

GOVERNOR'S MESSAGE

TRANSMITTING

REPORT

OF

**Commission to Revise the Primary
and Election Laws**

TO THE LEGISLATURE—SESSION OF 1909

New Jersey State Library

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MESSAGE.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 16th, 1909. }

To the Senate and General Assembly:

On the tenth day of February, nineteen hundred and eight, the Senate passed a resolution authorizing the Governor to appoint three suitable persons as a commission to revise the laws regulating the holding of primaries and general and special elections, and directing that they report with all convenient speed to the Governor.

This resolution was concurred in by the House of Assembly and was duly certified to the Governor.

Subsequently I appointed the Honorable Edward C. Stokes, Chandler W. Riker, Esquire, and Nelson Y. Dungan, Esquire, as such commission.

These commissioners at the last session of the Legislature made a temporary report, and on the fifteenth day of March, instant, they presented to the Governor, pursuant to the requirements of the resolution, their final report, covering a complete revision of all the election laws of this State, including those relating to primary elections.

With their report is a bill drawn by the commission covering the whole subject, and also with their report is a comparative statement, by sections, of existing election laws, and that of the new bill as prepared by them.

It is evident from the reading of their report that they have devoted much time and great care in the preparation of this law, and that they have endeavored to meet public sentiment with relation to a revision of both the primary and election laws of this State.

The report and the law are herewith submitted.

The revision of the primary laws of our State is demanded by an almost universal public sentiment. The report of the commission adopts the direct primary system for the election of all State and county officials and provides for the conducting of all primaries under strict legal regulation and after a due enrollment of voters at a preceding registration date, prior to the holding of the primary. The report maintains the party system, and among other things provides for the adoption of a party platform in the counties by the county committees of the respective parties in each county, in conjunction with the candidates of those parties. It provides for the selection of members of the political committees of the counties by the voters of the respective political parties in each of the election districts of the county. It provides for the selection of the State committee of the respective parties by the members of the county committees of each of the counties in the State. It provides for what is known as the Wisconsin ballot, which is a blanket ballot, with the candidates thereon in party columns, and gives to each voter the right to vote for any candidate upon the blanket ballot by placing a cross mark opposite his name, or to vote his party ticket as a whole by affixing a cross mark at the top of a party column. The report also presents as an alternative the Massachusetts system of blanket ballot, which eliminates the party column and requires each voter to vote for each candidate by making a cross-mark opposite the same.

A system of giving public expression by each of the respective parties as to a candidate for United States Senator is also provided for in the report of the commission, and the method of giving such expression is the same as that in the present law adopted in 1907.

Reform in the matter of primary election by direct nomination and in the selection of members of county committees by a direct vote of the respective parties in their election districts, is demanded by our people, and is in pursuance of the declaration in the party platforms of both the leading parties of this State, as declared in their conventions held in 1907.

Upon this question the Republican platform declared as follows: "Our primary law—a Republican enactment—has done

away with violence and fraud at the primaries and has enabled voters to express their choice and exercise their will in the nominating conventions. We pledge ourselves to such amendments of this act as will simplify and improve our primary system. We favor the modification and simplification of the present primary law in the respects in which it is now cumbersome and intricate; and we believe that the most effective method to accomplish this purpose is a direct primary for candidates for all municipal and county offices, including Senators and Assemblymen, and we favor such an amendment of the primary law as will accomplish this end, with proper provisions for judicial review and recount."

On the same subject, the Democratic platform declared as follows: "In recognition of the constitutional doctrine that all political power is inherent in the people, we favor the enactment of laws, and where necessary constitutional amendments, providing for:

"The selection of United States Senators by popular suffrage.

"The election of assemblymen by districts.

"The nominating of candidates for public office by direct primary vote, without the intervention of delegates or conventions."

The time has come when every voter should have opportunity to express his preference for each candidate, as a distinct act, in the exercise of his franchise. This is now required to be done in many of the States of the Union, and where it has been tried it insures the best results.

There should be but one ballot, simple in form, and easily comprehended by the most illiterate voter. The law should retain the party identity of each candidate, for without parties the voter cannot properly give expression to the principles for which he stands. The separate pieces of paper ballots in our State are no longer satisfactory to our people. They demand and are entitled to the best. A ballot after the Wisconsin or Massachusetts form, meets the prevailing sentiment of our day. In those States it has been fully tested and neither party there would discard or change it. Every thoughtful man who desires a free and honest expression of the voter as to candidates would rejoice to see either adopted here.

Our primary law is very crude and quite defective. Public sentiment with us strongly approves the direct primary, and would extend it if it could. Our present law is not sufficiently clear in terms or simple in operation. The registration for the primary is too close upon the election and does not give a chance for investigation of names; nor does it protect against those of one party voting in the ballot box of another. This should be done so specifically that no question on this ground could arise. Every safeguard must be thrown about the primary, for here is the source of all political power in a republic. The people are beginning to fully realize that it is at the primary where results for good government are obtained quite as much, if not more, than at the election.

Our present primary law does not make it mandatory to elect the members of political committees at a duly called and legal regulated primary. The law is now permissive. In the large county of Essex, the political committees there have voluntarily accepted the act and are electing their committeemen under it, but in no other county of the State is this done, so far as I know. In the others, the old methods that are so unsatisfactory still obtain.

If the nomination machinery is left to the manipulation of those who serve only their own, or some one else's interests, rather than the people, there is not much hope in the future for the republic. This will be more and more apparent as the population of the country increases. The question may as well be faced first as last. It will not down. The people mean to rule in State and nation, and that party and political leader is wise who sees and recognizes this truth.

Legislation upon this question is a sacred obligation on the part of the party now in power in this State. The quotations above given from the platform adopted by that party in 1907 are in no sense uncertain; they cannot be honorably evaded. Any party that does not keep its promises may expect defeat, and such a party cannot deny that it deserves defeat.

The issue is so vital and far-reaching in our State that I deem it to be my duty to state clearly the obligation which I consider has been cast upon both the legislative and executive branches of

government; and to advise the Legislature that an adjournment without some action on this all-important question will cast upon the Executive a duty to seriously consider the reconvening of the Legislature, that the party pledges may be kept, as the people demand.

On any question touching the security of the right of suffrage and of the selection of candidates at primary election, all partisan consideration should be sunk in the strife to secure the best possible form of ballot and system of primary election.

In this spirit this subject is brought to your attention that it may not be forgotten in the haste of the last days of the session, and that there may be no misunderstanding as to the views of the Executive, or ground for criticism of any future action he may see fit to take, if, by any possibility, adjournment should occur without meeting, by proper legislation, this, the most vital issue now before the people of the State.

It seemed to me to be my duty to make these observations in presenting this admirable report of the Revision Commission, appointed by your authority, and to suggest that there be raised a joint committee of the Senate and House of Assembly to which this report of the commission should be referred, to take up and consider the whole subject in the light, not only of this report, but of a number of excellent bills now pending in the Legislature on this question.

It would be very much wiser, if it can be done, to adopt a new general election law, which should cover all subjects, as the report of the commission, herewith presented, seems to do, and to repeal all existing legislation when such act can be gotten into shape, by a committee, or by some other means, as herein suggested.

Respectfully submitted,

JOHN FRANKLIN FORT,

Governor.

REPORT.

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

DEAR SIR—The Commission to Revise the Primary and Election Laws herewith send you a revision of the election laws of New Jersey.

This revision is a compilation and revision of the various acts of the Legislature relating to elections. The provisions of the acts consolidating State and municipal elections have been introduced into the revision, and the various sections of the revision of eighteen hundred and ninety-eight adapted to this consolidation. So far as possible, the form of the previous revision has not been altered, and with the following exceptions, the law has been left as now on the statute books.

The new features introduced by the Commission are as follows:

I. NOMINATIONS.

In the case of parties or groups of voters polling less than two per cent. of the total vote cast in the political division for which a nomination is to be made, nominations may be made by petition; in the case of parties polling at least two per cent., but less than five per cent., of such vote, nominations are to be made at conventions to be organized in accordance with the rules of such parties; in the case of parties polling at least five per cent. of such vote, nominations for the general election are to be made at primary elections held at public expense; in the case of a special election, or the local elections for municipal commissions and local school board members, not consolidated with the general election, no primary election is to be held for such parties, but they may nominate by convention as well as the

smaller parties. General provisions are adopted from the prior revision to regulate party caucuses or party primary meetings to select delegates to conventions organized according to the rules of such parties, but these provisions must not be confused with the provisions of the act relating to the primary election conducted at public expense.

The Commission has, in relation to the primary elections, inserted the provisions of the primary election revision heretofore presented by the Commission. This provides for direct nominations for all offices, and for an enrollment of voters in cities of over thirty thousand population. It provides for filling vacancies in nominations caused by death, etc., after the primary election. No provision is made for choosing delegates to 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 election to be held in the spring of the year in which national conventions are held. It provides that county and State party committees must be chosen in accordance with its provisions, but under its provisions the existing committees will not be legislated out of office. The formulation of party platforms by the party candidates and party committees has been provided for.

2. BALLOTS, ETC.

The blanket ballot has been adopted. The Commission has introduced into the body of the revision substantially the Wisconsin form of ballot, which provides for party columns or rows, and allows a straight party vote by means of a single mark. The columns are arranged according to the vote polled at the preceding election for Governor. Two separate ballots are provided for each voter, a white ballot for State and county candidates, and a red ballot for municipal candidates. The propositions or questions to be submitted to voters are printed on the same ballot with the names of candidates. There are two separate ballot-boxes, one for each kind of ballot. Each ballot has a numbered stub, which is torn off by the election official when the vote is presented, so that all ballots are alike when deposited in

the boxes. The official ballots must be marked in the polling place, none being allowed to be distributed before or during election. Unofficial sample ballots of a different color are allowed to be distributed. Besides the Wisconsin form of ballot, the commission has also prepared certain sections to be used in case a Massachusetts form of ballot is desired. This form of ballot has no party columns or rows, and makes it necessary for a voter to mark each name separately.

Except as above shown, the provisions of the revision are substantially the same as appears in the statutes now in force, changes being made in form in numerous cases, but not in substance. The provisions of the voting machine act are incorporated in the revision, with the act allowing the voters of an election district to determine whether a machine shall be used. The acts defining the congressional districts and apportioning assemblymen among the various counties have not been incorporated.

The Commission has also prepared, and has appended, a separate act repealing the various acts included in the revision. This repealer also includes (in paragraph D) the supplement to the act consolidating local elections in towns, etc., which allows villages to determine by vote whether to hold local elections in the spring of the year.

A comparative statement of sections in the existing and the proposed law is appended.

Respectfully submitted,

E. C. STOKES,
CHANDLER W. RIKER,
NELSON Y. DUNGAN.

Commission.

Attest:

FREDERICK A. LEHLBACH, *Clerk.*

Appendix to Report.

List showing the sections of the election compilation published by the Secretary of State for the year nineteen hundred and eight which are included in the new revision, in a form revised to fit the new form of ballot and the new manner of making nominations.

<i>New Revision.</i>	<i>1908 Compilation.</i>	<i>New Revision.</i>	<i>1908 Compilation.</i>
1	Part of 1, 2, 3, 6, 182, 238 and 294.	31	26
2	4	32	27 and 28
3	5 and 6	33	29
4	7	34	30
5	350	35	31
6	8	36	32
7	9	37	33
8	10	38	34
9	11	39	35
10	12	40	36
11	13	41	393 and 394
12	14	42	Partly 38
13	15	43	39
14	16	44	40
15	17	45	41
16	18	46	42
17	19	47	43
18	20	48	44
19	21	49	235 and 236
20	22	50	45
21	23	51	46
22	24	52	47
23	25	53	Part of 258
24	304	54	Partly 256 and 382
25	305	55	Partly 257 and 268
26	306	56	New provisions for enrollment.
27	307	57	259
28	308	58	Partly 383
29	309	59	260
30	310	60	
		61	274

<i>New Revision.</i>	<i>1908 Compilation.</i>
62	262
63	263
64	264
65	273
66	265
67	277
68	266
69	267
70	Partly 268
71	New Provisions for primary book. Partly 269
72	270
73	Partly 271, 272, 384, 42 and 45
74	276
75	Partly 269 and 278
76	280
77	388
78	389
79	390
80	391
81	New provisions for county committees Partly 261, but mostly new.
82	New provisions for State com- mittees.
83	New provisions for platforms.
84	288
85	48
86	New.
87	New.
88	New.
89	New.
90	Part of 49
91	New. Partly 49 and 52
92	Partly 351
93	New. Partly 47
94	New.
95	New.
96	50
97	New. Partly 56
98	53
99	54
100	55
101	58
102	New. Partly 60
103	61
104	62

<i>New Revision.</i>	<i>1908 Compilation.</i>
105	63
106	64
107	65
108	66
109	67
110	68
111	69
112	70
113	71
114	72
115	73
116	74
117	75
118	76
119	77
120	78
121	79
122	New. Partly 80
123	New.
124	New. Partly 80
125	New. Partly 80
126	81
127	82
128	83
129	84
130	312
131	315
132	316
133	317
134	318
135	319
136	320
137	321
138	322
139	323
140	396 to 401
141	402
142	324
143	325
144	326
145	327
146	328
147	329
148	330
149	331
150	332
151	333
152	334

<i>New Revision.</i>	<i>1908 Compilation.</i>
153	335
154	336
155	337
156	338
157	339
158	340
159	341
160	342
161	343
162	344
163	345
164	348
165	Partly 85
166	86
167	87
168	88
169	89
170	90
171	91
172	92
173	93
174	94
175	95
176	96
177	97
178	98
179	99
180	100
181	101
182	102
183	103
184	104
185	105
186	106
187	107
188	108
189	109
190	110
191	111
192	112
193	113
194	114
195	115
196	116
197	117
198	118
199	119
200	120

<i>New Revision.</i>	<i>1908 Compilation.</i>
201	121
202	122
203	123
204	124
205	125
206	126
207	127
208	128
209	129
210	130
211	Part of 3
212	131
213	132
214	133
215	134
216	135
217	136
218	137
219	138; part of 292
220	139
221	140; 290; 292
222	141
223	142
224	143
225	144
226	145
227	146
228	147
229	148
230	149
231	150
232	151
233	152
234	153
235	154
236	155
237	156
238	157
239	158
240	159
241	160
242	161
243	162
244	163
245	164
246	165
247	166
248	167

<i>New Revision.</i>	<i>1908 Compilation.</i>	<i>New Revision.</i>	<i>1908 Compilation.</i>
249	168	282	364
250	169	283	365
251	170	284	366
252	171	285	367
253	172	286	207
254	173	287	208
255	174	288	209
256	175	289	210
257	176	290	211
258	177	291	212
259	178	292	213
260	179	293 New.	
261	180	294	214
262	183	295	215
263	184	296 New. Taken from 216 of 1898 act	
264	185	297	217
265	186	298	218
266	187	299	219
267	188	300	220
268	189	301	221
269	190	302	222
270	191	303	223
271	192	304	224
272	193	305	225
273	194	306	226
274	195	307	227
275	196	308	228
276	Partly 302 and 197	309	229
277	303	310	230
278	198	311	231
279	199	312	232
280	200	312 New.	
281	201	314	233

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An Act to Regulate Elections.

