b) To provide for the payment of rent for or for the purpose of providing and fitting up any clubroom for social or recreative purposes, or providing for uniforms for any organized club.

(c) To provide for the payment for the insertion in any newspaper or magazine of any article tending to influence any voter; *provided, however*, that this prohibition shall not be construed to prohibit the insertion of paid advertisements, which advertisements shall be indicated by the words "This advertisement has been paid for by" (inserting the name of the person or persons paying for the same).

No person shall accept any money or other valuable thing, the payment of which is prohibited by this act.

Any person found guilty of bribery as hereinabove defined shall be guilty of a misdemeanor, and upon conviction thereof shall, for the first offense be disfranchised for a period of two years from the date of such conviction, and for any subsequent offense shall be perpetually disfranchised, and in addition thereto the court in which such conviction is obtained, may, in its discretion, in case of a subsequent conviction, impose upon the person so convicted, the punishment now prescribed by law for a misdemeanor. (300 Sec. 1; 301 Sec. 2; 302 Sec. 3; 303 Sec. 4.)

Perjury and Subornation of Perjury

42. 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, 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 a fine not exceeding eight hundred dollars or imprisonment at hard labor not exceeding seven years, or both, at the discretion of the court, and be deemed and taken to be an incompetent witness thereafter for any purpose within this state, until such time as he shall have been pardoned. (25; 188; 252 Sec. 13; 360 Sec. 44; 532 Sec. 47.)

Duress, Undue Influence

Threats Against Employee

43. Any employer of any workmen, or any agent, superintendent or overseer of any company or corporation employing workmen, or any person whosoever, 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. (206.)

Threats Against Any Voter

44. It shall be unlawful for any person, directly or indirectly, by himself or any other person in his behalf, to make use of, or threaten to make use of, any force, violence or restraint, or to inflict or threaten the infliction, by himself or through any other person, of any injury, damage, harm or loss, or in any manner to practice intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person or persons at any election, or on account of such person or persons at any election, or on account of such person having voted or refrained from voting at any election. (530 Sec. 45.)

Interference with Voter

45. And it shall be unlawful for any person, by abduction, duress or any forcible or fraudulent device or contrivance whatever, to impede, prevent or otherwise interfere with the free exercise of the elective franchise by any voter; or to compel, induce or prevail upon any voter either to give or refrain from giving his vote at any election, or to give or refrain from giving his vote for any particular person or persons at any election.

Influencing of Vote by Employer

46. It shall not be lawful for any employer, in paying his employees the salary or wages due them, to enclose their pay in "pay envelopes" upon which there is written or printed the name of any candidate or any political mottoes, devices or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employees. Nor shall it be lawful for any employer, within ninety days of an election, to put up or otherwise exhibit in his factory, workshop, or other establishment or place where his workmen or employees may be working, any handbill or placard containing any threat, notice or information that in case any particular ticket of a political party, or organization, or candidate shall be elected, work in his place or establishment will cease, in whole or in part, or his place or establishment be closed up, or the salaries or wages of his workmen or employees be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his workmen or employees.

Applicable to Corporations

47. The foregoing sections shall apply to corporations as well as individuals, and any person or corporation violating the provisions of this section is guilty of a misdemeanor, and any corporation violating this section shall forfeit its charter.

Illegal Contributions and Expenditures

48. No insurance corporation or association doing

business in this State shall, directly or indirectly, pay or use, or offer, consent or agree to pay or use, any money or property for or in aid of any political party, committee, organization or corporation, or for or in aid of any candidate for political office, or for nomination for such office, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used. Any officer, director, stockholder, attorney or agent of any corporation or association which violates any of the provisions of this act, who participates in, aids, abets, or advises or consents to any such violation, and any person who solicits or knowingly receives any money or property in violation of this act, shall be guilty of a misdemeanor. (307.)

49. It shall be unlawful for any State, county or city committee or organization of any political party in this State to expend any money in aid of the candidacy of any candidate for election as a delegate to any national convention, or election to any party position, or for nomination as a candidate of a political party for public office. (505 Sec. 20.)

50. It shall be unlawful for any such party committee or organization, or any committee of any group of petitioners, or any other person, to expend any money in aid of any candidate for public office, except as hereinafter provided. (505 Sec. 20.)

51. Any person who shall expend or aid or assist in the expenditure of any such moneys for any purpose not authorized by this section, or for any purpose not named in the statement accompanying such contribution, shall be guilty of a misdemeanor and liable to the punishment provided by law for misdemeanors. (506 Sec. 21.)

