



REPORT

OF THE

Commission on Revision of the Primary and Election Law

WITH

Bills Prepared by the Commissioners for
the Regulation of Primaries

Transmitted to the Legislature by the Governor, April 2, 1908

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT, April 2, 1908.

To the President and Members of the Senate:

Herewith is transmitted the report of the Commission appointed by the Governor under Concurrent Resolution passed at this session for the revision of the primary and election law.

The bills herewith transmitted, as prepared by the commissioners, relate only to the regulation of primaries, the commissioners not having had time to revise as yet the law relating to elections.

The bills presented are quite voluminous and seem to be drawn with scientific care.

The report which accompanies the bills gives a general summary of them and the changes which have been made in existing law. This is brief and may be easily read by all.

The primary law, as proposed, appears to be quite radical in its nature and to have extended direct primaries to the nomination of Governor, Members of Congress, and Presidential electors. This bill, of course, necessitates a complete change in party machinery and organization, provision for which is made in the bill. Among other provisions with regard to parties, is the direct primary with relation to representation in party committees.

It would be well that the report and the accompanying bills should be printed in a sufficient number for general distribution.

Whether action should be taken upon a measure of such importance at this session, and in the closing hours of the session, is left by the Executive to the good judgment of the Senate and General Assembly.

Respectfully submitted;

JOHN FRANKLIN FORT,

Governor.

REPORT.

To the Honorable J. Franklin Fort, Governor of the State of New Jersey:

DEAR SIR—This draft of act revising the laws relating to primary elections is in the form of a supplement to the act entitled "An act to regulate elections (Revision of 1898)," approved April fourth, one thousand eight hundred and ninety-eight.

It provides for direct nominations at the primary elections for all offices to be filled by popular vote, including Presidential electors and Members of the House of Representatives. Petitions endorsing candidates for Governor, with eight hundred signers, for Presidential elector, with four hundred signers, and for Member of Congress, with two hundred signers, are to be filed with the Secretary of State; those for county offices requiring one hundred signers, are filed with the county clerks; and for municipal offices requiring fifty signers, with the municipal clerks. Ward officers require only ten endorsers. In no case is a greater number than ten per cent. of the party vote necessary. By a system of certification the names of all endorsed candidates reach the municipal clerk who prints the ballots. The returns are canvassed by the county clerk, except as to the offices of Governor, Presidential elector and Member of Congress; the returns as to these offices are certified to the Secretary of State and canvassed by him. The act includes, but separately from the general provisions for nomination of candidates, the provisions of the law of 1907 allowing voters to signify their choice for United States Senator.

The abolishment of conventions made it necessary to provide for the composition of county and state committees, unless this should be left entirely without regulation by law. Accordingly it has been provided that the members of county and municipal committees must be elected each year at the primary elections.

one for each election district. The members of the state committees are to be selected every four years by the various county committees, at least one for each county. Vacancies in committees are filled by the vote of the committees except in the state committee, in which the county committee fills the vacancy of its representative.

To provide against the abuse of false registration merely for the purpose of voting at the primary election, it has been provided that the primary election shall be held on the third Tuesday of September of each year, being one week after the first registration day. No one, except the persons registered on the first registration day, may vote at the primary election. In cities with a population over thirty thousand, the additional precaution has been taken of requiring an enrollment of those who intend voting at the primary election, which enrollment is to be made on the first registration day by the board of registry and election. On the primary election day a voting book called the "Primary Book," is made up so that it will be possible at the ensuing primary election to determine for which party a voter voted at the preceding primary election.

The general form of the act follows the primary act of 1903 and the supplements thereto, adapted to meet the changes above enumerated. Vacancies in nominations are to be filled by a majority vote of the proper committee of the political party.

Several changes are necessary in sections of the general election law in order to harmonize the same with the provisions of this act, and the accompanying act is for this purpose. A few changes in the detail of conducting the primary elections have been made. Petitions are required to be filed five days earlier than formerly so as to give the clerks more time in the preparation of the ballots, etc. A provision has been made for reviewing the form and substance of any petition, such review to be made by the officer with whom the petition is filed, and his decision to be subject to review by a justice of the Supreme Court. The Commission has also incorporated among the sections of the general act, referred to as especially applicable to the primary act, the provisions allowing a recount of votes. Each candidate

on a primary ticket as well as the chairman of the county committee is allowed to appoint a challenging agent in each election district in which he is a candidate.

No provision has been made in this draft for the choosing of delegates to the national conventions, since the selection of such delegates would not be made at an ordinary primary election, but provision would have to be made for a special primary meeting in the spring of the year in which the national conventions are held.

Respectfully,

FREDERICK A. LEHLBACH,
Clerk of Revision Commission.

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.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Primary elections shall be held as herein provided for the nomination of candidates of political parties for public offices, as follows: All candidates of political parties for all public offices, whether State, county, municipal or otherwise, to be filled by popular vote, including Presidential electors and Members of the House of Representatives of the United States, shall be nominated directly, without the intervention of delegates or conventions, at such primary elections; *provided, however*, that no primary election shall be held hereunder for any political party except a political party which at the election for members of the General Assembly next preceding the holding of the primary election 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 the nominations shall be made or delegates shall be chosen.

2. The said primary elections shall be held at the same time and place for all political parties and shall be conducted at public expense. The time shall be the third Tuesday of September in each year from one o'clock in the afternoon until nine o'clock in

the evening. The place shall be the place provided in each election district by the respective municipal clerks for holding such election as provided in this act. The board of registry and election of each election district in the State shall meet at such place at one o'clock in the afternoon of such day and continue in session until nine o'clock in the evening for the sole purpose of conducting primary elections, and shall then and there hold the primary election as provided in this act. Said primary elections shall be conducted by the boards of registry and election substantially as general elections are conducted, and all provisions of the act to which this act is a supplement relating to general elections are hereby made applicable to said primary elections, except so far as the same may conflict with or be not consistent with the provisions herein contained for such primary elections. The two members of such board appointed from the political party which at the last preceding general election cast the largest number of votes in their county shall conduct the primary election of said party, having sole charge of the ballot-boxes of said party, and delivering, receiving and depositing the official ballots voted by members of such party, and having the right to challenge only the voters offering to vote the ticket of such party as herein provided, and the members of said board appointed from the political party casting the next largest number of votes in said county at said election shall, in like manner, conduct the primary election of such political party. All of the members of said board of registry and election shall conduct the primary election of any other political party holding a primary election as herein provided. Notice of the time and place of holding such primary election shall be given by the clerks of election by posting advertisements at five or more conspicuous places in their respective election districts at least five days before such primary election.