(Revision of 1909.)

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

TIMES AND PLACES OF ELECTIONS.

MISCELLANEOUS.

1. On the Tuesday next after the first Monday in November in each year an election shall be held, to be known as the general election, for the election of all persons to be chosen in such year by popular vote to any public office, whether national, state, county, municipal, or otherwise, including presidential electors; *provided* that nothing herein contained shall be construed to affect the election of commissioners in those municipalities the boundaries of which are not coterminous or co-extensive with the boundaries of the township of which they are a part and whose elective or appointive officers are not authorized by law to assess and collect taxes, nor any member of any board of education or school trustee in any town, township, borough or other municipality except cities, but the election of such officers shall continue to be held on the days heretofore fixed or established by, or pursuant to, any law of this State applicable thereto.

2. In all elections the polls shall open at six o'clock in the morning and close at seven o'clock in the evening, and shall be kept open during the whole day of election, between the hours aforesaid; *provided*, the board of election 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.

3. The Secretary of State shall, between the first day of August and the first day of September, in every year wherein electors of president and vice-president of the United States, 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 election. The clerk of such county shall, within fifteen days after the receipt of said notice, and on or before 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. The clerk of each county shall also, between the first day of August and the first day of September in each year wherein any public office is to be filled by the legal voters of the whole of such county, or of more than one municipality therein, direct and cause to be delivered to the clerk of each municipality in such county, a notice stating that persons to fill such office or offices, as the case may be, will be chosen at the ensuing election.

4. The clerk of every township, city or other municipality shall, at least eight days prior to and within thirty days next preceding the day of any election, put up, or cause to be put up, an advertisement in at least five of the most public places within such township, city or municipality, which advertisement shall be signed by such clerk, and shall make known the time, place and purpose of holding such election, and the office or offices to be thereat voted for by voters in his municipality.

5. It shall be the duty of each 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 for each office. If any vacancy in any such office shall occur after the said first Tuesday in September and before the ensuing election, such vacancy shall be certified in like manner as soon as possible after the same shall have occurred.

6. The clerk of every township, city or other municipality shall, prior to the date of the first meeting of the board of registry and election, and at least three weeks before any primary election shall be held under the provisions of this act, procure for each election district in his township, city or municipality a suitable room in which said board shall meet to make and revise the register of voters, and also to hold the election and primary election; and said clerk shall immediately notify said board of the location of such room; and if any such clerk shall omit to procure such room, then the meetings of such board and such election shall be held at such place as a majority of such board shall designate; if, in the judgment of said clerk, it shall be inadvisable to hold the election in the place designated for holding the meeting of the board of registry, then it shall be lawful for such clerk to designate another place for holding such election, or to cause a building to be constructed in the street outside the curb line immediately in front of, or as near as possible to, the place of meeting of such registry board in which to hold such election; *provided*, no election shall be held in any building in which is located or maintained any inn or tavern or saloon where intoxicating liquors are licensed to be sold.

ELECTION DISTRICTS.

7. When at any election more than six hundred votes shall be or shall have been cast in any election district, such district shall forthwith be divided by the township committee or mayor and common council or other governing body of the municipality containing the same into two or more election districts, or in lieu thereof, the boundary lines of any existing election district or districts may be changed, or such districts readjusted; *provided*, *however*, that each of such districts, after such division, change or readjustment, shall not contain more than six hundred nor less than one hundred and fifty voters.

8. The said township committee, mayor and common council or other governing body, shall have power, from time to time, to divide an election district, to change or readjust the boundary lines of any election district or districts, or consolidate two or

more districts, whenever, by reason of change of population or alteration of municipal lines or otherwise, such action shall be deemed advisable; *provided*, that in every division, change or readjustment the geographical compactness of each district and the convenience of the voters shall be first considered.

9. The township committee, mayor and common council or other governing body shall forthwith cause a description of the boundaries of such new election district or districts, and of the election district or districts affected by such division, change or readjustment, to be filed in the county clerk's office, and a duplicate thereof in the office of the clerk of the township, city or other municipality.

10. For the purpose of this act the term "election district" denotes the territory within which there is a single polling place for all the voters therein.

11. There shall be in every county a county board of elections, to consist of four persons, each of whom shall be a legal voter within the county for which he shall be appointed. In the month of June in each year the chairman of the State committee of each of the two political parties which at the then last preceding general election cast the largest and next largest number of votes in the State for members of the General Assembly may, in writing, each nominate to the Governor one citizen from each county, qualified as aforesaid, for member of the county board of elections in and for said county; the Governor shall thereupon commission such appointees in the month of July, and they shall continue in office for two years from the first day of August next after their appointment; in case of the death or disability of any member of said boards, the Governor shall be forthwith notified thereof by the chairman or secretary of said board; the Governor shall cause notice of such death or disability to be given to the chairman of the State committee who appointed such member; and such chairman shall, within six days thereafter, appoint a successor, who shall thereupon be commissioned by the Governor; all appointments to fill any vacancies occurring in said boards shall be for the unexpired term only; if, in any case, either of said chairman shall fail to send a list of appointments to the Governor within the time aforesaid, the Governor

shall make such appointments of his own selection from the citizens of the county in which such vacancy shall occur; 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. Members of county boards of election as now constituted shall hold office until the expiration of their respective terms.

12. 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 the appointees of the same State committee chairman; 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 and not appointed by the same State committee chairman shall be secretary.

DISTRICT BOARDS OF REGISTRY AND ELECTION.

13. The county board of election in each county shall cause to be made a complete registry of all the legal voters in their respective counties, and for that purpose shall appoint for each election district in the county four persons, legal voters and residents of such districts, to be the board of registry and election for such district; not more than two of such appointees in each election district shall be nominated by one county committee chairman; the said boards of registry and election shall be appointed on or before the twenty-fifth day of August in each year, upon nominations made in writing by the chairman of the county committee of each of the two political parties which at the then last preceding general election cast the largest and next largest number of votes in said county for members of the General Assembly;

said nominations shall be made after the tenth and not later than the fifteenth day of August in each year; and in event that either chairman shall neglect to file such nominations in the manner and within the time herein prescribed, the county board of elections shall immediately cause notice to be given to said chairman, and he may supply the deficiency in the list of nominations on or before August twenty-second next following; and the county board of elections shall appoint said nominees; *provided, however*, that all nominees shall answer in writing, over their own signatures, and to the satisfaction of the county board of elections, all reasonable questions which may be submitted to them or prepared for that purpose by the county board of elections, which refer to the efficiency, eligibility and character of the nominees, and bear upon their fitness to serve as members of the board of registry and election; and on failure so to do, said board may by a majority vote reject such nominee, and thereupon shall immediately notify such chairman to nominate another member of such board; if the chairman of either of the said county committees shall fail to present, in the manner and within the time herein specified, a list of nominees for appointment as members of the district boards of registry and election, the county board of elections shall supply any deficiency in the list of nominees from the citizens of the county; *provided, also*, that the county board of elections may remove from office any member of any board of registry and election for neglecting or refusing to properly discharge the duties of his office at the time required by law, for intoxication, for incapacity, or for deceit or falsehood exercised in securing his own appointment; and all police officers, constables, sheriffs and peace officers are hereby required to remove summarily, by force if necessary, any member of the board of registry and election in said county whose removal has been ordered in writing by the county board of elections, attested by the signatures of the chairman and secretary of such board; the vacancy so made shall be filled immediately by the county board of elections, but for the unexpired term only.

14. The members of said county boards of election and also 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 or 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.

15. The terms of office of the members of the district boards of registry and election shall begin on September first of each year and expire on August thirty-first of the following year, or when their successors are appointed and qualified; all vacancies in the district boards of registry and election, except those caused by the removal of a member from office, shall be filled by the county boards of elections in the same manner as hereinbefore provided for in the original appointment of such members, but for the unexpired term only; *provided, however*, that in case of a vacancy occurring in said board on the day of election, by reason of the absence or disability of a member, except in case of removal by order of the county board of elections, such vacancy shall be immediately filled by the member of the district board who was nominated by the same chairman as the member whose place has become vacant; such appointment shall be immediately reported to the county board of elections.

16. The district boards of registry and election shall severally meet within the district for which they are appointed, at such place as shall be designated by the clerk of the municipality, on the days hereinafter designated, for the purpose of making a registration of voters.

17. Each of said boards shall, on the seventh day next preceding the first day of registration, meet together and organize, and at such meeting shall elect 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 nominees of different county committee chairmen, and 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 registry and election. 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 inspector; *provided*, that both chairman and inspector shall not be nominees of the same county committee chairman.

18. 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 will be held on the day 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; and 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.

REGISTRATION FOR THE GENERAL ELECTION IN CITIES OF OVER THIRTY THOUSAND POPULATION.

19. 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 pur-

pose 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 handbill form, in some conspicuous place in such election district.

20. The said district boards of registry and election in the aforesaid cities shall again meet in the same place and at the same hour, on Tuesday four weeks next preceding the general election, and finally on Tuesday two weeks next preceding the general election, for the purpose of revising and correcting the registers, and 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 and establish to the satisfaction of a majority of the board that they are entitled to vote in that election district at the next election herein, or who shall be shown by the written affidavit of a voter residing in the same election district to be so entitled to vote; the district board of registry and election shall erase from such registry the name of any person or persons who, after a fair opportunity to be heard, shall be shown by due proof not to be entitled to vote in such election district; three copies of the revised register shall be made by the board of registry and election, which shall be so written as to show opposite each name whether each voter appeared in person before such board or was registered by affidavit; if by affidavit, the name of the person making such affidavit shall

follow the name of the person so registered in a space of column provided for that purpose; and such revised registers shall be arranged by streets and by street numbers in the same manner as is required with respect to the lists to be made on the first registry day; the register of names in each election district shall be made up annually for the general election as herein provided, and shall not be copied from the register of the previous year or of any previous election, either in whole or in part; on the day succeeding the completion of the register, one copy thereof shall be delivered by the chairman to the county board of elections, to be filed by them; one copy shall be posted at the place of registry in said district, for public inspection, and one copy shall be retained by the judge for use by the district board on the day of election.

21. 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 sub-divisions; 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.

22. When, on the day of their meeting, as provided in the next preceding section, the 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; 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 each of said clerks, in hand-bill form, in some conspicuous public place within such election district; both of said lists shall be certified by the board of registry and election, or a majority thereof, to be correct copies of the original registers; the said 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 one o'clock 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 board of registry and election shall publicly announce and certify on each register the number of names entered thereon, and one of said clerks, to be designated by the chairman of said board of registry and election, shall prepare an additional copy of the names, residences and street numbers, if any, on such completed register, which additional copy, after being certified as aforesaid, shall be by said clerk, within two days after said last-mentioned Tuesday, filed with the clerk of the township, city or other municipality within which such election district may be situate; on the day succeeding the completion of said registers, one copy thereof shall be delivered by the chairman of said board 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 on the day of election.

ADDITIONS TO AND REVISION OF REGISTRY LISTS FOR THE GENERAL ELECTION.

23. 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; and 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, may give their certificate to that effect, and shall add his name to the proper register on file with them; such voter may present said certificate to the 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, provided said board shall be satisfied that he is entitled to vote in said district, and he shall thereupon be allowed to vote at said

election, and no name shall be added to the said register after the last registry day preceding the day of election except in the manner provided for in this act; *provided, however*, that certificates of transfer may be issued and shall be accepted in the cases hereinafter mentioned; 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 election in the election district wherein he is registered; *provided*, that no name shall be ordered erased from any such 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, on the grounds on which said application would be based; when any name shall be stricken from any 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. and such board shall erase the name of such person from the register on file with them, and on the delivery of such certificate to the board of registry, the name of such person shall be erased by them from the register in their possession, and his vote shall not be received if he presents the same.