52. No person shall expend any money or other thing of value or incur any liability in aid or furtherance of his candidacy for nomination for or election to any public office or party position, or in aid or furtherance of the candidacy of any other person for nomination for or election to any public office or party position for any purpose whatsoever except the following: Advertising in newspapers and periodicals, holding political meetings, including expenses for music and other entertainment, exclusive of food and drink, at such meetings, and for advertising such meetings; the traveling expenses and compensation of agents actually employed in arranging for and conducting such meetings, paying for watchers at the polls, as in this act provided, making contributions to the State or county committee, as in this act provided, maintaining candidates or party headquarters, including the hire of rooms and the compensation of employees actually employed therein; salary or fees of stenographers, telegraph or telephone charges, postage, expressage, traveling expenses of candidates, and the preparation and printing of literature for distribution. (512 Sec. 27.)

53. No person shall expend any money or other thing of value or incur any liability in aid or furtherance of his candidacy for nomination for or election to any public office or party position, or in aid or furtherance of the candidacy of any other person for nomination for or election to any public office or party position for any of the following purposes, but the

specific prohibitions contained in this section, or in any other portion of this act, shall not operate to permit, by implication or otherwise, the expenditure of any money or thing of value or the incurring of any liability for any purpose not specifically authorized by this act or to limit or in any way restrict the operation of the next preceding section of this act:

(a) For the printing or distribution of posters or for the posting of cards, advertisements or posters upon billboards, dead-walls, trees or posts, or the placing of the same in the windows of buildings;

(b) The hiring of any watchers, agents or challengers for any work on any primary day or other election day; *provided, however*, that any candidate for nomination or party position may hire one watcher for each election district in which he is to be voted for at any primary election; *provided, further*, that any group of candidates who shall have been bracketed on any primary ticket or who shall have united in a joint campaign shall not hire more than one watcher or challenger at each such polling place, which watcher or challenger shall represent all of such group; *provided, further*, that nothing in this act contained shall prohibit any candidates not bracketed or conducting a joint campaign from joining in the hire of watchers; *provided, further*, that each political party or organization may employ not exceeding two persons on election day to act as challengers or agents in each polling place as now provided by law;

(c) The hiring of any vehicle for the transportation of voters to or from the polls; *provided, however*, that nothing in this act contained shall be construed to in any way limit the right of any volunteer acting without compensation to transport any voters, properly registered, to and from any polling places where he may be legally entitled to cast his vote;

(d) To pay any compensation of any kind or character to any person on account of services rendered or to be rendered in seeking to create a public sentiment in favor of, or against any candidate by any means or method, except those for which expenditure of money is above specifically authorized;

(e) To pay any compensation of any kind or character to any person for any personal services rendered, except clerical services, the services of watchers at the polls on any election day as authorized by this act in furtherance or in aid of the candidacy of any candidate for nomination for election to any public office or party position, unless within twenty-four hours after said person shall have been employed by said candidate or the campaign manager of such candidate, or shall have commenced to render the services for which compensation is to be paid, a notice shall be filed in the office where such candidate is required to file his statement of expenses, stating that such person has been employed by such candidate or his manager for compensation, and stating the nature of the services to be rendered by such person. Such notice shall be signed by the candidate or his campaign manager. All of such notices shall be kept by the officer with whom the same are filed and so classified and arranged that ready reference may be had thereto, and shall be open to the inspection of the public. (513 Sec. 28.)

54. No person shall pay, lend or contribute, or offer or agree to pay, lend or contribute, any money or other valuable consideration to or for any person, either for

(1), The doing or procuring to be done of any act forbidden to be done by the laws of this State relating to primary or general elections; or,

(2) The commission of any crime or offense against the elective franchise, or the encouragement or assistance of a person in the commission of a crime or offense against the elective franchise, or aiding or assisting any person charged with the commission of a crime against the elective franchise to evade arrest or to escape conviction and punishment for such crime or offense; or,

(3) Providing, wholly or in part, directly or indirectly, for the expense of boarding, lodging or maintaining a person in any place of domicile in any election precinct, or ward, or district, with the purpose of securing the vote of such person, or of inducing such person to vote for himself, or any other person at an election held within the State; or,

(4) The hiring or employment of a person to take or maintain a place in, or to otherwise obstruct or hinder, or to prevent the forming of the line of voters awaiting their opportunity or time to enter the polling place or election booth of an election precinct; or,

(5) In consideration of any person withdrawing as a candidate for public office or presidential elector, at any election held within this State; or,

(6) To pay any person for loss or damage due to attendance at the polls at any primary or general or charter election, or any registry therefor, or for the purpose of such registration.