3. The first day for the registry of voters entitled to vote at the annual election in each year in all election districts in cities having a population exceeding thirty thousand shall hereafter be the second Tuesday in September of such year. The board of registry and election in each election district in cities having

a population exceeding thirty thousand shall, on said first registry day, in addition to registering the names of legal voters as provided in the act to which this act is a supplement, also enroll the names of persons entitled to vote at the ensuing primary election. There shall be a separate enrollment list for each political party holding a primary election under the provisions of this act, and the enrollment for each political party shall be conducted by the members of the board of registry and election who shall conduct the ensuing primary election of such party. No names shall be enrolled in any election district, except such names as shall be registered on the first registry day in such district for the ensuing general election. As soon as the name of a voter shall be registered by the board of registry and elections said board shall inquire whether such name is to be enrolled for the ensuing primary election. If such voter shall desire enrollment such voter, in case of personal registration, or in case of registration by affidavit, then the signer of such affidavit shall, thereupon state the political party in whose ballot-box such voter intends to vote at the ensuing primary election. The members of such board conducting the enrollment for such political party shall thereupon enroll the name of such person on the enrollment list of such party. Such enrollment lists shall be arranged by streets and street numbers, substantially in the same manner as provided for registry lists in the act to which this act is a supplement. On the day succeeding such meeting a copy of each enrollment list, in hand-bill form, shall be posted by the members of the board of registry and election having charge of such enrollment in some conspicuous place in such election district in the immediate neighborhood of the place of such meeting. The original enrollment lists shall be retained for use on the day of the primary election, and after such primary election shall be delivered by the board to the municipal clerk, with the ballot-boxes. Such lists shall be kept by said municipal clerk for one year, subject to public inspection. Any person who shall unlawfully enroll any name on any enrollment list of any political party, or shall procure, or attempt to procure, any name to be unlawfully enrolled therein, or any

person who shall destroy or mutilate any such enrollment list, or shall remove, destroy or mutilate any copy thereof posted in accordance with this act, shall be guilty of a misdemeanor, and shall be punished, upon conviction thereof, by a fine of not more than one thousand dollars, or by imprisonment for not more than three years, or both.

4. No name shall be printed upon any primary ballot for use at such primary election unless endorsed by petition as herein provided. Such petition shall set forth that the signers are qualified voters of the political division for which the nomination is, or nominations are, to be made; 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 upon the ticket of such party, and that they intend to support the candidates of said party at the ensuing election; that they endorse the person or persons named in their petition as candidate or candidates at the ensuing primary election for nomination for the office or offices therein named, and that they request the names of said person or persons to be printed upon the official primary ballot of such political 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. Each of the said petitions shall be signed by the petitioners, with their names, residences and post-office addresses, and 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 this State 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 the knowledge and belief of the affiant, legal voters of the said political division for which the nomination is, or nominations are, to be made as stated in said petition, and 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; provided, that the signers to any single petition shall not therein endorse and recommend more persons as candidates at such primary election for nomination to any office than may be voted for at the ensuing general election by any single signer thereof; and provided further, that every signer to a petition shall be a legal voter of the State, resident in the political division for which the nomination is to be made for which any person therein endorsed is a candidate. All signers to any one petition shall be members of the same political party. The term "political division," as used in this act, is intended to embrace the State, a Congressional district, county, city, town, township, borough, village, or other municipality; also a ward or aldermanic district; also any two or more wards, aldermanic districts, municipalities or counties, the voters of which together shall be by law entitled to fill any public office at any general election; and generally, the State or any portion thereof, any county or any portion thereof, or any municipality or any portion thereof, the voters of which alone shall be by law entitled to fill any public office at any general election.

5. Every petition endorsing a person as a candidate at any primary election held under the provisions of this act for nomination to the office of Governor of this State shall require at least eight hundred signers. Every petition endorsing a person or persons as a candidate or candidates at such primary election for nomination for the position of elector of President and Vice-President of the United States shall require at least four hundred signers. Every petition endorsing a person as a candidate at such primary election for nomination to be a member of the House of Representatives of the United States shall require at least two hundred signers. All petitions endorsing nominees for Governor, Presidential electors and members of the House of Representatives of the United States shall be filed with the Secretary of State at least thirty days prior to the time fixed by law for holding the primary election, and said Sec-

retary of State shall, at least twenty days prior to such time for holding such primary election, certify the names of all of said candidates endorsed in such petitions, specifying the proper political party and office for each name as shown in such petitions to the county clerk of each county the voters of which shall be entitled by law to vote for a candidate for such office at the ensuing general election. Every petition endorsing a person or persons as a candidate or candidates at such primary election for the nomination to any public office (except member of the House of Representatives of the United States) to be filled by the voters of a single county shall require at least one hundred signers, and every petition endorsing any candidates at such primary election for nomination for public office (except member of the House of Representatives of the United States) to be filled by the voters of a part of a county, but more than one municipality therein, shall require at least twenty signers, and such petitions shall be filed with the county clerk of such county at least twenty days prior to the time fixed by law for holding the primary election. The county clerk of each county shall, at least fifteen days prior to such time for holding such primary election, certify the names of all of the candidates for nomination to public office endorsed in the petitions filed with such clerk, or certified to him by the Secretary of State, specifying the proper political party and office for each name as shown in such petitions, or as certified to him by the Secretary of State, to the clerk of each municipality in such county the voters of which shall be entitled by law to vote for a candidate for such office at the ensuing general election. All petitions, except those herein required to be filed with the Secretary of State, or the several county clerks, shall be filed with the appropriate municipal clerk at least fifteen days before the time set for the primary election. Every petition endorsing any candidate at such primary election for nomination to any public office to be filled by the voters of one or part of one municipality in any county shall require at least fifty signers; provided, however, that no more than ten signers shall be necessary to any petition endorsing any candidate for nomination to any public

office to be filled by the voters of a single ward, borough or township. Whenever the number of signers required for any petition endorsing any candidate at a primary election for nomination of any political party to any public office as hereinbefore set forth shall exceed ten per centum of the total number of votes cast by such political party in the political division for which the nomination is to be made for its candidate for Governor at the gubernatorial election next preceding the primary election for which such petition is to be filed, in such case the number of signers to such petition may be less than as hereinbefore required, but shall not be less than such ten per centum. The names of the persons endorsing any candidate or candidates for nomination as herein provided need not all be signed to one single petition, but separate petitions endorsing the same person or persons for nomination to the same office or offices shall be considered as one petition.