24. 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 day of the general election, from eight o'clock in the forenoon till five o'clock in the afternoon, to revise and correct the registry of election in the several election districts in such county, and in case any legal voter in any election district has been refused the right to register, or his name has been improperly or inadvertently left off the registry list, he may, on said day, apply in person to said court for the purpose of having

his name placed upon the register; and the said court, upon such application and upon satisfactory evidence that such person is a legal voter entitled to vote at such election, may give a certificate under the seal of the court to that effect, and the clerk of the court shall add the name of such voter to the proper register on file with him; such voter may, upon the day of election, present said certificate to the 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, and he shall thereupon be allowed by said election board to vote at said election.

25. It shall also be the duty of said justice of the supreme court and the said 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; and 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 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 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.

26. The county board of elections, in each of the several counties of this State, shall deliver to the county clerk, at or before eight o'clock in the forenoon, on the Monday next preceding the general election, all the copies of the registers which were in their possession on the Saturday next preceding said general election, who shall have the same in court for the use of the court while acting under the authority conferred by this act;

said registers shall be returned by the said county clerk to the custody of the county board of elections on the day after the election shall be held.

27. In making investigations under this act to determine the right of any person or persons to vote or to register, the said court shall have power to act upon such application or matter in a summary manner, and to issue subpoenas for the production of papers, or the appearance of persons with like power, jurisdiction and authority as said court would have in any civil cause pending therein; the sheriff of the county or a deputy duly appointed by him, shall be authorized and required to serve all processes issued out of the said court on any application pending under this act, and he shall also be authorized and required to enforce any orders or proceedings made, entered and directed to be executed by the said court.

28. If any board of registry and election, or any member thereof shall fail or refuse to comply with the order of the said court made in any proceeding taken under this act respecting the right of any person or persons to register or to vote, such failure or refusal to so comply may be dealt with and punished as and for contempt of court.

29. It shall be the duty of the county clerk, as clerk of the court of common pleas, to attend upon the sessions of court required to be held under this act to determine the right of persons to register or to vote, either in person or by deputy, at all times during the sitting thereof, and to record and keep the minutes of the said court in any matters arising under this act, and for such service he shall be entitled to receive and be paid by the county collector, for each day's attendance, the sum of ten dollars.

30. Each of the judges holding the court of common pleas, as herein required, to determine the right of persons to register or to vote, 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.

REGISTRATION IN CITIES OF OVER THIRTY THOUSAND POPULATION
FOR ANY ELECTION OTHER THAN THE GENERAL ELECTION.

31. In each city of this State having a population exceeding thirty thousand it shall be the duty of the district boards of registry and election for all elections other than general elections, unless other provisions are expressly made by law, to make, alter and revise, as the case may require, the register of voters within and for the several election districts of such city; *provided, however,* that where the election districts have remained unchanged it shall not be necessary for said boards to make a new register of the voters for such election districts, but only to revise and correct the register made for the last general election; and for that purpose the said boards shall meet at such places in their respective election districts as shall be designated by the clerk of such city, on Tuesday four weeks next preceding such election, and finally on the Tuesday two weeks next preceding the same; said meetings to begin at one o'clock in the afternoon and to continue until nine o'clock in the evening, for the purpose of revising and correcting the register and of adding thereto the names of all persons entitled to the right of suffrage in that election district at the said election, who shall appear in person before them and establish to the satisfaction of the majority of the board that they are entitled to vote in that election district at said election, or who shall be shown by the written affidavit of a voter residing in the same election district to be so entitled to vote; a separate affidavit shall be required for each person so registered, which shall contain the address of the affiant and shall be signed by him; 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; and on the day succeeding such second meeting, one copy thereof 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.

32. The county board of elections shall deliver to the city clerk of the city in which an election other than a general election is to be held, seven weeks at least prior thereto, the copies of

the registers filed with said county board of elections at the previous general election, to be by the said city clerk delivered to the district boards of registry and election, six weeks at least preceding any such election. It shall be the duty of the city clerk in each of the said cities to give notice by publication in at least two of the newspapers published in said city, of the time and place of the meetings of the district boards of registry and election, at least two weeks, once in each week, before the first day upon which such boards shall meet; in cities of the first class the said notice shall include a short description of the boundary lines of each election district and the location of the polling place therein.

REGISTRATION IN ALL OTHER MUNICIPALITIES FOR ELECTIONS
OTHER THAN THE GENERAL ELECTION.

33. In all cities of this State having a population not exceeding thirty thousand and in all townships, towns, boroughs and municipalities other than cities, there shall be no new registration required for any election other than the general election; but the several boards of registry and election shall procure and use in their respective districts at such election the copy of the register filed with the clerk of the municipality within which such election district may be situate; said boards shall meet on the Tuesday next preceding such election, to revise and correct said register in the manner hereinbefore provided for the revision or the registers in cities having a population exceeding thirty thousand; and each election clerk of every district shall cause at least three notices of the time and place of such meeting to revise and correct said register, to be conspicuously posted in public places within such district, at least one week before such meeting; no copy of such revised register need be posted, but a copy shall be filed with the county board of elections within one day thereafter; *provided, however,* that when any other provisions than are herein contained are made by law for registration at any election other than a general election, such other provisions shall apply to such registration.

MEETING OF COUNTY BOARDS OF ELECTION BEFORE ELECTIONS
OTHER THAN THE GENERAL ELECTION.

34. It shall be the duty of the several county boards of elections to sit on Thursday and also on Saturday next preceding any election in their respective counties other than a general election, 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.

35. Whenever the boundaries of any election district in any township, city or other 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 local 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 board of registry and election for such election district, in the manner hereinbefore provided for the appointment of district boards of registry and election; and such district board shall thereupon proceed to make and revise a register of all the names of the legal voters in such election district; such register shall be made and revised so far as is practicable at the times and in the manner hereinbefore provided for the making and revising of the register for the general election; in all newly-created municipalities, the registry for the first election shall be made as herein directed, unless otherwise provided by any general law relating to such newly-created municipalities. The members of any such district board of registry and election shall hold office until the thirty-first day of August following their appointment.

PROCEEDINGS APPLICABLE TO ALL REGISTRATIONS.

36. The proceedings of every board of registry shall be open to the public, and all persons entitled to the right of suffrage in the election district shall be entitled to be freely heard in relation

to the revision and correction of the registers; whenever a voter shall be registered by affidavit a separate affidavit shall be required for each person so registered, which shall contain the address of the affiant and be signed by him; such affidavits shall be preserved in the custody of the member of the board of registry and election acting as judge until the completion of the registry; all such affidavits shall then be delivered by such judge to the county board of elections, who shall give a receipt for the same, stating the number received; and the said county board of elections shall preserve such affidavits for six months after election, or until required to produce the same by any court or tribunal authorized to require their production as evidence in such court or tribunal.

37. No person, except as hereinafter provided, shall be allowed to vote unless his name shall be found on the register; and 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, or on the day of election shall receive the vote of any person whose name shall not appear on the revised and corrected register, unless such name shall have been ordered added thereto in the manner herein provided, 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.

38. 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, or who shall falsely personate any registered voter, will be punished for each offense 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.

39. Every board of registry and election shall place upon said registers the name of any person who shall appear before them and satisfy them by an affidavit in writing that such person will,

on the day of the next ensuing election, be entitled, under the constitution and laws of this State, to exercise the right of suffrage in that election district, and every person swearing falsely in any such affidavit shall be guilty of perjury, and incur the penalty thereof; every such affidavit shall, within two days, be forwarded to the county board of elections, to be by them kept as provided in this act.

40. If any person shall, after being registered in one election district, move into another election district in the same county, he may apply to the board of registry and election, on election day, to have his name erased from the register and a certificate given him to that effect, which certificate shall be signed by said board, or a majority thereof, and on presentation of such certificate to the board of election of the district where he then resides, his name and residence (including street and numbr, if any) shall be placed on the register of such district, where he shall then be allowed to vote; *provided*, that said latter board may require him to make a statement, under oath, to satisfy themselves of his right to vote; the presentation of such certificate shall be noted on the register and the certificate preserved, and at the close of the election attached to the register and filed therewith with the county clerk.

41. All register of voters or register-books which are required to be filed with the county clerks of the various counties of this State, by and under this act, shall be preserved by such county clerks 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 clerks as waste paper, the proceeds to be paid into the county treasury. The several county clerks are hereby authorized to sell all register books, or register of voters which have been on file five years previous to the passage of this act, the proceeds to be paid into the county treasury.

NOMINATIONS.

42. The names of candidates for public office nominated in accordance with the provisions of this act, and no others, shall be printed on the ballots as hereinafter provided and directed.

In the case of individual voters, or a body of voters not constituting a political party of the size required for nominations at conventions or at the primary election, such nominations may be made by petition and not otherwise. In the case of a political party which, at the general election next preceding the election for which nominations are to be made, polled for members of the general assembly at least two per centum but less than five per centum of the total vote cast in the State, county or other territorial district or division in and for which nominations are to be made, such nominations may be made by a convention or nominating body of delegates or voters organized according to the rules or customs adopted by such party. In the case of a political party which, at the general election next preceding the election for which nominations are to be made, polled for members of the general assembly at least five per centum of the total vote cast in the State, county or other territorial district or division in and for which nominations are to be made, such nominations shall be made directly at primary elections held as provided by this act, and not otherwise, except to fill vacancies as herein provided; *provided*, that for any other election than the general election, nominations may be made by such political parties by convention without the holding of a primary election as herein provided, and no such primary election shall be held for any election other than a general election.

NOMINATIONS BY CONVENTION.

43. All nominations made by any convention or nominating body shall be certified in a written or printed, or partly written and partly printed, certificate of nomination, which 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 represented; 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 or nominating body, and that said 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 nomination.

44. In case of a division in any party and claim by two or more factions to the same party name or title, the Secretary of State or the county or municipal clerk, as the case may be, shall give the preference of name or title to the convention of delegates or nominating body held at the time and place designated in the call of the regularly-constituted party authorities; and if the other faction shall present no other party name or title, the Secretary of State or county or municipal clerk, as the case may require, shall select a name or title and place the same at the head of the list of candidates of said faction on the ballot; if two or more conventions be called by authorities or bodies claiming to be the regularly-constituted authority or body of any party, the Secretary of State or county or municipal clerk, as the case may require, shall select suitable names or titles to distinguish the several factions, and the ballots shall be printed accordingly.

NOMINATIONS BY PETITION.

45. Nominations by petition shall be made as follows:

Such petition shall be addressed to the Secretary of State or clerk of said county or municipality, as may be proper, and shall set forth the name or names and places of residence and post-office addresses of the candidates for the offices to be filled, the office for which each candidate is named, and that such petitioners are legally qualified to vote for such candidates; said petition may also designate, in not more than three words, the title of the party or principle which the candidates therein named represent, and shall be signed by legally qualified voters of this State, residing within the district or political division in and for which the officer or officers nominated are to be elected, equal in number to at least two per centum of the entire vote cast for members

of the general assembly, at the then last preceding general election in the State, county, district or other political division in and for which the nominations are made; *provided*, that when the nomination is for an office to be filled by the voters of the entire State, eight hundred signatures in the aggregate for each candidate nominated in said petition shall be sufficient; *provided, also*, that not more than one hundred signatures shall be required to any petition for any officers to be elected, save only such as are to be voted for by the voters of the State at large; in case of a first election to be held in a newly-established election district, county, city or other political division, the number of fifty signatures to a petition shall be sufficient to nominate a candidate to be voted for only in such election district, county, city or other political division; every voter signing a petition shall add to his signature his place of residence, post-office address and street number, if any; such voter may sign one petition for each officer and no more, but all the names need not be signed to one petition; before any petition shall be filed as hereinafter provided, at least five of the voters signing the same shall make oath before a duly-qualified officer that the said petition is made in good faith, that the affiants verily believe all the signatures thereto to be genuine and those of duly-qualified voters; and a certificate that such oath has been taken shall be indorsed upon or annexed to the petition by the officer before whom the same is made.

CERTIFICATE OF NOMINATION AND PETITION; VACANCIES.

46. All certificates of nomination and all petitions naming candidates for 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, 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 open, 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 post-office addresses of the several candidates nominated for senator and members of the general assembly, together with the title of the party nominating said candidates, and whether by convention or petition, or directly at any primary election according to law, with the dates of holding such convention and of the filing of such certificates of nominations and petitions.

47. It shall be the duty of the Secretary of State at least fifteen days before any election whereat any candidates nominated in any certificates or petition 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 nominated by certificate or petition filed in his office for whom 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 by petition,

without distinctive political appellation, shall be certified as independent candidates.

48. Whenever any person nominated for public office by any of the modes in this act provided, except at a primary election, shall, at least thirteen days before the day of election, in a writing signed by him and duly acknowledged, notify the officer with whom the original certificate of his nomination was filed that he declines such nomination, the same shall be void, and his name shall not be printed upon the ballots; the officer to whom such notification is given shall forthwith inform, by mail or otherwise, the chairman and secretary whose names are attached to the original certificate of nomination, if the nomination was by certificate, that such nomination has been declined; or if the nomination was by petition, then the officer to whom the notification or declination is given shall forthwith, by mail or otherwise, inform at least five of the persons who signed the petition nominating such candidate that such nomination has been declined.