(7) For any purpose in contravention of the provisions of this act; or,

(8) Making any payment except in the manner provided by this act.

(9) To pay for the printing or publishing of any pamphlet, statement, advertisement or other printed matter of any kind or character having reference to an election or to any candidate at any election, unless such pamphlet, statement, advertisement or printed matter shall bear upon the face thereof the name and address of the candidate or campaign manager of the candidate causing the same to be published, and furnishing, or agreeing to furnish, payment for such printing and publication. (514 Sec. 29.)

It shall be unlawful for any person, directly or indirectly, by himself or through any other person—

55. (1) To pay, lend or contribute, or offer or promise to pay, lend or contribute, any money or other valuable consideration to or for any voter, or to or for any other person, to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons, or to induce such voter to come to the polls or remain away from the polls at such election, or on account of such voter having voted or refrained from voting or having voted or refrained from voting for any particular person, or having come to the polls or remained away from the polls at such election.

(2) To give, offer or promise any office, place or

rant all persons who shall be found by them in the actual violation of any law prohibiting the sale, or offer to sell or exposure for sale, of any spirituous, vinous, malt or intoxicating liquors on any election day, and take such person when arrested before some recorder, police justice or justice of the peace of the county in which such arrest shall be made, to be dealt with by him 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 or 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 such election. (194.)

Duty of Officers to Issue Subpoenas

75. If proof be made before any justice of the peace, recorder 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 or recorder 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 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. (211.)

Witnesses Obligated to Answer Questions

76. 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 incriminate him; but no answer or answers made by any witness to any such question shall be used as 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. (213.)

Compulsory Testimony

77. No person shall be excused from attending and testifying, or producing any books, papers or other documents before any court on any indictment for violation of any of the provisions of this act, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime or to subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal proceeding or action. (298 Sec. 6; 307.)

Incriminating Testimony Not Used Against Witness

78. No person called to testify in any proceedings under this act shall be liable to a criminal prosecution,

either under this act or otherwise, for any matters or causes in respect to which he shall be examined, or to which his testimony shall relate, except to a prosecution for bribery committed in such testimony; nor shall any person, when called to testify in any trial for a violation of this act, be privileged to refuse to answer any questions which may be asked him, upon the ground that the same will tend to degrade or incriminate him. (304 Sec. 5.)

Testimony of Offender

79. A person offending against any provision of this act shall be a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding or lawful investigation or judicial proceeding, in the same manner as any other person. But the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying. A person so testifying shall not thereafter be liable to indictment or presentment by information, nor to prosecution or punishment for the offense with reference to which his testimony was given, and may plead or prove the giving of testimony accordingly in bar of such indictment, information or prosecution. (541 Sec. 50.)

District Boards of Registry and Election to Answer Summons

80. Any person so summoned failing to appear and discharge any duties now or hereafter imposed by law on a member of the district board of registry and election of the district for which such person was appointed, at any time within the term of two years from the first day of September next succeeding the service of the summons, shall be liable to a penalty of one hundred dollars, to be sued for and recovered in the name of the county, by the prosecutor of the pleas of such county in any court of competent jurisdiction. (480 Sec. 7.)

Duty of Prosecutor of Pleas to Present Matter to Grand Jury

81. If the prosecutor of the pleas of the county shall be notified by any officer or other person of any violation of any of the provisions of this act, it shall be his duty forthwith to diligently inquire into the facts of such violation, and if there is reasonable ground for instituting a prosecution, it shall be the duty of such prosecutor of the pleas to present the said charge, with all the evidence which he can procure, to the grand jury of such county. (542 Sec. 57.)

Employment of Assistant for Prosecutor

82. Any citizen may employ an attorney to assist the prosecutor of the pleas to perform his duties under this act, and such attorney shall be recognized by the prosecutor of the pleas and the court as associate counsel in the proceeding; and no prosecution, action or proceeding shall be dismissed without notice to, or against the objection of, such associate counsel until the reasons of the prosecutor of the pleas for such dismissal, together with the objections thereto, of said associate counsel, shall have been filed in writing, argued by counsel, and fully considered by the court with such limitation as to the time of filing such reasons and objections as the court may impose. (542 Sec. 57.)