6. Accompanying said petitions, or one of them, each person endorsed therein shall file a certificate stating that he is qualified for the office or position mentioned in said petition; that he consents to stand as a candidate therefor at the ensuing primary election, and that if nominated or chosen, he agrees to accept; the name of any persons endorsed as aforesaid who shall fail to certify his consent and agreement as aforesaid, shall not be printed upon the ballots to be used at such primary election.

7. Any legal voter shall have the right to object to any petition endorsing a candidate for nomination to any office for which such voter shall be entitled to vote at the ensuing general election, which petition shall have been filed under the provisions of this act by filing within three days after the termination of the period fixed by law for filing such petition, with the municipal clerk, county clerk, or Secretary of State, as the case may be, with whom such petition shall have been filed, a written complaint and a copy thereof, setting forth the facts and containing a statement of the objections to such petition, which complaint shall be duly verified by the oath of such objector. It shall be the duty of the officer with whom any such complaint shall be filed immediately to serve upon the candidate named in said petition

the copy of said complaint so filed by delivering the same to said candidate personally, or by leaving the same at his place of residence as stated in such petition, with any person residing there over the age of fourteen years, and at the time of such service to notify him in writing that a hearing will be had on said complaint stating the place, hour and day of such hearing, such hearing shall be held not less than one day and not more than two days from the time of service of such petition and notice. The said officer is hereby authorized to hold such hearing and to swear witnesses and to take such testimony as may be presented before him, and to decide and determine whether such petition is in form and substance in accordance with the requirements of this act; such decision shall be rendered at the conclusion of the hearing, and if said officer shall decide that such petition is not a proper and valid petition he shall endorse thereon a memorandum to that effect, and such petition shall thereupon be of no force and virtue unless the decision of such officer shall be reversed by a justice of the Supreme Court as herein provided. Either the objector to a petition or the candidate endorsed therein shall have the right to apply to any justice of the Supreme Court within twenty-four hours after such officer shall have rendered his decision for an order requiring such officer to send up to such justice forthwith a true and correct copy of such petition and complaint, together with a true statement of facts brought out in the hearing before such officer, and all other papers and matters connected therewith, and the said justice shall, as soon as possible, on such notice to the opposite party as he may determine, review the decision and determination of such officer in a summary way, and shall make such order thereon as shall be proper to carry into effect the intent and purpose of this act; a copy of said order shall be forthwith filed with the officer of the said county or State with whom the petition was filed. Any candidate endorsed in any petition which shall be rejected or declared invalid may, within one day after such rejection or nullification, file a new petition, which shall be in the same form and verified in the same manner as required for original petitions, but need not be signed by more than a majority of the persons signing the original petition.

8. 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 ten days before the primary election with the Secretary of State or the county or municipal clerk with whom such petition shall be 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, immediately filing with the Secretary of State or the county or municipal clerk, as the case may be, a new petition setting forth, in addition to the statements required in the original petition, the name of the person declining or dying, the office for nomination to 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; the Secretary of State and the several county clerks shall without delay certify the name of any person or persons so substituted in substantially the same manner as herein provided for candidates endorsed in original petitions hereunder, and the name of any person substituted as herein provided shall be printed upon the primary ballots in the place and stead of the person dying or declining as aforesaid.

9. The several municipal clerks shall prepare and cause to be printed separate official ballots, one ballot for each political party, members of which have filed petitions as aforesaid, for use at such primary elections, placing thereon the names of the persons endorsed in said petitions filed with such clerk, and also the names certified to such municipal clerk by the county clerk; the names of all persons endorsed as aforesaid by members of a political party, or certified as herein provided, and no others, shall be placed upon the official primary ballot of that party; the said names shall be arranged upon said ballots in alphabetical order under the title of the office to be filled, except that in all cases where more than one person is to be elected to the same or similar office and the petitioners desire, and so request in their petition, the municipal clerk shall print consecutively all of the names so endorsed in such petition, and shall bracket all of the

names in such petition under the name of the office to be filled. At the head of the ballot of each party shall be printed a distinctive party name or title, as, for example, "Democratic Primary Ticket" or "Republican Primary Ticket;" below, in appropriate places upon said ballots, shall be printed brief instructions to the voter, stating for how many candidates for nomination to each office the voter may vote, and stating that the voter must indicate his choice in each instance by erasing all names printed on said ticket, except the names of the candidates for whom he wishes to vote. The ballots so prepared for each political party shall be the only ballots permitted to be voted at the primary election.

10. Said ballots shall be made up and printed substantially in the following form, to wit:

DEMOCRATIC PRIMARY TICKET.

Erase the names of candidates except those for whom you wish to vote. Erase by drawing a single line with a black lead pencil horizontally across the name. Do not make any other mark on the ticket.

For Governor.

(Vote for one.)

David Jones
Henry Walker

For Member of the House of Representatives.

(Vote for one.)

James Brown
Frederick Green

For County Clerk.

(Vote for one.)

Richard Roe
John Stiles

For Members of the General Assembly.

(Vote for three.)

John Brown
William King
William Smith
John Baker
Henry Decker
John White
William Wilson

For Member of Common Council.

(Vote for one.)

Edward Hall
George Jackson
Peter Randall

etc., etc.,

using so much of said form as may be applicable to the current election and extending the same to provide for cases not therein specified, and a like ballot shall be printed for all other political parties for which a primary election is to be held hereunder.