49. It shall be lawful for any candidate, the certificate of whose nomination, or petition for whose nomination, shall have been filed as required by this act, if such certificate or petition, or any affidavit or affidavits thereto, be defective, to cause such certificate or petition, and 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 certificate or 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. The provisions of this section shall be liberally construed to protect the interests of candidates.

50. Should any person so nominated by petition or certificate of nomination die before election day or decline the nomination as in this act provided, or shall any certificate or petition of nomination be insufficient or inoperative, the vacancy or vacancies thus occasioned may be filled in the manner required for original nominations; if the original nomination was made by a party convention which had delegated to a committee the power

to fill vacancies, such committee may, upon the concurring of such vacancies, proceed to fill the same; the chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the 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 certificate of nomination; the certificate so made shall be executed and sworn to by the chairman and secretary of such committee in the manner prescribed for the original certificate of nomination, and shall, upon being filed at least thirteen days before election, have the same force and effect as an original certificate of nomination; when such certificate shall be filed with the Secretary of State, he shall, in certifying the nominations to the various county clerks, insert the name of the person who has thus been nominated to fill a vacancy, and in the event that he has already sent forward his certificate, he shall forthwith certify to the clerks of the proper counties the name and description of the person so nominated to fill a vacancy, and 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.

51. All certificates of nomination which are 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 certificate was filed within two days after the filing of said certificates; in case such objection is made, notice thereof, signed by said clerk, shall forthwith be mailed to all candidates who may be affected thereby, addressed to them at their respective places of residence as given in said certificate of nomination; the 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 file his determination in writing in his office at least thirteen days before the election, which determination shall be open for public inspection, and the justice of the Supreme Court holding the Circuit

Court in and for the county in which any certificate 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 certificate of nomination filed 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.

52. When electors for President and Vice-President of the United States are to be voted for the names of the candidates for President and Vice-President, for whom the electors named in any certificate or petition are nominated to vote, may be included in such certificate or petition; and when so included the names of such presidential and vice-presidential candidates, together with the party names and political appellations, names of other candidates for any offices, if any, designated in the certificate or petition, shall be printed upon the ballot in the manner hereinafter directed.

PRIMARY ELECTIONS.

53. Primary elections shall be held for political parties which at the general election next preceding the election for which nominations are to be made polled for members of the General Assembly at least five per centum of the total vote cast in the State, county or other territorial district or division in and for which nominations are to be made.

54. 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.

55. The said primary elections shall be held at the same time and place for all political parties entitled to such primary election, 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 respect-

ive 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 this act 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. Official primary ballots may be delivered before the primary election to parties as herein provided. 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 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.

56. 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 the first day for the registry of voters entitled to vote at the annual election,

in addition to registering the names of legal voters as provided in this act, 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. Any person who shall have been registered by affidavit, and thereupon enrolled by the signer of such affidavit, may appear personally before the board of registry and election during the hours of registration on said first registry day, and cause such enrollment made by the signer of such affidavit to be cancelled, and his name to be re-enrolled. It shall be unlawful for any person to cause his name to be enrolled on more than one enrollment list for use at the same primary election, whether in the same or different election districts. Such enrollment lists shall be arranged by streets and street numbers, substantially in the same manner as provided for registry lists in this act. 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 bal-

lot-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 or procure, any name to be unlawfully enrolled thereon, 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 five hundred dollars, or by imprisonment for not more than three years, or both.

57. 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 as candidates 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 nomina-

tion 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.

58. 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 Secretary 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.

59. 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 person 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.

60. 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 for primary election purposes 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.

61. 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.

62. 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 voter at the primary election.

63. 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 same. 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 Members 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.

64. 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 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, 190..."; 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.

65. 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 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.

66. 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. Any person or group of persons may, at their own expense, procure a supply of official primary ballots by ordering the same from the municipal clerk and pre-paying the cost of printing the same, and the same may be distributed before the primary election, and voted thereat.

67. 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 ballot nor 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, unoffi-

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

68. It shall be the duty of the municipal clerk to arrange the room procured for registry and election purposes by him, 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 general election; 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.

69. 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.

70. 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 election, 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 as candidates 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.

71. 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 a 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 re-deliver 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.

72. 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 this
 day of, one thousand nine hundred
 and

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

73. 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 clerk of the municipality in which such primary election is held, and such municipal clerk shall thereupon canvass such returns as to all nominations to public office in relation to which petitions for nomination are by this act required to be filed with such municipal clerk; and

such municipal clerk shall, within six days after such primary election, transmit to the county clerk of his county a certified copy of the results of such primary election as to all nominations to public office in relation to which the returns of such primary election are not herein required to be canvassed by such municipal clerk; and such county clerk shall forthwith canvass said returns as to all nominations to public office in relation to which petitions of nomination are by law required to be filed with such county clerk; and such county clerk shall transmit to the Secretary of State, within nine 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 or municipal 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 person 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 and municipal clerks respectively 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 proper official ballots 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 in relation to which petitions of nomination are required by law to be filed with such county clerk, and the clerk of each municipality, in the case of nominations for public office in relation to which petitions of nomination are required by law to be filed with such municipal clerk, 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 or municipal 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, *vive 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 or municipal 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 or municipal clerk, in cases where the petitions endorsing such persons were filed with such county or municipal clerk, 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 or municipal 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.

74. No member of one political party shall sign his name to any petition purporting to endorse any person as a candidate at a primary election for any nomination of another political party, nor shall any member of one political party vote at a primary election 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 at a primary election for any nomination of another political party, or any person who, being a member of one political party, shall vote at a primary election 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.

75. 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 his 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 provided by law for illegal voting.

76. 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.

77. 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.

78. 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, is 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.

79. 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 General Assembly and to each member thereof.

80. 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.)

81. 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 nomination 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 municipal 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 his 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 addi-

tional 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.

82. 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 person, 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 second primary election next 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.

83. Each county committee of each party holding a primary election under the provisions of this act shall, each year, at such time after the fourth Tuesday in September and before the next succeeding Tuesday, as the chairman shall fix, meet together with the persons nominated at the primary election in such year to be the party candidates for public office to be filled at the ensuing general election by the voters of the whole of such county, for the purpose of considering the question of a party platform or declaration of party principles for the ensuing election throughout such county, and may, if they so determine, formulate such platform and promulgate the same in such manner as the committee and candidates may elect. The municipal committee of each such party in each municipality shall meet with the candidates of their party nominated for public office in such municipality at a time between the days aforementioned to be fixed by the chairman of such committee in like manner as hereinbefore provided in the case of county committees and candidates, and shall consider, and may formulate and promulgate, a party platform for the ensuing election in such municipality. In each year wherein a public office is or public officers are to be filled by the voters of the whole State, or more than one county, the State committee of each such party, together with the party candidates nominated for such office or offices, shall meet at such a time between the days afore mentioned in such year, as the chairman of such

committee shall fix, and shall consider, and may formulate and promulgate a State platform for the ensuing election for such offices.

84. The following sections of this act relating to general elections shall especially apply, so far as may be, to the primary elections held pursuant to this act: Sections thirty-seven (37), thirty-eight (38), thirty-nine (39), forty (40), eighty-five (85), ninety-eight (98), one hundred (100), one hundred and one (101), one hundred and four (104), one hundred and seven (107), one hundred and eight (108), one hundred and nine (109), one hundred and ten (110), to one hundred and twenty-one (121), both inclusive, one hundred and twenty-six (126), one hundred and twenty-seven (127), one hundred and twenty-eight (128), one hundred and twenty-nine (129), one hundred and sixty-six (166) to one hundred and seventy-two (172), both inclusive, one hundred and seventy-eight (178), one hundred and seventy-nine (179), one hundred and eighty (180), two hundred and forty (240), two hundred and forty-one (241), two hundred and forty-two (242), two hundred and sixty (260), two hundred and sixty-one (261), two hundred and sixty-five (265), two hundred and sixty-six (266), two hundred and sixty-seven (267), two hundred and sixty-nine (269), two hundred and seventy (270), two hundred and seventy-two (272) to two hundred and ninety-two (292), both inclusive, two hundred and ninety-four (294), two hundred and ninety-five (295), two hundred and ninety-seven (297) and two hundred and ninety-nine (299).

OFFICIAL BALLOTS.

85. All ballots cast at any election shall (except as herein otherwise provided) be printed and distributed at public expense, and no ballots shall be cast or counted at any such election except such as are by this act provided for.

86. There shall be one ballot on plain white paper, to be known as the general ballot, upon which shall be printed the names of candidates for public office to be filled by voters of more than one municipality and all questions or propositions to be submitted to such voters; *provided, however*, that the names of candidates

for the office of chosen freeholder shall in no case be printed on the general ballot, but only upon the municipal ballot as herein provided. In the case of any candidate regularly nominated in accordance with the provisions of this act for the office of chosen freeholder to be filled at any election by the voters of more than one municipality in any county, the county clerk of such county shall, at least thirteen days before such election, certify the name of such candidate to the clerk of each municipality the voters of which shall be entitled to vote for such candidate.

87. There shall be one ballot on paper of a medium shade of red, to be known as the municipal ballot, upon which shall be printed the names of candidates for public office to be filled by the voters of a single municipality or any part or division thereof, and also the names of candidates for the office of chosen freeholder, whether or not such office is to be filled by the voters of more than one municipality, or a single municipality, or a part thereof, and also all questions or propositions to be submitted to the voters of one municipality only.

88. There shall be printed upon the ballots to be used in each election district at each election only those names of candidates legally nominated in accordance with the provisions of this act and those questions or propositions for whom or for which the legal voters of such election district shall be entitled to vote at such election. There shall not be a separate ballot for each political party, but every nomination for the same office shall appear upon the same ballot, arranged as provided in this act; *provided*, that no ballot shall contain a greater number of names of persons nominated for any office by any one political party or group of petitioners than there are persons to be chosen at the election to fill such office.

89. The county clerk of each county shall at the expense of such county provide the general ballots to be used therein. The clerk of each municipality shall at the expense of such municipality provide the municipal ballots for his municipality.

90. All ballots shall be printed with black ink on paper 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. Each kind of

ballot to be used in each election district shall be of uniform size, color, quality and type.

91. The ballots shall be arranged as nearly as possible as follows: The nominees of each political party or group of petitioners shall be placed each in a separate column under the appropriate party designation; in case no designation of party name or title shall have been made for a nominee, his name shall be placed in a column entitled "independent nominations." The columns shall be arranged from left to right in the following order: The political party whose candidate for Governor at the then last preceding gubernatorial election received the largest number of votes for that office shall be placed first, and the political party whose candidate for Governor at the then last preceding gubernatorial election received the next largest number of votes for that office shall be placed second, and all other political parties or groups of petitioners shall follow in the order of priority determined by the number of votes cast for gubernatorial candidates at the then last preceding election for Governor; *provided*, that political parties or groups of petitioners which were not represented in such gubernatorial election by a candidate for Governor shall follow the others in alphabetical order of their party designations; after the party columns shall be placed one or more columns for independent nominations as may be necessary. All columns are to be separated by heavy black lines, not less than one-eighth of an inch wide. In each column shall be placed the title of each office to be voted for, and directly under the title of each such office shall appear the name of the person nominated as a candidate for such office. The names of all candidates shall be so placed in the various columns that the titles of the same offices and the candidates therefor shall appear on or between the same horizontal lines on the ballot. The title of each office to be voted for, together with the name of the candidate therefor, shall be separated from the other offices and names appearing in the same column by light horizontal lines. After and to the right of the name of each candidate for each office, except as hereinafter provided in the case of Presidential candidates and electors, and within each party column, there shall be a square in which the voter may designate by a cross his choice for such office, and

a similar square shall also appear in a corresponding location in the spaces wherein no candidates' names appear because of lack of nomination. In the same space with the title of each office to be voted for, and underneath the name of the candidate for such office, if a candidate shall have been nominated, shall be printed a dotted line upon which a voter may write the name of a person for whom he desires to vote for such office, instead of the person whose name shall be printed in such space. All offices to be filled, together with the names of the persons who are candidates for such offices, shall be arranged within the columns in such order that candidates for office for whom, by reason of their representing a larger extent of territory, the greater number of voters shall in the aggregate be entitled to vote, shall precede those for whom a lesser number of voters may vote; *provided, however*, that the names of candidates for President, Vice-President and presidential electors shall appear at the bottom of the appropriate columns as hereinafter provided. When any question or proposition is to be submitted to voters, such question or proposition shall be printed at the bottom of the ballot, and underneath the question shall be printed the word "yes" and "no," and after and to the right of each said words there shall be a square for voting purposes. There shall be a space at the top of each column in which shall be placed the party name and party emblem or device, to be chosen by the State committee of the political party, as hereinafter provided in this act, and under the party name and device a circle shall be printed, three-eighths of an inch in diameter, formed by black lines, in which the voter, by his mark, may designate that he votes for all the names printed in that column, except such as are stricken out in accordance with the provisions of this act.

92. It shall be the duty of the county and municipal clerks in the preparation of official ballots for any election under this act, to place on such ballots in each party column in the appropriate spaces arranged for voting purposes, the name or title of each office to be filled at such election, whether such party shall have made any nomination for such office or not.

93. At elections at which presidential electors are to be chosen, the names of the candidates for President and Vice-President

and the names of the candidates for presidential electors shall be placed underneath that portion of the ballot containing the names of candidates for State and county offices, and separated therefrom by a double horizontal line. The portion of the ballot used for the presidential candidates and electors is in this act designated as the presidential ballot. The candidates for President, Vice-President and presidential electors shall appear in the party column of that party of which such candidates are the nominees. At the top of such column in the presidential ballot shall appear the words, "for President," and immediately thereunder the name of the candidate for such office, then the words "for Vice-President," and immediately thereunder the name of the candidate for such office, and immediately beneath shall appear the party name. To the right of and after the names of the candidates for President and Vice-President, and within the party column, there shall be a square for voting purposes. Beneath the party name shall appear the words "electors of President and Vice-President." Underneath said words and separated by lines, shall appear the names of those persons who are candidates for the office of presidential elector. To the right of and after the name of each candidate for presidential elector there shall appear a square for voting purposes.

94. Each ballot shall be printed on the same sheet with a stub which shall extend across the top of the ballot and be separated therefrom by a perforated line so that it may be easily detached. A serial number shall be printed on such stub, commencing with number one, and there shall also be printed on the stub all necessary instructions to enable the voter to prepare and fold the ballot properly.

95. Before delivery to the voter, all ballots shall be folded as near as may be in the same way and in the following manner: the bottom of the ballot shall be brought up over the face of the ballot up to the perforated line; both sides shall then be folded toward the centre, so that the ballot shall be folded in suitable size for the aperture of the ballot-box, with the endorsement and stub of the same in plain view.

96. On the back of each of the said ballots to be provided by the county or municipal clerks, about midway between the sides

of the ballot and near the perforation between the ballot and stub, shall be printed the words "official ballot for;" after the word "for" in each case shall follow the designation of the county, township, municipality, ward or other political division for which the ballot is prepared; then shall follow the date of the election and a fac-simile of the signature of the county or municipal clerk by whom such ballot shall be prepared; the county or municipal clerk shall provide for each political party for each election district in his county or municipality one hundred ballots for every fifty, or fraction of fifty, of the total votes cast therein at the last preceding election for members of the General Assembly; when an election district shall be divided or the boundaries changed or a new district created, the county or municipal clerk shall ascertain as nearly as possibly the number of voters in the new district and shall provide therefor a sufficient number of ballots in the above proportion.

97. The county and municipal clerks shall, at the time of printing official ballots, cause unofficial sample ballots to be printed on green tinted paper so that the sample ballot shall be a fac-simile of the official ballot, except in the color and quality of paper and except that the stub of such sample ballot shall not be arranged with perforations so as to be easily detachable, and such stubs shall not be numbered. Sample ballots in number to twenty-five per centum of the number of official ballots shall be provided at public expense for every election district for which ballots shall be provided. Any person or group of persons may, at their own expense, secure a supply of sample ballots by ordering the same from the county or municipal clerk and prepaying the cost of printing the same. The sample ballots printed at public expense shall be used as follows: At least five copies shall be posted in conspicuous places in the election district for which they are prepared, and the balance shall be kept at the polling place, and one shall be furnished on application to any voter entitled to vote in such election district, and may be taken away by him from such polling place before receiving his official ballot.

98. All official ballots shall be printed and in possession of the county or municipal clerk at least five days before the elec-

tion and subject to inspection and examination by the candidates and their agents; if any mistake is discovered it shall be the duty of the county or municipal clerk to correct the same without delay, 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; whenever it shall appear that any error or omission has occurred in the printing of the ballots by any county or municipal clerk, any voter resident in the county or municipality 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 or municipal clerk to correct such error, or show cause before said justice, at the shortest possible day, why such error should not be corrected.

99. The county clerks of the several counties, not later than three days prior to any election for which they are required by this act to provide the ballots, shall cause to be delivered to the clerk of each township, city or other municipality within their respective counties, the number of ballots hereinbefore required to be provided for each election district within his township, city or municipality at such election; the same shall be sent in sealed packages, one for each election district of said township, city or other 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 enclosed; receipts for ballots thus delivered shall be given by the clerk receiving the same and filed with the county clerk, who shall also keep a record of the time when and the manner in which each of said packages was sent; the said township or other clerk shall, on the day preceding any such election, deliver to one of the clerks of each election district within his township, city or other municipality, the ballots by him received from the county clerk for such election district, and also the ballots for such district prepared by him, in packages properly sealed and endorsed, and take the receipt of such election clerk therefor, which last-mentioned receipt the clerk of such township, city or other municipality shall file and preserve; said election clerk shall, on the morning of election and before the proclamation of the opening

of the polls, deliver the packages of ballots by him received to the election board of his election district, with the seals thereof unbroken, and shall take a receipt therefor from said election board, which receipt said election clerk shall carefully preserve for at least one year.

100. 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 township, city or other municipality, or the board of 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 back thereof; and upon the receipt of ballots thus prepared from the clerk of such township, city or other 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 board of election has caused such unofficial ballots to be prepared, the board of election shall cause the ballots so substituted to be used at the election; 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; where the use of the official ballots is for any of the reasons aforesaid dispensed with the mode and manner of voting shall, nevertheless, in all respects conform, as nearly as possible, to the mode and manner of voting hereinafter prescribed.

101. If any ballot voted at any election shall have thereon, 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, such ballot shall be absolutely void, and shall not be canvassed or counted for any candidate named thereon.

BALLOT-BOXES.

102. The board of chosen freeholders shall provide and keep in good repair all ballot-boxes to be used in each election district in said county, at any election or primary election, held in accordance with the provisions of this act. There shall be two ballot-boxes provided for the general election—one for the general ballots, to be painted a white color, and one for the municipal ballots, to be of a red color. Each box shall be of suitable size to hold the number of ballots which may be cast in the election district for which it is provided, and shall have a cover with a suitable opening for depositing therein the ballots, and shall be arranged so that it may be securely locked with two locks, neither of which may be unlocked with the key for the other.

ELECTION BLANKS AND BOOKS.

103. The Secretary of State shall, at the expense of the State, in all cases where ballots are provided and furnished by the county clerks for any election, provide proper and sufficient canvassing books, poll books, register books, copies of the election laws then in force, pamphlet of instructions for election officers and voters, blanks for the official oaths and for election returns for the proper carrying into effect the provisions of this act, and furnish a sufficient supply of the same to the clerks of the different counties of the State, for use in such counties, at least thirty days before the same shall be required for use, and the said county clerks shall cause the same to be delivered to the different boards of registry and election in their respective counties at such times and in such quantity as will enable the provisions of this act to be fully carried out.

104. The clerk of every township, city and other municipality shall provide and furnish for use at all elections, except elections for which ballots are to be provided by the county clerk, all necessary canvassing books, poll books, registry books, blanks for election returns, and all other blanks and supplies necessary for the proper carrying into effect the provisions of this act, and said clerk shall cause the same to be delivered to the board of registry

and election in each election district, at such times as will enable the provisions of this act to be fully carried out.

CHALLENGERS.

105. 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 the voters within said county or any 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 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; 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; 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, who 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; said agents may be present inside the railed enclosure while the votes cast at any election at which they are agents are being counted, and hear and see said ballots counted.

METHOD OF CONDUCTING ELECTIONS.

106. The boards of registry and election shall, in their respective election districts, hold and conduct all elections.

107. 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 the 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 who 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; and 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 member of the board who shall have the key belonging thereto, as directed by this act.

108. The 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; 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, and thereupon the election shall be opened.

109. One of the members of the board acting as clerk of election, to be designated poll-clerk by the judge, shall keep at such election a poll-book, in which he shall record the names of the persons whose votes shall be received, in the order in which they shall be received, and shall as he records such names number the same from one onward, until the election shall be closed; and such clerk shall write a heading to the list of names so recorded in the following or like form: "Names of voters at an 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. There shall be entered on the poll-book the place of residence of each person voting; and every person at the time of offering his vote shall truly state the street in which he resides, and if the house, lodging or tenement in which he resides is numbered, the number thereof; and in case of refusal to make the statement aforesaid, the vote of such person shall not be received; the other member of said board acting as clerk of election, to be designated registry-clerk by the judge, shall keep the register on the day of election, checking off the names written thereon when the voters enter the railed enclosure and apply to vote, and when such voters offer their ballots to be deposited in the ballot-boxes, and after the canvass of the votes the register so kept and checked shall be filed by him with the clerk of the county, and the poll-book shall be deposited in the ballot-box as herein required, and the keys of each ballot-box deposited with the county clerk.

110. Every person qualified to vote in any election shall at any time between the opening and closing of the same, except during any period for which the board of election shall have adjourned, be at liberty to claim his right to vote therein in such district, and such person shall claim such right in person before such board; and on such claim being made, one of such board shall audibly and publicly announce the name of the claimant.

111. Every person possessing the qualifications required by the constitution, and being duly registered as required by this act, shall be entitled to vote in the election district in which he actually resides, and not elsewhere.

112. 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.

113. No person shall be entitled to vote who shall have been convicted of any crime which excludes him from the right of suffrage under the constitution of this State, viz., blasphemy, treason, murder, piracy, arson, rape, sodomy, or the infamous crime against nature committed with mankind or with beast, polygamy, robbery, conspiracy, forgery, larceny of above the

value of six dollars, perjury or subornation of perjury, unless he shall have been pardoned or restored by law to the right of suffrage; if a person be challenged as convicted of any of the above-named crimes, 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; but if any person so convicted shall vote at any such 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.

114. The members of the 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.

115. 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, in case the person producing the same shall claim to be the person named

therein, that he has been admitted to the rights of a citizen of the United States, or, in case the person producing the same shall claim to have derived the rights of such citizen through the naturalization of his parent, then that the person alleged to be such parent has been admitted to the rights of such citizen; and 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;" and in the latter case an oath or affirmation in the following form:

"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 in the United States;" and 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.

116. 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.

117. The board of registry and election shall in no case receive the vote of 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; and if any member of such board shall receive, or assent to receive, the vote of 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 receiving or assenting to receive such vote shall be deemed and taken to have received the same knowing it to be illegal.

118. 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; and the question as to the admission of this vote shall be put in the following form: "Shall this voter's ballot be received by this board?"

119. 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, seal the aperture 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; and when the period of adjournment shall have expired, such board shall unlock and open the ballot-box, take therefrom the poll-book, remove such seal so as to leave open the aperture in the lid thereof, and shut and lock the same; and during every such adjournment the ballot-box shall remain in the possession and under the care of at least two members of such board, not of the same political party, to be appointed by such board for that purpose, who shall keep the same, during such adjournment, in public view, within the guard rail of the polling-room.

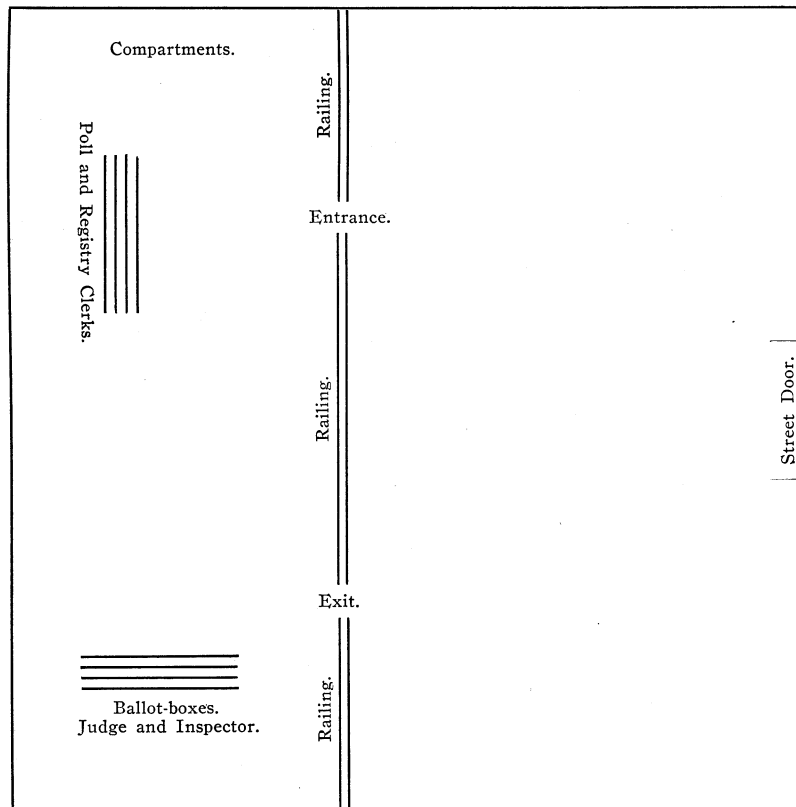
120. The clerks of the several townships, cities or other municipalities, charged with the duty of providing in each election district a suitable room in which to hold the election, shall have constructed therein and ready for use, before each election day, booths or compartments with swinging doors, 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; in which booths voters shall prepare their ballots secretly and screened from the observation of others; each booth shall contain a counter or shelf suitably placed to enable voters to place their ballots thereon while preparing the same for voting; the number of such booths shall not be less than one for every one hundred voters 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; said booths shall be erected within a railed inclosure separating the same from the remainder of the room; not more than one person, except as hereinafter provided, shall be permitted to enter or be in the same booth at one time; the said booths shall be so arranged and constructed that all the officers conducting the election can see whether more than one person enters or is in any booth at the same time; each booth shall be kept provided by said election board with black lead pencils; 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; 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; said booths shall be at all hours well and sufficiently lighted to enable voters to read and prepare their ballots with ease; 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; but 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; and 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; 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; 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-boxes within such inclosure, be substantially as shown in and by Schedule A and forming a part hereof.