11. All primary 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 thereon except as in and by this act provided; on the back of such ballots shall be printed the words "Official Ballot of the _____ Party for Primary Election, 1900—;" after the designation of the year, which shall be in figures, shall follow the name of the election district of the municipality for which the ballot is provided, followed by a fac-simile of the signature of the municipal clerk by whom the said ballot shall be printed.

12. Whenever it shall appear that any error or omission has occurred in the printing of the 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 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, and make proper order thereon.

13. Each municipal clerk shall provide and furnish for each existing political party, members of which have filed petitions as aforesaid, for the use of the voters at such primary, for each election district in his municipality, ballots of the kind and description aforesaid, equal 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 be 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. No envelope shall be used at the primary elections held pursuant to this act.

14. If at any primary election the ballots for any political party to be furnished therefor as provided in this act shall not be delivered at the time provided in this act, or if after delivery they shall be destroyed or stolen and other official ballots cannot be obtained in time for such primary election, it shall be the duty of such municipal clerk, or the clerk of the board of election, as the case may be, to cause other ballots to be printed as nearly in the form prescribed by this act as practicable, but without the endorsement on the back thereof, which ballots so substituted shall be used at such primary election. If from any cause neither the official ballots or the ballots otherwise prepared as hereinbefore provided shall be ready for distribution at any polling place, or if the supply of ballots for any political party shall be exhausted before the polls are closed, unofficial ballots, made as nearly as possible in the form of official ballots, shall be used. Where the use of official ballots is for any of the reasons aforesaid dispensed with the mode and manner of voting shall, never-

theless, in all respects conform as nearly as possible to the directions and requirements of this act.

15. At least three weeks before any primary election shall be held under the provisions of this act, the clerks of the several municipalities of the State shall provide for and secure in each election district of their respective municipalities a suitable room in which to hold the registry and the said primary election, and immediately on procuring said room, such clerk shall notify the registry or poll clerk, or board of registry and elections of such voting district, that such room has been procured; and it shall be the duty of the clerk procuring such room to arrange the same for a polling room, in the manner required by law for general elections, and to have constructed therein and ready for use before the primary elections, booths and compartments of the kind, number and description as are or may be by law required to be provided at the annual election for members of the general assembly; black lead pencils shall be provided and placed in said booths or compartments for use by the voter in preparing his ballot to be voted, and no other kind of pencil shall be used for such purpose.

16. The said municipal clerk shall, on the morning of the day preceding any primary election for which he is required by this act to provide ballots, cause to be delivered 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; said election clerks shall, on the morning of the primary election, before proclamation of the opening of the polls, deliver 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; said municipal clerk shall also see that a separate ballot-box is provided for each political party for each election district in his municipality; said ballot-boxes shall be each composed of four glass sides, at least one foot wide and one foot high, with

a wood or metal bottom and top, and with an opening at the top through which the ballots shall be inserted into the box; any ballot box which can legally be used at any general election for members of the general assembly may be used at the primary elections held pursuant to this act.

17. Before proceeding with such primary 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 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 for challenges at general elections and also 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 whose names were printed on the ticket of said party, and that you intend to support the candidates of said party at the ensuing general election." In the case of voters voting for the first time in this State, the portion of said oath or affirmation in relation to voting at any previous election shall be dispensed with; 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 at such primary election. Any person making such oath or affirmation falsely shall be guilty of perjury.

18. No person shall be qualified or allowed to vote at any primary election unless his name shall appear upon the registry list

for the election district where he offers to vote, as made up on the second Tuesday of September of the year in which such primary election shall be held; and in any election district where an enrollment shall have been made as provided in this act, no person shall be qualified or allowed to vote unless his name shall appear upon the enrollment list of the political party in whose ballot box he shall offer to vote; each voter shall ask the board of election for the party primary ticket he desires to vote, and thereupon shall receive one official ballot of the kind demanded and no others; the said voter shall retire with said primary ballot to one of the booths or compartments and therein with black pencil erase the names of all persons on said ballot except those for whom he desires to vote; nothing herein shall prevent any voter from voting for any person whose name is not on his party ticket by writing the same thereon; while in the booth or compartment he shall fold the ballot so as to expose the endorsement on the back thereof, and on emerging from the booth shall proceed directly to the ballot-box of his political party, and there deliver his ballot, folded as aforesaid, to the proper member of the board of election, who shall forthwith, in the presence of the voter, deposit the same in the ballot-box provided for the political party of such voter, unless disqualified as provided in this act; if challenged, such voter shall make oath as provided in this act before he shall be permitted to vote; should any voter to whom an official ballot has been furnished spoil or render the same unfit for use, he may obtain another from the board of election on returning the one so spoiled or unfitted for use, but no more than three official ballots, one at time, shall be furnished to any voter at any primary election, if any voter shall make oath or affirmation that he is unable to read and write, and shall request the assistance of the board of registry and election in preparing his ballot, the said board shall designate one of their number to retire with said voter to the booth and assist him in preparing his ballot. Any voter who shall vote in the ballot-box of one political party at any primary election held under this act shall not be allowed to vote in the ballot-box of any other political party at the next thereafter succeeding primary election. At each primary election there shall be kept a

separate book or list for each political party for which a primary election shall be held under the provisions of this act, which shall be called and labeled "Republican Primary Book," "Democratic Primary Book," or as the case may be. The board of registry and election shall record with ink in the primary book of the proper political party, as each vote is cast at the primary election, the name of each voter who shall vote in the ballot-box of such party at such primary election. The primary book of each party shall be signed, after the close of such primary election, by the members of said board of registry and election who shall have conducted the primary election of such party, and shall be delivered by said board to the clerk of the municipality at the time of the delivery of the ballot-boxes. Said primary books shall be kept by said municipal clerk in a safe and secure place, but open to public inspection upon demand, and at the ensuing primary election be delivered by him to the respective boards of primary and election, for reference at such ensuing primary election. Any member of any board of registry and election who shall fail to make up any such primary book or deliver the same to the clerk of the municipality as herein provided, or any clerk of any municipality to whom such primary book shall be delivered who shall wilfully neglect to safely keep and redeliver such primary book to the proper board of registry and election at the ensuing primary election, and any person who shall unlawfully erase from such primary book the name of anyone therein recorded as having voted at such primary election, or shall unlawfully change any such name, or shall unlawfully record or add any name in such book, shall be guilty of a misdemeanor, and on conviction thereof shall pay a fine of not more than one thousand dollars or be imprisoned for a term not exceeding three years, or both, at the discretion of the court. Any voter whose name shall appear on any such primary book may apply to any justice of the supreme court, at any time prior to the next primary election, to have his name stricken from said book, or to have his name corrected in said book; and said judge shall have power to hear such application in a summary way, at such time and upon such notice to such persons as he may prescribe, and if satisfied that the applying

voter's name has been improperly or incorrectly placed in said primary book, may make an order directing the municipal clerk to erase said name from said primary book or correct such name as may be ordered, and such clerk shall thereupon make such erasure or correction.