SCHEDULE A.

Polling-room.



122. The poll clerk and the registry clerk shall be conveniently seated at a table located within the railed enclosure near the entrance therto. The judge of elections shall preside at the ballot-box for general ballots; the inspector at the ballot-box for municipal ballots; the poll clerk shall have charge of the distribution of the general ballots and the registry clerk shall have charge of the distribution of the municipal ballots; the name of each voter shall, upon his entering the railed enclosure and expressing his desire to vote, be announced, and the registry clerk shall thereupon ascertain whether such name is on the registry list, and if such name is so found, it shall be checked on the list to show that the person so named has applied to vote. Unless the voter shall have been challenged and the board shall have determined to reject his vote as provided in this act, the poll clerk shall then enter on the poll-book the name and place of residence of the voter as provided in this act, and the voter shall thereupon receive one general and one municipal ballot, the numbers on the stubs thereof to correspond with the number of the voter in the poll-book; having obtained said ballots, the voter shall, with the same in his possession, without delay and without leaving said railed enclosure, retire alone to one of the booths unoccupied by any other person, and entering the same, close the door thereof, and then and there shall prepare the ballots so as to show for which candidates he shall desire to vote and what choice he shall desire to make on the questions or propositions which may be submitted. The vote for candidates shall be indicated on the ballots as follows: If a voter shall desire to vote for every candidate in a single column on the ballot, including presidential electors, he shall make a cross in the circle at the head of said column. If the voter shall desire to vote for the candidates for State and county offices of one party and all the presidential electors of another party, he shall make a cross in the circle at the head of the party column for whose State and county candidates he desires to vote, and also make a cross in the square at the right of the names of the candidates for President and Vice-President at the head of the presidential ballot containing the names of the presidential electors for whom he desires to vote. If the voter shall desire to vote for particular

persons without regard to party, he shall make a cross in the square at the right of the name of the candidate for whom he shall desire to vote. If the voter shall desire to vote a party ticket by marking in the circle at the head of the party column, but shall also desire to refrain from voting for any one or more than one individual candidate in said column, he may strike a horizontal line through the name of such candidate or candidates, and in such case, the voter may, if he shall desire to vote for another candidate whose name shall be printed on the ballot for the same office as the candidate whose name is stricken out, indicate such vote by making a cross in the square at the right of the name of such candidate for whom he shall desire to vote. A voter may write upon his ballot the name of any person for whom he desires to vote for any office, and whose name shall not be printed on such ballot as a candidate for such office, such name to be written on the dotted line printed for that purpose in the same space with the title of such office, first striking out the name of the candidate, if any, printed in such space. If a name shall be written on the ballot, as herein provided, in a party column at the head of which the voter has made a cross in the circle, a vote shall be counted for the person whose name is so written on the ballot, without any additional cross being made in the voting square after such name. In any other case, however, the vote for such person whose name is so written on the ballot shall be indicated by making a cross in the square after such name. No voter shall indicate on any ballot a vote for more persons for a given office than are to be elected in the political division for which the incumbents for such office are chosen. The vote of the voter on any question or proposition which may be submitted shall be indicated as follows: If he shall desire to vote in favor of the question or proposition, he shall make a cross in the voting space following the word "yes," and a vote so indicated shall be counted as a vote in favor of such question or proposition; if he shall desire to vote against the question or proposition, he shall make a cross in the voting space following the word "no," and a vote so indicated shall be counted as a vote against such question or proposition; no voter shall make crosses in both voting spaces connected with any one ques-

tion or proposition; if no mark shall be made in either such voting space, no vote shall be counted either for or against such question or proposition. All crosses and other marks allowed by this act shall be made with a pencil with black lead and not otherwise.

123. If a voter shall deface or tear a ballot, or one of a set of ballots, or shall wrongly mark the same, he may successively obtain others, one set at a time, upon returning each set of defaced, torn or wrongly marked ballots to the clerks from whom they were received, but no voter shall receive more than three sets of ballots in all. In every case where a set of ballots shall be returned to the clerks and a new set supplied therefor, the poll clerk shall record the fact both on the poll-book and on the stubs of the ballots supplied in the place of others defaced, torn or wrongly marked, so as to show the stub numbers of the ballots returned and of those issued in place thereof. The stubs of the returned ballots shall not be detached from the ballots, but the whole shall be at once deposited in a receptacle to be provided for that purpose, and therein carefully retained until after the close of the polls. The clerks shall supply the ballots to be issued as herein provided in lieu of others by using the ballots with the highest numbered stubs, commencing with the highest number and continuing downward in consecutive order. The ballots in each set supplied to a voter shall have stubs numbered the same. No official ballot shall be taken from the polling-room by any person during an election.

124. The voter shall remain in the voting booth only such length of time as shall be necessary to indicate his vote, but no voter shall be allowed to occupy a booth for a period of more than five minutes, in case at the expiration of such period all the booths shall be occupied and voters shall be waiting to use the same. Before the voter leaves the booth each ballot to be voted by him shall be re-folded in substantially the same manner as it was received from the clerk; upon leaving the booth, and before leaving the railed enclosure, the voter shall deliver the general ballot to the election officer in charge of the ballot-box for general ballots, and the municipal ballot to the election officer in charge of the ballot-box for municipal ballots. If it shall appear

that any ballot is improperly folded, but not so as to reveal any part of the vote thereon, such ballot and the set of ballots to which it belongs shall not be placed in the ballot-boxes, but such election officers shall require the voter to return to a booth and re-fold such ballot properly; if such ballot is so folded as to reveal any part of the vote thereon, such ballot and the set of ballots to which it belongs shall not be voted, but unless the voter has already been supplied with three sets of ballots he shall be allowed to return the ballots and to secure new ballots in lieu thereof in the manner provided in this act in the case of defaced or torn ballots.

125. Upon receiving from the voter his ballots properly folded the judge and inspector of elections shall announce to the election clerks the name of the voter and the number on the stubs of the ballots, which number shall be the same on both stubs, and shall be the same as shall have been previously entered for such voter in the poll-book. If such numbers correspond and the board shall not have decided to reject the voter's vote for some cause as provided in this act, the election clerks shall check the voter's name on the poll and registry books as having voted, and the election officers in charge of the ballot-boxes shall respectively detach the stub from each ballot in the presence of the voter in such manner as not in any way to mark such ballot or render it capable of being distinguished from any other ballots of the same kind, by reason of the removal of such stub. Such officers shall thereupon, forthwith, in the presence of the voter, deposit each ballot in the proper ballot-box provided therefor, and the stubs in separate receptacles to be provided therefor; the voter shall then, without delay, leave the railed enclosure by the exit, and immediately leave the polling-room. Each ballot shall be separately deposited in the ballot-box.

126. Any voter at any election who declares under oath, and establishes to the satisfaction of a majority of all the members of the board of election that by reason of blindness or other physical disability he is unable to enter and remain in a booth or to prepare his ballot therein, for voting as aforesaid, without assistance, shall be permitted to bring with him to such booth a person of his own selection, who may retire with such disabled voter to the

booth and assist him in the preparation of his ballot, and folding the same as the disabled voter shall direct, in order that it may be cast by such disabled voter as his ballot; the poll clerk 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 person or persons who aided the voter in preparing his ballot; no voter shall divulge to any one within the polling place the name of any candidate for whom he intends to vote; nor shall he ask for and receive the assistance of any person within the polling place in the preparation of his ballot except as prescribed in this section; no person who assists a voter in the preparation of his ballot, as herein provided, shall reveal to another the name of any candidate for whom the voter has voted, or anything that took place while he was assisting such voter in preparing said ballot for voting; this section shall not apply to the case of any person intoxicated or unable to read and write.

127. When any legal voter shall apply to the 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 the 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.

128. The boards of 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 election 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 so to do, request the municipal authorities of any municipality within which their election 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.

129. No member of any board of registry and election shall be elected to any office to be filled at the election in which he shall serve; and if any such member shall be voted for in any such 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, for whom the greatest number of votes shall have been given, other than such member, shall be deemed and taken to be elected, and the votes which shall be given to such member shall be deemed and taken to be null and void.

VOTING MACHINES.

130. Voting machines may be used in all elections, general or special, hereafter held in this State or any political division thereof for any purpose whatever, and at any and all such elections the ballot may be had and taken and the votes cast thereat registered, recorded and counted, and the result of such election or elections ascertained by voting machines; when a voting machine shall be placed in any voting district in this State, either by the State or by the county in which such district is situated, it shall be the duty of the persons charged with conducting the elections in such district to use such voting machines at all elections to be thereafter held, except as in this act is expressly provided; and the use of such machines, as far as the same may be, shall be subject to the same requirements, provisions, terms, conditions and restrictions as now exist for the use of ballots and ballot-boxes; *provided*, that voting machines shall not be used at school meetings or at primary elections. All provisions of this act relating to elections shall apply to elections in election districts in which voting machines shall be used, so far as the same may be applicable thereto.

131. Any person, company, corporation owning or being interested in any voting machine may apply to the Secretary of State to examine such machine and report on its compliance with the requirements of the law and its accuracy, efficiency and capacity to register the will of voters; upon such application the

said Secretary of State shall examine such machine and make report whether, in his opinion, the kind, pattern or style of machine so examined complies with the requirements of this act and can safely be used at election to be held in this State under the conditions prescribed by this act; the report of said Secretary of State on said machine, signed by him, and all exhibits, drawings, photographs, descriptions, et cetera, filed in connection with and identifying said machine so examined, shall be filed in the office of the Secretary of State and shall be a public record; if the report of the Secretary of State be that machines of the kind, pattern or style examined can be used, such kind, pattern or style of machine shall be deemed to be approved by the Secretary of State, and its use as herein provided shall be authorized at any such election as aforesaid to be held in this State or any civil division thereof; any kind, pattern or style of voting machine not so approved by said Secretary of State or not heretofore approved as provided by law existing at the time of the approval shall not be used at any election; the examination herein provided for shall not be required of each individual machine, but only of each particular kind, style or pattern of machine before its adoption, use or purchase, as herein provided; when the machine has been so approved, any improvement or change that does not impair its accuracy, efficiency or capacity shall not render necessary a re-examination or re-approval thereof.

132. Any person, company or corporation applying to have any voting machine examined shall deposit with the Secretary of State the sum of four hundred and fifty dollars, which shall be paid to the State Treasurer in the same manner as other fees collected by said Secretary of State.

133. Not voting machine shall be approved by the said Secretary of State unless the same be so constructed as to provide facilities for voting for the candidates of as many different parties or organizations, and for and against as many different questions or amendments as in the judgment of the said Secretary of State shall be necessary; nor shall any such machine be approved unless the same will permit a voter to vote for any person for any office, although the name of the person voted for does not appear on the machine as a nominated candidate for such office; it must

enable the voter to vote a straight party ticket or a ticket selected in part from the nominees of one party and in part from the nominees of any or all other parties, and in part from independent nominations, or in part or in whole of the names of persons not nominated by any party or upon an independent ticket; such machines must also secure to the voter privacy and secrecy in the act of voting; such machines must also be so construed that a voter cannot vote for a candidate or a proposition for whom or on which he is not lawfully entitled to vote, also to prevent voting for more than one person for the same office, except in cases where the voter is lawfully entitled to vote for more than one person for the same office, in which event they must enable the voter to vote for as many persons for that office as he is by law entitled to vote, and no more; they must also prevent his voting more than once for the same person for the same office; said machines may be provided with one ballot in each party column or horizontal row containing only the words "presidential electors" and the names of the candidates for President and Vice-President, preceded by the party name and party emblem (if any emblem be used), and a vote for such ballot shall operate as and be counted, canvassed and returned as a vote for all the candidates of such party for presidential electors, and such machines must be so constructed that by voting an irregular or split ticket, as herein defined, the elector may vote for any person or person he may choose for the office of presidential elector, and must be so constructed that all votes cast for regularly nominated candidates are registered on mechanical counters or devices; each machine must be provided with a lock or locks, by the use of which any movement of the voting or registering mechanism is absolutely prohibited, and any machine to be approved by said Secretary of State must be of such kind, style or pattern as will permit the exercise by each voter of the full right and privilege of his elective franchise under the constitution and laws of this State; such machines, in order to be approved by said Secretary of State, shall be supplied with a booth, canopy, curtain or other contrivance so arranged or affixed that the use and operation of the machine by the voter when voting cannot be seen or observed by any other person, unless such person be inside the

booth, canopy, curtain or other contrivance at the same time; such machine must also be so constructed as to correctly register or contain every vote of every description that may be cast, and of sufficient capacity to enable at least six hundred votes to be cast within the time prescribed for holding an election on any general election day.

134. The Secretary of State shall have power and authority to expend, with the consent of the Governor, such sum or sums of money as shall be appropriated for that purpose in the purchase of voting machines of a kind, style or pattern which has been or may hereafter be approved in conformity with the laws of this State.

135. Before any purchase shall be made, the Secretary of State shall advertise, for a period of twenty days, his intention to purchase voting machines, inviting proposals, said proposals to state the style or kind of machine proposed to be furnished; the said Secretary of State shall have power and authority to contract for and purchase as many machines and encasements or devices for the erecting, protecting and operating the same as the appropriation for that purpose will permit of such styles, kinds or makes as he shall deem to be for the best interests of the State; *provided*, no contract or purchase shall be binding until approved by the Governor, and until the Secretary of State shall receive a bond in such sum and with such sureties as shall be approved by him for the faithful performance of the terms of the contract, such bond to be filed in the office of the State Comptroller; all machines so purchased shall be inspected by the Secretary of State, or some person or persons appointed by him for that purpose, and if found to be in accordance with the terms of the contract, shall be approved, and no machines shall be paid for unless so approved.

136. The Secretary of State shall, after the approval of the machines, as provided by this act, deliver the machines purchased as above to the governing bodies of the municipalities in which the election district is situated to which the Secretary of State shall assign the machines; said Secretary of State shall provide for the setting up of the machines in the election districts selected by the Secretary of State, and give all such instructions

for their use as in his judgment shall be necessary; it shall be the duty of the Secretary of State to select and designate the election districts in this State wherein voting machines shall be placed when the same are purchased by the State, such designation to be made in writing and filed in his office on or before the first Tuesday in October of each year, and when such designation shall once be made no change shall be made except before the first Tuesday in October of each year; the clerk of any municipality shall, upon the receipt of a voting machine or machines, forthwith notify the Secretary of State that said machine or machines has or have been received.

137. The board of chosen freeholders, or governing body of any county in this State, may purchase and provide for any election district therein one or more voting machines of a kind, style or pattern which has been or may hereafter be approved by the Secretary of State, or heretofore by any board of voting machine commissioners under any law of this State existing at the time of such approval, or one or more devices for the encasing any machine, and may provide for the payment therefor in such manner as it may be deemed for the best interests of such county, and to provide for the purchase price, may issue bonds, certificates of indebtedness, or other obligations, which shall be a charge upon the county; such bonds, certificates of indebtedness, or other obligations may be issued with or without interest, payable at such time or times as the governing body issuing the same may determine, but they shall not bear interest greater than four per centum, or be sold at less than par.

138. The common council, board of aldermen, township committee, or other governing body of any city, town, borough, township, or other municipality of this State in which a voting machine or machines shall be placed, either by the State or by the county, shall be charged with the duty of keeping the same in repair and good condition, and for the custody and proper care thereof, and of the furniture and equipment of the polling place or places in such municipality when not in use at an election, and for that purpose may purchase any device for the encasing such machine; the expense of keeping in repair and providing for the custody and storing of the voting machine and

the furniture and equipment of the polling place or places shall be a charge upon the municipality in which the voting district is located in which such voting machine is placed; in all cases where a voting machine has been placed in an election district by the State it shall be the duty of the municipal authorities in which such election districts are located to have all machines therein located insured in some good and responsible insurance company in a sum not less than eighty per centum of the value of each machine; in case any machine shall be destroyed by fire it shall be the duty of the municipality to use the money collected on the insurance to replace the machine so destroyed, and to place such machine so purchased in the same election district in which the machine which was destroyed by fire was located by the Secretary of State; no voting machine shall be stored or kept in any place where vinous, spiritous, malt or brewed liquors are sold, nor used for advertising purposes by the person charged with the care thereof.

139. When any machine shall be supplied or provided, either by the State or county, for any election district of this State, it shall be and hereby is made the duty of the persons appointed to conduct the election in such district to use the said machine at all elections as herein provided, thereafter to be held, except primary elections and except as in this act is expressly provided, and voting machines when so placed in any election district shall be used in place of ballots and ballot-boxes; booths for the voters or official ballots shall not be provided for such district except the official voting-machine ballots as provided by this act.

140. When any voting machine has been or shall hereafter be supplied or provided, either by State or county, for any election district in this State, it shall be and hereby is made the duty of the governing body of the municipality in which such election district is situate, upon the presentation to such governing body of a petition, in writing, signed by at least twenty-five per centum of the legal voters of such election district, as shown by the registry-list for the then last preceding general election, protesting against the use of such voting machines at elections to be thereafter held in such election district, to order, within fifteen days after the presentation of such petition, that a special election be

held in such election district, not less than thirty days nor more than sixty days from the date of such order, to determine upon the retention or rejection of such voting machine; *provided*, that such election shall not be held within sixty days prior to any general election in said municipality. A special election, when ordered as hereinabove provided, shall be held at the usual place of holding elections in such election district, and public notice thereof shall be given by the clerk of the municipality in which said election district is situated by putting up an advertisement, signed by said clerk, in at least ten of the most public places within said election district, at least eight days prior to and within thirty days next preceding the day of said special election, making known the time, place and purpose of holding the same, and also by publishing said advertisement in two or more newspapers published or circulating in said municipality to be designated by the governing body thereof, for at least two insertions within the time aforesaid. At any such election, the votes shall be by ballot, which shall have thereon legibly printed or written, or partly printed and partly written, with black ink or pencil, either the words "For the voting machine," or the words "Against the voting machine." The ballots shall be deposited in a ballot-box, and need not be what is known as "official ballots." At such election no proposition shall be submitted except the foregoing. There shall be no registration for said election, but the board of election shall procure and use at such special election a certified copy of the register of voters used at the then last preceding general election, and no person shall be entitled to vote whose name does not appear on said register, unless said voter shall appear in person before said board and satisfy said board by affidavit which the said board is hereby authorized to take, that said voter has acquired the right of suffrage in said election district since said registration was made. The district board of election, after canvassing and counting the votes cast at such special election, shall make duplicate statements of the result thereof and certify the same in the usual form, and shall, within two days next after said election, deliver two of said statements to the clerk of the municipality in which said election district is situated, who shall thereupon file one of said statements in his

office, and, in case a majority of the ballots cast at said election shall have thereon the words "Against the voting machine," deliver or safely transmit the other statement to the Secretary of State of this State, in case the voting machine in said election district has been supplied by the State, or to the county clerk of the county in case said voting machine has been supplied by the county. If a majority of the ballots cast at such special election shall contain the words "Against the voting machine," it shall no longer be the duty of the persons appointed to conduct the election in said election district to use the said voting machine at elections thereafter to be held therein, but the use of said voting machine at elections in said election district shall cease, and at all elections there shall be used in place thereof a ballot-box and ballots. The said voting machine shall in such case be held by the governing body of the municipality in which the election district is situated, subject to the order of the Secretary of State or the board of chosen freeholders, or governing body of the county, whichever shall have supplied the same, nor shall any voting machine be thereafter placed or used in said election district except upon the request in writing of a majority of the registered legal voters of said district. If a majority of the votes cast at such election shall be "For the voting machine," it shall not be lawful for the governing body of the municipality in which the election district is situated to order another special election to be held in such district to determine upon the retention or rejection of such voting machine until after the lapse of at least two years from the date of the order or such prior special election.

141. Any legal voter of any election district within which a special election shall have been held as hereinabove provided, to determine whether a voting machine shall be used in such district, may contest the validity of such special election by filing a petition, duly verified, with the judge of the Court of Common Pleas, or with the judge of the Circuit Court of the county in which such election district is situated, within ten days after such election, setting forth the grounds for contest. The judge, upon the filing of said petition, shall forthwith issue a summons, addressed to the district board of election of the election district in which such special election shall have been held and to the

clerk of the municipality within which such election district is situated, notifying said board and clerk of the filing of such petition and directing them to appear before said court with the ballot-box containing the ballots cast at such special election, at a time and place named in said summons, which time shall not be more than fifteen days nor less than five days from the date of said summons. The judge issuing such summons shall have jurisdiction to hear and finally determine the merits of said petition, and the proceedings thereon shall conform as nearly as may be to the provisions of this act with respect to contested elections in other cases. The judge to whom said petition is presented shall require the person or persons presenting the same to furnish security for the cost of the proceedings thereon before permitting such petition to be filed or issuing the summons as hereinabove provided.

142. The State committee of any political party may adopt any emblem or device (except the American flag) to designate the ticket or ballot of that particular party, and certify the adoption thereof under the hands of its chairman and secretary, and file the same with the Secretary of State; the emblem or device so adopted, certified and filed, shall be and continue the emblem or device of such party until the same be in like manner changed by its said committee and such change certified and filed as aforesaid; any emblem or device adopted by one party as aforesaid shall not be adopted or used by any other party; the party first filing with the Secretary of State the certificate of its adoption of an emblem or device shall have the right to the exclusive use of that particular emblem or device; such emblem or device shall be printed in black ink; the political party shall, if it desires to adopt or change an emblem or device, file the same with the Secretary of State on or before the first day of August in each year.

143. The list of rows of candidates to be used on the front of the voting machine shall be deemed official voting machine ballots under this act for any election district in which a voting machine is used pursuant to law; the words "voting machine ballot", as used in this act (except when reference is made to irregular ballots), mean that portion of the cardboard or paper or other material within the ballot frames of the machine containing the

names of the candidates for office, the names of the offices to be filled, the names of the parties and their emblems and devices, if any, and a statement of the proposed constitutional amendment or other question or proposition to be voted on, with the words "for" and "against", or the words "yes" and "no".

144. All voting machine ballots shall be printed in black ink on paper of clear material, of such form and size as will fill the ballot frame of the machines, in plain, clear type as large as the place will reasonably permit; the party device, designation or emblem (if any) for each political party represented on the machine and the party name or designation shall be prefixed to the column, list or row of the candidates of such party. There shall be two ballots for each machine, a ballot on plain white paper, to be supplied by the county clerk, which shall correspond with the ordinary paper official general ballot, and upon which shall be printed all names which would appear on such official general ballot, if such were provided for the election district in which such machine is to be used, and a ballot on paper of a medium shade of red, to be supplied by the municipal clerk, which shall correspond with the ordinary paper official municipal ballot, and upon which shall be printed all names which would appear on such official municipal ballot, if such were provided for such election district.

145. The general arrangement of voting machine ballots shall be, as nearly as may be, the same as provided in the case of ordinary paper official ballots. Party nominations shall be arranged on each voting machine, either in columns or horizontal rows; the captions of the various ballots on said machines and the emblems or devices (if any) designating the parties shall be so placed on said machine as to indicate to the voter what lever, push knob, key, lock, or other device is to be used or operated in order to vote for the party of his choice; *provided*, that the party emblems, devices or designations of the political party whose candidate for Governor at the then last preceding election for Governor received the largest number of votes for that office shall be placed first at the top, and the names of the candidates of such party shall follow directly after in a horizontal row, or in a column directly underneath, as the construction of

the machine may require; the party emblems, devices, designations and names of candidates of the political party whose candidate for Governor at the preceding election for Governor received the next largest number of votes for that office shall be placed second; the party emblems, devices, designations and names of candidates of all other political parties shall follow in the order of priority determined by the number of votes cast for gubernatorial candidates at the preceding election for Governor; *provided*, that the party emblems, devices, designations and names of candidates of political parties which were not represented in the preceding gubernatorial election by a candidate for Governor shall follow the others in alphabetical order of their party designations; all emblems, devices, party designations and names of candidates shall be uniformly arranged, beginning at the left of the machine as the voter faces the front of it.

146. Official voting machine ballots of the form and description as described in this act for use upon voting machines shall be prepared and furnished in the same manner, at the same time, and by and delivered to the same officials as provided by law in reference to ordinary paper official ballots.

147. The officer or officers whose duty it may be under this act to provide and furnish official voting machine ballots for any polling place where a voting machine is to be used, shall also provide therefor two sample or instruction voting machine ballots, which sample or instruction ballots shall be arranged in the form of a diagram showing such portion of front of the voting machine as it will appear after the official ballots are arranged thereon or therein for voting on election day; such sample ballots shall be open to the inspection of voters at the polling place during all hours that the polls may be open on election day.

148. Two sets of official voting machine ballots shall be provided for each polling place for each election for use in and upon the voting machine; one set thereof shall be inserted or placed in or upon the voting machine, and the other shall be retained in the custody and possession of the board of election, unless it shall become necessary during the course of the elec-

tion to make use of the same upon or in the voting machine; at the close of the election all official voting machine ballots (except those actually in or upon the voting machine at the close of the election), whether the same shall have been used in the machine or not, shall be returned to the official providing the same in the manner herein provided.

149. If the official voting machine ballots for an election district or precinct, at which a voting machine is to be used, shall not be delivered in time for use on election day, or after delivery shall be lost, destroyed or stolen, the clerk, or other official or officials whose duty it is in the case of ordinary paper official ballots, to provide other ballots for use at such election in lieu of those lost, destroyed or stolen, shall cause other voting machine ballots to be prepared, printed or written, as nearly as may be, of the form and description of the official voting machine ballots, and the inspectors of election shall cause the ballots so substituted to be used at the election in the same manner, as nearly as may be, as the official voting machine ballots would have been; such ballots so substituted shall be known as unofficial voting machine ballots.

150. In all districts wherein voting machines shall be used, the arrangement of the polling-room shall be the same, as nearly as may be, as is provided in this act in cases where ordinary paper official ballots are to be used; the exterior of the voting machine and every part of the polling-room shall be in plain view of the election officers; the voting machine shall be placed at least three feet from every wall or partition of the polling-room and at least three feet from the outer guard-rail and at least four feet from any table where at any of the election officers may be engaged or seated; a guard-rail shall be constructed at least three feet from the machine with an opening or openings to permit the entrance and exit of voters to and from the machine; no person shall be permitted in or about the polling-room except as now provided for by law in elections where ballots and ballot-boxes are used.