19. At the close of the primary election, the board of registry and election shall forthwith proceed to canvass and count the votes cast at such election, proceeding in the manner indicated by the statement hereinafter provided for; the said board 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; such statement shall be in the following or like 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.....day of....., 190...:

At said election the total number 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 ballots rejected 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 candidate of the democratic party for governor:

David Jones received.....votes;

Henry Walker received.....votes;

For democratic candidate for member of the House of Representatives:

James Brown received.....votes;

Frederick Green received.....votes;

For democratic candidate for county clerk:

received.....votes;

received.....votes;

For democratic candidates for members of the General Assembly:

received.....votes;

received.....votes;

received.....votes;

For democratic candidate for member of the Common Council:

received.....votes;

For member of the democratic County Committee:

received.....votes;

and in like form for all parties having candidates voted for at such election. 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 ballots cast at such election.

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

..... Board of
..... Registry and
..... Election.

20. The board of registry and election in each election district of each county of this State shall, within three days after the primary election in each year, file a complete copy of the results of such primary election in their election district, signed by the members of said board, with the county clerk of such county, who shall forthwith canvass said returns as to all nominations to public office (except members of the house of representatives of the United States) which the voters of such county, or any part

thereof, and no other voters, shall be entitled by law to fill at the ensuing election; and such county clerk shall transmit to the secretary of state, within six days after such primary election, a certified copy of the results of such primary election as to all nominations for the office of governor, presidential electors and member of the house of representatives of the United States, or any of them, and the secretary of state shall forthwith canvass the returns transmitted to him by the respective county clerks. The person having in the aggregate the highest number of votes, as shown by the canvass of the secretary of state or the county clerk, as the case may be, 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 persons to be elected to such office at the ensuing general election, shall be the candidates of their respective parties for such office. The secretary of state shall, in the same manner and at the same time as provided by law for candidates nominated in any certificate or petition filed with such secretary of state, certify the names of the persons so nominated for such offices at such primary election, or selected or substituted as provided in this act, to the county clerk of each county, the voters of which shall be by law entitled to vote for such nominees at the ensuing general election. The county clerk shall cause the names of the candidates so nominated to fill the respective offices at such primary election or selected or substituted as herein provided, to be printed upon the official ballot of the proper political party to be used at the ensuing general election, provided that the name of any candidate who shall fail to signify his acceptance of the nomination in the manner herein required shall not be printed upon such ballot. Such acceptance shall be in writing signed by the nominees and shall in every case be filed within fifteen days after such primary election; in the case of nominations for governor, presidential elector or member of the house of representatives of the United States, the secretary of state, and the county clerk of a county in the case of nominations for public office (except member of the house of representatives) to be filled by the voters of such county or any part thereof,

shall, within ten days after such primary election, in writing notify each successful candidate of his nomination, and such candidate shall file his acceptance of the nomination with the secretary of state or the county clerk, as the case may be, by whom he was notified. In the event of a failure to select a candidate for any political party at any primary election held under the provisions of this act by reason of two or more persons receiving the highest and the same number of votes, the state committee of the said political party, in any case where the petitions endorsing such persons were filed with the secretary of state, shall, at a meeting of such committee by a majority vote of the whole number of members, viva voce, select from the said persons receiving the highest and the same number of votes one to be the party candidate for the office in question, and shall file a certificate of such selection with the secretary of state at least twenty-five days before the ensuing election; in any such case where the petitions endorsing such persons were filed with the clerk of a county or with the clerk of any municipality therein, the county committee of such political party in such county shall make such selection in like manner as above provided, and shall file the certificate thereof with the county clerk at least fifteen days before the ensuing election; such certificate shall in each case be signed by the presiding officer and secretary of such committee meeting, 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 are respectively such officers, and that such certificate and the statements therein contained are true as they verily believe, and a certificate that such oath has been taken shall be made and signed by the officer administering the same and endorsed upon or attached to such certificate of selection; and the person so selected shall be the candidate of the party at the ensuing election; in the event of a failure of such committee to make such selection, the secretary of state in cases where the petitions endorsing such persons were filed with him, and the county clerk, in cases where the petitions endorsing such persons were filed with such clerk or with any municipal clerk in his county, shall make the selection from the persons receiving said

highest and the same number of votes; in the event that any candidate chosen at a primary election for nomination for any office shall die, or remove from the political division for which he is nominated, or decline to run as a candidate, or fail to file his acceptance as herein required, before the ensuing election, the state committee of the political party to which the person so declining or dying belongs in any case where the petition endorsing such candidate was filed with the secretary of state, and in any case where such petition was filed with the county clerk of a county, or with the clerk of any municipality therein, then the county committee of such party in such county, shall have the power to fill said vacancy at a meeting of such committee by a majority vote of the whole number of members, viva voce, in like manner as above provided for the selection of a candidate in the case of a tie vote, and a certificate setting forth the facts, signed and verified by oath in like manner as above provided, shall be filed with the secretary of state or county clerk as the case may be; and the person so nominated to fill such vacancy shall be the candidate of the party at the ensuing election.

21. No member of one political party shall sign his name to any petition purporting to endorse any person as a candidate for any nomination of another political party, nor shall any member of one political party vote in the ballot-box used for the primary election of another political party; any person who, being a member of one political party, shall sign his name to any petition endorsing any person as a candidate for any nomination of another political party, or 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 one thousand dollars, or by imprisonment not exceeding three years, or both.

22. No person shall vote at any primary election unless his name shall appear on the registry of voters made for the ensuing general election in the election district where he offers his vote; and in cities having a population exceeding thirty thousand no person shall vote at any such primary election in the ballot-box

of a political party unless the name shall appear upon the enrollment list of such party made for such primary election in the election district where he offers his vote; any person so voting shall be punished as now provided by law for illegal voting.

23. The chairman of the county committee of each political party in each county of the State may appoint one agent for each election district in his county, also each candidate whose name shall appear upon any primary ballot of an election district may appoint one agent for each of such election districts; such agents shall be challengers of their respective parties at the primary election held under this act, and shall be at liberty to challenge the right of any person to vote thereat; the appointment of agents shall be made in writing under the hand of the respective county chairman, or candidates, as the case may be, and shall specify the names and residences of the agents, and the election districts for which they are severally appointed; such appointment papers shall be filed with the respective boards of election in the districts named therein as evidence of the authority of such agents to be present in the polling place; said agents may be present inside the railed enclosure while the votes cast at the primary election are being cast and counted, and hear and see said ballots counted; and every person whose name shall be printed upon the official primary ballot shall also have the rights and privileges of a challenger as hereinbefore provided.

24. In any year preceding the election by the Legislature of this State of a United States Senator for this State it shall be lawful at the primary election of any political party entitled to hold an election under the provisions hereof for the voters of such political party to express in the manner hereinafter provided, their preference for United States Senator.

25. Not less than thirty days prior to the date fixed for such primary election not less than eight hundred voters of such political party may file with the secretary of state a petition or petitions, substantially in the form provided for the nomination of candidates, endorsing any duly qualified member of their political party as a candidate for the endorsement of such political party for United States Senator. Said petition or petitions shall each be

certified by the oath or affirmation of two or more of the signers thereof, taken and subscribed before a person qualified under the laws of this State to administer an oath, to the effect that such petition, to the best of the knowledge of the affiants, are signed in their proper handwriting by each of the signers thereof; that such signers are, to the best of the knowledge and belief of the affiants, legal voters of this State, and belong to the political party named in said petition; that the person named therein has the legal qualifications for the office of United States Senator; that such petition is prepared and filed in absolute good faith for the sole purpose of securing the endorsement by the voters of said party of the person therein named for United States Senator. Not less than twenty days prior to the holding of said primary election the Secretary of State shall transmit to the county clerk of each county copies of said petition. The county clerk shall, under his hand and seal, certify to each municipal clerk in his county, not less than fifteen days prior to said primary election, the name or names of all persons who have been endorsed by petitions transmitted to him as aforesaid. The said municipal clerks, in preparing the official ballot to be used at the said primary election for the said political party, shall insert thereon the words "Favored for United States Senator," and shall place thereunder the names of all persons of that party so certified to said clerk, in alphabetical order.

26. The voting, counting and canvassing of the votes cast for such candidates shall be the same as is provided for the voting, counting and canvassing of votes for nominations for the office of governor. The secretary of state shall tabulate the results, and prior to the convening of the session of the legislature at which the election for United States Senator is to be held, publicly announce the result, and shall at the opening session of such legislature certify under his hand and seal a statement of the total votes received in each county and also in the state by each candidate for endorsement for United States Senator to the senate and the general assembly and to each member thereof.

27. In filing his acceptance of a nomination for the office of state senator or member of the general assembly, a candidate

for such office may sign and file a copy of one of the two following statements, copies of which shall be prepared by the county clerks and handed to each nominee for senator or member of the general assembly in the respective counties, and when such statement is signed and filed by the nominee, the county clerks shall receive and preserve the same as a public record, and shall publicly announce, as soon as all acceptances of nominations have been filed, what nominees or candidates have signed each form of statement:

STATEMENT NO. 1.

"I further state to the people of _____ county that during my term of office I will vote for that candidate for United States Senator in Congress who has received the highest number of votes in my party in the county for that position at the primary election next preceding the election of a Senator in Congress, without regard to my individual preference."

(Signature of the nominee.)

STATEMENT NO. 2.

"I further state to the people of _____ county that during my term of office I will vote for that candidate for United States Senator who has received the highest number of votes in my party in the state for that position at the primary election next preceding the election of a Senator in Congress, without regard to my individual preference."

(Signature of the nominee.)

28. The members of the county, city or other municipal committee of each political party holding a primary election as herein provided shall hereafter be elected at such primary election, and not otherwise. Each election district in the county, city or other municipality, for which a party committee is or is to be formed, shall be entitled to elect, solely in and to represent such election district, one member of such committee. Candidates for the position of member of any such committee shall be endorsed in petitions made up and filed with the municipal clerks substantially in the manner provided in this act for candidates for party nomi-

nation to public office to be filled by the voters of a single ward, borough or township, except that the signers thereof, who shall number at least ten, shall all be residents of the election district for which the member is to be elected; the names of the candidates endorsed in such petitions shall be printed on the respective party primary ballots for the appropriate election district; and the method of voting and canvassing the votes for candidates for membership in such party committees shall be substantially as provided in this act in the case of candidates for such party nominations to public office. After the county clerk shall have canvassed the returns of the primary election and shall have determined the candidates elected as members of each committee of each party, he shall issue a certificate of election to each of such successful candidates, designating the committee to which such person is elected, which certificate shall entitle such person to membership in such committee. Such member shall serve for the term of one year to commence on the fourth Tuesday of September of the year of their election. Such persons, and no others, shall be entitled to membership in such committee, and no other person shall act or attempt to act as a member of such committee; provided, that every such committee of each political party holding a primary election as herein provided shall be authorized to appoint, in such manner as it may determine, a member or members at large, not exceeding one additional member for every ten elective members, or fraction thereof. Vacancies in any such committee may be filled by such committee at a meeting thereof by a viva voce vote of the majority of the whole number thereof.

29. The members of the State committee of each political party holding a primary election as herein provided shall be elected by the members of the county committee of such party in each county during the month of January in each year in which presidential electors are to be elected. The basis of representation in such state committee and the number of members to be elected thereto shall be determined by such state committee; provided, that each county committee of a political party holding a primary election under this act shall be entitled to elect at least one member of the state committee of such party. It shall be the duty

of the chairman of such state committee, on or before the first day of January in the year aforesaid, to notify the chairman of each county committee of his political party in writing of the number of members of such state committee which such county committee shall be entitled to elect, and such county committee shall thereupon proceed to elect such members during such month of January at a meeting of said county committee members by a majority vote of the whole number of members, viva voce; the members elected to membership in the state committee of any such political party by each county committee of such party shall serve for four years from the time of their election, and such persons, and no other, shall be entitled to membership in such state committee, and no other person shall act or attempt to act as a member of such committee; provided that any such state committee shall be authorized to appoint, in such manner as it may determine, such additional members to be members at large as said committee may determine, not to exceed eight. Any vacancy in any state committee shall be filled by the county committee members of the county committee which made the original election. Any person who shall form, or attempt to form, in any other way than as herein provided, any State, county or municipal committee of any political party holding a primary election under the provisions of this act, or any person who shall act or attempt to act as a member of any such committee contrary to the provisions of this act, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars, or by imprisonment for any term not exceeding three years, or both; provided that it shall be lawful to continue as at present constituted any municipal or county committee of any political party holding a primary election under the provisions of this act until the time for election of members to such committee in accordance with the provisions of this act at the next primary election after the passage of this act; and it shall be lawful to continue as at present constituted any state committee of any such political party until the next year after the passage of this act in which presidential electors are to be elected.

30. The following sections of the act to which this act is a further supplement shall apply, so far as may be, to the primary elections held pursuant to this act: Sections thirty-three (33), thirty-four (34), thirty-five (35), thirty-six (36), forty-eight (48), fifty-three (53), fifty-five (55), fifty-six (56), fifty-seven (57), fifty-eight (58), fifty-nine (59), sixty-two (62), sixty-five (65), sixty-six (66), sixty-eight (68) to seventy-nine (79), (both inclusive), eighty-one (81), eighty-two (82), eighty-three, (83), eighty-four (84), eighty-six (86) to ninety-two (92), (both inclusive), ninety-eight (98), ninety-nine (99), one hundred (100), one hundred and fifty-nine (159), one hundred and sixty (160), one hundred and sixty-one (161), one hundred and seventy-nine (179), one hundred and eighty (180), one hundred and eighty-six (186), one hundred and eighty-seven (187), one hundred and eighty-eight (188), one hundred and eighty-nine (189), one hundred and ninety (190), one hundred and ninety-one (191), one hundred and ninety-three (193) to two hundred and thirteen (213) (both inclusive), two hundred and fourteen (214), two hundred and fifteen (215), two hundred and seventeen (217), and two hundred and nineteen (219).

31. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect immediately.

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.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Section twenty (20) of an act entitled "An Act to regulate elections (Revision of 1898)," approved April fourth, one thousand, eight hundred and ninety-eight, be and the same is hereby amended to read as follows:

20. The county board of elections of each county shall at least two weeks preceding the primary election cause a notice to be published in such of the newspapers of their county as they shall

previously have designated for that purpose, not exceeding six in all, setting forth that the boards of registry and election in and for each election district in such county will meet for the purpose of making a registration of voters on the days and between the hours hereinafter designated for that purpose, and that a primary election for making nominations of political parties to public office will be held on the third Tuesday of September, and between the hours and at the places as provided in this act; said notice shall be published, as nearly as may be, equally in newspapers of the different political parties, and so as to afford the widest possible information to all voters of every political party; such notice shall be continued in such newspapers at least once a week for at least three weeks successively; provided, that such publication shall not be made in any daily newspaper more than twice in any one week; in cities of the first class, said notice shall include in the newspapers designated therein a short description of the boundary lines of each election district therein, and the place of meeting of the board of registry and election therein, provided that the part of said notice in reference to the primary elections may be omitted after the holding of the same.

2. Section twenty-one (21) of the said act to which this act is a further supplement be and the same is hereby amended to read as follows:

21. The district boards of registry and election in all districts in cities having by the next last preceding census a population exceeding thirty thousand, shall meet annually on the second Tuesday in September, at one o'clock in the afternoon, and continue in session until nine o'clock in the evening, for the purpose of registering the names of all legal voters, residents of the election district for which they are appointed; after the board shall have organized they shall proceed to make two lists or registers, arranged by streets, in the alphabetical order of such streets and by street numbers, if any there be, and if not, by the order of the houses as they occur upon any avenue, street or road in such district; they shall register the names of all persons in their respective election districts entitled to the right of suffrage therein at the next election who shall personally appear before

them for that purpose, and such other persons as shall be shown by the written affidavit of a voter residing in the same election district to be lawfully entitled to vote therein at the ensuing election; provided, that no person so applying shall be registered unless a majority of the board shall be satisfied, by affidavit or otherwise, that he will be entitled to vote in that election district at the ensuing election; on the day succeeding such meeting each of the clerks shall post a copy of the register, in hand-bill form, in some conspicuous place in such election district.

3. Section twenty-three (23) of the said act to which this act is a further supplement be, and the same is hereby amended to read as follows:

23. The boards of registry and election in all election districts in the State, outside of cities having a population exceeding thirty thousand, shall meet annually on the first Tuesday of September in each year, at ten o'clock in the forenoon, 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 election by making actual inquiry at every dwelling-house or habitation, or of the head of every family residing therein, and shall continue such enumeration of voters from day to day thereafter, on successive days, until the same be completed; provided that such enumeration shall terminate on or before the Friday next succeeding; the name of every such voter, as aforesaid, whose place of abode shall be in any family or habitation, or who may be casually or temporarily absent therefrom when such enumeration is made, shall be entered in said canvassing-books; in making such enumeration the said boards of registry and election may divide their election districts into subdivisions, and any two of their number, designated by the chairman and inspector, together and in company, may make the enumeration in such subdivisions; no name shall be entered on such canvassing-books without the concurrence of both of said members, or if said enumeration be made by the entire board, without the concurrence of a majority thereof;

on the second Tuesday of September next preceding the general election said boards shall meet at the places provided by the municipal clerk in their respective election districts at one o'clock in the afternoon, and continue in session until nine o'clock in the evening, at which time and places said boards shall proceed to transcribe and make up from said canvassing-books two lists or registers of the names arranged in alphabetical order, together with 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 election, or who shall personally appear before them for that purpose, or who shall be shown to the satisfaction of such board of registry and election by the affidavit in writing of some voter in that election district to be a legal voter therein.

4. Section forty-two (42) of said act to which this act is a further supplement be and the same is hereby amended to read as follows:

42. All certificates of nomination and all petitions naming candidates for the office to be filled by voters of the entire State, or of any congressional district, or of any political division greater than a single county, shall be filed with the secretary of state at least twenty-five days previous to the election at which the candidates nominated are to be voted for; all certificates and petitions naming candidates to be voted for by all the voters of a single county or more than a single political division thereof, or where candidates for city offices are to be voted for upon the county ticket, shall be filed with the clerks of the respective counties wherein the officers nominated are to be voted for, at least fifteen days prior to such election; all other certificates and petitions shall be filed with the clerks of the respective municipalities wherein the candidates nominated are to be chosen at least thirteen days before the election whereat they are to be voted for; all certificates and petitions when filed shall be opened, under proper regulation, for public inspection, and the same shall be preserved for one year; candidates nominated for any office in any certificate or petition shall manifest their acceptance of such nomination by a written acceptance thereof, signed by

their own hand, upon or annexed to, and filed with such certificate or petition, or if the same person be named for the same office in more than one petition annexed to one of such petitions; the name of any candidate who shall fail in such manner to signify his acceptance of the nomination shall not be printed upon the ballots; it shall be the duty of the county clerks to certify to the secretary of state, within five days prior to the general election, the names, places of residence and postoffice addresses of the several candidates nominated for Senator and members of General Assembly, together with the title of the party nominating said candidates, and whether by convention or petition or directly at any primary election in accordance with law, with the dates of holding such convention and of the filing of such certificates of nominations and petitions.

5. Section forty-nine (49) of said act to which this act is a further supplement be and the same is hereby amended to read as follows:

49. Except as in this act otherwise provided, separate printed ballots of the kind and description hereinafter directed shall be provided for each party group of petitioners having candidates to be voted for at any election; the county clerk of each county shall provide said ballots in all cases where the names of any candidates to be voted for at any election to be held within his county are certified to him by the secretary of state or included in any certificate or petition of nomination originally filed with him as such county clerk or any nomination is made directly at any primary election in accordance with law; in cases of election within and for a single municipality of any county where the certificate or petition of nomination is pursuant to this act to be filed with the clerk of such municipality, such municipal clerk shall provide said ballots; said county and municipal clerks in providing said ballots shall cause the same to be printed in manner and form following: the nominations of each party or group of petitioners shall be printed on separate tickets underneath the title or name of the party or petitioners making such nominations, as designated by them in their certificate or petition, so that all the candidates of each party or group of petitioners

shall be and appear on its own separate ticket or ballot, or if there be no designation or name or title of "independent nominations;" such clerk shall not be required to print any name upon any ballot when such name is not the name of a candidate nominated in accordance with the law relating to primary elections or such name was not included in any certificate or petition filed with him at least eight days before the election; all ballots prepared by any county or municipal clerk shall be printed with black ink on plain white paper, and shall be of uniform size, quality and type, and of such thickness that the printing thereon cannot be distinguished from the back of the ballot; and without any mark, word, device or figure thereon except as in this act provided; there shall be printed on each ticket the name of but one candidate for each office to be filled, designating such office, and no ballot shall contain a greater number of names of persons, as designated to any office, than there are persons to be chosen to fill such office.

6. Section one hundred and seventy-eight (178) of said act to which this act is a further supplement be and the same is hereby amended to read as follows:

178. The compensation of each member of the boards of registry and election for all services performed by them under the provisions of this act shall be as follows: in cities having a population exceeding thirty thousand, for each registry day, five dollars and for each election day, including the counting of the votes and the delivery of the returns and ballot-box with the contents to the municipal clerk, ten dollars in all other cities, towns and other municipalities the compensation for such member shall be as follows: for each registry day, three dollars, and for the election day, including the counting of the votes and the delivery of the return and the ballot-box, seven dollars; and for all such services in connection with the general election or any special election held in and for the whole county, such compensation shall be twenty dollars in districts where the number of registered voters is not more than one hundred and fifty; twenty-five dollars in districts where the number of registered voters is more than one hundred and fifty and not more than three

hundred, and thirty dollars in districts where the number of registered voters is more than three hundred, the said sum to be paid by the county collector; provided, however, that whenever the registration of voters for any local or charter election shall be held at the same time, in the same place and by the same board of registration and election as that for any general or special election in and for the whole county, and whenever any such local or charter election shall be held at the same time, in the same place and by the same board of registration and election as that for any general or special election held in and for the whole county, then and in that case the members of the said board of registration and election shall not be entitled to the compensation first above provided for, but shall only be entitled to the compensation as is provided for in connection with the general election or any special election in and for the whole county; said sum to be paid by the county collector, which is to be in lieu of all other fees and charges whatsoever, and is to be considered as compensation for all services in connection with the primary election as well as for all other services required by this act.

7. The title of an act entitled "A supplement to an act entitled 'An act to regulate elections' (Revision of 1896) approved April fourth, one thousand, eight hundred and ninety-eighth," which supplementary act was approved May sixteenth, one thousand, nine hundred and six, be and the same is hereby amended to read as follows:

A supplement to an act entitled "An act to regulate elections (Revision of 1898)," approved April fourth, one thousand, eight hundred and ninety-eight.

8. Section one (1) of an act entitled "A supplement to an act entitled 'An act to regulate elections (Revision of 1898)' approved April fourth, one thousand, eight hundred and ninety-eight" which supplementary act was approved May sixteenth, one thousand, nine hundred and six, and the title to which is amended by this act, be and the same is hereby amended to read as follows:

1. It shall be the duty of every town, township, borough, city or other municipal clerk, on or before the first Tuesday in September in each year to make and certify under his hand and seal of office and forward to the clerk of the county in which such town, township, borough, city or other municipality is located a statement designating the public offices which are to be filled at the general election in such year by the voters of such town, township, borough city or other municipality, or any portion thereof, and the number of persons to be voted for each office.

9. This act shall take effect immediately.