151. It shall be the duty of the clerk of any municipality wherein at any election a voting machine or machines is or are to be used, to cause the machine, or machines, and all necessary furniture and appliances to be at the proper polling-place or places

before the time fixed for opening the polls on election day, with the machines properly equipped with the official voting machine ballots, and the counters set at zero, and otherwise in good and proper order for use at such election; and for the purpose of so labelling the machine, putting in order, setting and adjusting and delivering the same, the municipal authorities may employ one or more competent persons and cause him or them to be paid in the same manner that other expenses incurred for such polling places are paid; the officers to conduct said election and the clerks thereof shall be in attendance at least forty-five minutes before the time fixed for opening the polls; the election officers shall thereupon cause the two sample or instruction cards to be posted conspicuously within the polling place; in addition to the information afforded by such sample or instruction cards, the election officers shall give to the voter while he remains outside the outer guard-rail, such information and aid as may be in their power when requested by the voter to enable him properly to cast his vote when he shall enter the voting machine booth; if not previously done, the election officers shall, before declaring the polls open, insert in their proper place or places on or in the voting machine, the voting machine ballots containing the names of offices to be filled at such election and the names of the candidates nominated therefor, and compare the same with the sample voting machine ballots; if not previously done they shall, before declaring the polls open, place all the counters on the voting machine so as to register zero, and shall not permit such counters to be operated except by voters in voting; before the opening of the polls each election officer shall carefully examine every counter and see that it registers zero, and the same shall be subject to the inspection of the official watchers and interested parties; the election officers shall see that the machine is otherwise in perfect order for the election, and they shall not thereafter permit the counters to be operated or moved except by electors in voting; and they shall also see that all necessary arrangements and adjustments are made for voting irregular ballots on the machine; ballots voted for any person whose name does not appear on the machine as a nominated candidate for office are herein referred to

as irregular ballots; where two or more candidates are to be elected to the same office, the voting devices belonging to all the candidates for said office shall be included in a group herein referred to as a multi-candidate group; in all multi-candidate groups, except presidential electors, the name of each nominated candidate shall be placed upon or adjacent to a separate key or voting device, and all split ballots which are confined to the nominated candidates shall be voted on such keys or voting devices; except for presidential electors no irregular ballot shall be voted for any person for any office whose name appears on the ballot on the front of the machine as a candidate for that office; any irregular ballot so voted shall not be counted; an irregular ballot must be cast in its appropriate place on the machine or it shall be void and not counted; in voting for presidential electors an elector may vote in the irregular balloting device a ticket made up of names of persons in nomination by different parties, hereafter referred to as a split ballot, or partially of the names of persons so in nomination, and partially of persons not in nomination, or wholly of names of persons not in nomination by any party, hereafter referred to as an irregular ballot; such split or irregular ballot for presidential electors shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for the purpose; the split or irregular ballots for presidential electors may be of any size and form best suited to the convenience of the voter and the requirements of the machine; the candidates' names may be written or printed thereon, in one or more columns, and the ballots need not contain any other than the names of the candidates voted for; names on such split or irregular ballots for presidential electors which have been crossed off with the intention or cancellation, shall not invalidate said ballots, nor shall the ballot be considered marked, any provision in this act to the contrary notwithstanding.

152. Where a voter presents himself for the purpose of voting the election officers shall ascertain whether his name is upon the register of voters, and if his name appear thereon, and no challenge be interposed, or if interposed, be not sustained, one of the election officers to be stationed at the entrance through the outer guard-rail shall announce the name of the voter, and permit him

to pass through the entrance opening in the outer guard-rail to the booth of the voting machine for the purpose of casting his vote; no voter shall remain in the voting machine booth longer than two minutes, and, having cast his vote, the voter shall at once emerge therefrom and leave the polling room by the exit opening in the outer guard-rail; if he shall refuse to leave after the lapse of two minutes, he shall be removed by the election officers; the election officers shall record the name and address of each voter in the manner provided by law in the case of voting with ballots and ballot-boxes, as he enters the voting machine booth for the purpose of voting; no voter after having entered and emerged from the voting machine booth shall be permitted to reenter the same on any pretext whatever; only one voter at a time shall be permitted to pass the outer guard-rail to vote.

153. In case any voter after entering the voting machine booth shall ask for further instructions concerning the manner of voting, an election officer shall stand outside the voting machine booth, canopy or curtain and give such instructions or directions to the voter as the election officers may agree upon; but no election officer assisting or instructing a voter shall in any manner request, suggest or seek to influence, persuade or control any such voter to vote any particular ticket or for any particular candidate, or for or against any particular amendment, question or proposition; after receiving such instructions or directions the voter shall vote as in the case of any unassisted voter; during the entire period of an election at least one of the election officers, to be designated from time to time by the chairman, shall be stationed beside the entrance to the booth, and shall see that it is properly closed after a voter has entered it to vote; he shall also, at such intervals as he may deem proper and necessary, examine the face of the machine to ascertain whether it has been defaced or injured, to detect the wrongdoer and to repair any injury; in case any voting machine used in any election district shall, during the time the polls are open, become injured so as to render it inoperative in whole or in part, it shall be the duty of the election officers immediately to give notice thereof to the body providing such machine, and it shall be the duty of such body, if possible, to substitute a perfect machine for the injured machine, and at

the close of the polls the records of both machines shall be taken, and the votes shown on their counters shall be added together in ascertaining and determining the result of the election; but if no other machine can be procured for use at such election, and the one injured cannot be repaired in time for further use at such election, the officers of said election may permit the use of unofficial ballots by the voters, which ballots may be received by the election officers and placed by them in a receptacle to be provided therefor and counted with the votes registered on the voting machine, and the result declared the same as though there had been no accident to the voting machine; the unofficial ballots thus voted shall be preserved and returned as herein directed with a certificate or statement, setting forth how and why the same came to be voted.

154. At least two keys that cannot be interchangeably used shall be provided for locking each voting machine against voting; said keys shall be delivered to election officers of different political parties, who shall retain the same in their possession and deliver them to the clerk of the said municipality wherein such election is held, not later than four P. M. of the day next following the election; each key shall be placed upon a string or wire, labeled with the make and number of the machine and district at which it is used; the clerk to whom said keys are so delivered shall securely keep the same, and not permit the same, or any of them, to be taken, or any voting machine to be unlocked for a period of thirty days from and after the election, unless by order of a court of competent jurisdiction; at the end of thirty days said keys shall be subject to the order of the officer of officers having charge of the machines.

155. The election officers may take such adjournment where voting machines are used as is permitted in the case of voting with ballots and ballot-boxes; the voting machine shall not be removed from the polling room or outside the guard-rail during said adjournment, and it shall at all times during such adjournment be under the constant care, watch and oversight of two of the election officers of opposite political parties, who shall not, during such adjournment, allow any person, other than the election officials, to pass within the guard-rail, and said election

officers shall not permit any person to interfere or tamper with said machine, nor shall said election officers interfere or tamper with the same during such adjournment; when such adjournment is taken said machine shall be securely locked against voting and so as to prevent its use for any purpose; at the end of such adjournment and when voting is ready to be resumed, the machine shall be unlocked by the election officers and the election proceeded with without further adjournment until the time for closing the polls shall arrive; closing of the polls, in cases where voting machines are used, shall be deemed to mean that a voter entitled to vote, and who shall have passed within the outer guard-rail for that purpose before the time fixed by law for closing the polls, shall be allowed to complete the act of voting.

156. Immediately upon the close of the polls the election officers shall lock the voting machine against further voting and open the counting compartment in the presence of persons who may be lawfully present at that time, giving full view of all the counter numbers; the chairman of the board of registry and election shall, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the result as shown by the counter numbers, and shall then read the votes recorded for each office on the independent ballots; he shall, also, in the same manner, announce the vote on each constitutional amendment, proposition or other question; as soon as the result for each office and on each amendment, proposition or other question is ascertained, the poll clerks shall record the same and submit their records to the election officers for examination, and if found to be correct the chairman shall at once announce the vote for each office, amendment, proposition or other question, and said result shall thereupon be certified and returned and proceeded with the same in all respects as though the said election had been held and conducted by the use of a ballot-box and as provided by this act in the case of ordinary paper official ballots.

157. The election officer shall, as soon as the count is completed and fully ascertained, as by this act required, lock the machine against voting or any other use, and it shall so remain for a period of thirty days, except by order of a court of com-

petent jurisdiction; the election officers shall return the keys to the clerk of the municipality as aforesaid charged with the care and custody of the keys; whenever irregular ballots of whatever description have been voted, as provided by this act in relation to voting or voting machines, the election officers shall return all such ballots in a properly sealed package endorsed "irregular ballots," and return and file such package with the original statement of the result of the election made by them; said package shall be preserved for six months next succeeding such election, and it shall not be opened or its contents examined during that time except by order of a judge or a court lawfully empowered to direct the same to be opened and examined; at the end of said six months said package may be opened and said ballots disposed of at the discretion of the official or body having charge thereof.

158. When one or more voting machines are adopted and purchased by the State or any county, the party or parties or corporation of whom the same are purchased shall give a bond to the State or such county, with sufficient surety or sureties, to keep such machine or machines in good working order and condition for two years, at the cost and expense of such parties or corporation (unless the same has been damaged, injured or destroyed by the willful act, carelessness or negligence of others, or by inevitable accident).

159. If any person who has entered a voting machine for the purpose of voting shall remain therein longer than by this act allowed, and shall not forthwith, on notice to do so given him by the board of election, or any member thereof, quit and emerge from said voting machine, he may be immediately removed therefrom by the election officers, or they may await his coming out, and any person who shall remain in said voting machine contrary to the provisions of this section shall forfeit and pay for each offense a sum not exceeding one hundred dollars, and in default of payment of the fine as imposed, may be imprisoned in the county jail of the county where the offense was committed for a period not exceeding sixty days; the proceeding for the recovery of the penalty shall be by complaint by any one of the election officers before any justice of the peace, police recorder or police

magistrate, who are hereby empowered to hear and determine said matter without the filing of any pleadings either on behalf of the plaintiff or defendant; the penalty, when recovered, shall be paid over to the treasurer of the municipality where the offense occurred.

160. Any unauthorized person found in possession of any such voting machine or keys thereof shall be deemed guilty of a misdemeanor and fined in a sum not less than twenty-five nor more than one hundred dollars, and imprisonment in the county jail not less than ten nor more than thirty days; and any person willfully tampering or attempting to tamper with, disarrange, deface or impair in any manner whatsoever, or destroy any such voting machine while the same is in use at any election, or who shall, after such machine is locked in order to preserve the registration or record of any election made by the same, shall tamper or attempt to tamper with any voting machine, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the State prison of this State at hard labor for not less than three nor more than ten years.

161. It shall be lawful for any political body, club, organization or association to purchase a voting machine or machines of the kind or kinds adopted and authorized to be used within the municipality where such political body, club, organization or association may be located, for the purpose of instructing the members and voters generally in the use of such machine or machines; any such machine or machines purchased for the purpose aforesaid shall have plainly painted, marked or stamped thereon the words "sample voting machine;" it shall also be lawful for any such body, club, organization or association to have in its possession a diagram or model of any such voting machine or machines as aforesaid for the purpose of instructing its members and voters generally in the use of such machines; *provided*, that such diagrams or models are marked "sample diagram" or "sample model," as the case may be.

162. In voting on any voting machine for or against any constitutional amendment, proposal to bond, the issue of bonds, or any question or proposition to be voted on, the assent or dissent of the voter to any such amendment, question or proposition may

be expressed either by the words "for" or "against," or "yes" or "no."

163. It shall be the duty of the election officers of the respective municipalities in this State in which voting machines have been or shall hereafter be placed, on the last regular registration day preceding any election at which a voting machine is to be used, to give instructions as to the use of such voting machine to all voters who shall apply for the same.

164. It shall be the duty of the Secretary of State to have all voting machines inspected before the general election in each year, and to make, once a year, a report of his work to the Governor.

ELECTIONS OTHER THAN GENERAL ELECTIONS.

165. All elections other than general elections shall be held as nearly as may be in the manner provided for general elections, except that no primary election shall be held at public expense, as provided in this act, for the nomination of any candidates to be voted for at such elections, or for the election of delegates to conventions, and only such kind of ballot shall be printed and used thereat as shall be necessary in accordance with the provisions of this act for the election of such public officers as are to be chosen or such questions as are to be submitted at such election.

CANVASSING THE VOTE.

166. In all elections held pursuant to this act, before proceeding to estimate and canvass the votes which shall have been received, the clerk of the board of election keeping the 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. The detached stubs shall thereupon be counted and compared with the names in the poll-book so that the

board of registry and election may see that they correspond. Such stubs shall then be made up into a package and returned in and at the same time with the ballot-boxes.

167. Such board shall thereupon unlock and open the ballot-boxes; the ballots shall then be taken singly and separately therefrom by the judge of election, who shall unfold the same, and while each ballot shall remain in his hands he shall audibly and publicly read the vote as the same is indicated thereon, in the manner provided in this act; 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 ballots 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.

168. 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 for 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 therein, as designated for any office; 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.

169. 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; the counting of the votes shall commence immediately upon the closing of the polls on the day of election; the board shall proceed to read and count the votes received, and shall complete the same without delay and without adjournment, and after completing the same shall audibly and publicly announce the result thereof, particularly specifying the

whole number of the voters 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; the counting of all ballots at any election 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.

170. The decision of a majority of the board of registry and election on any question shall be deemed and taken to be the decision of such board, and final; and 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.

171. If, in canvassing and estimating the votes, the number of ballots in either ballot-box shall be found to exceed the number of the names of the voters in the poll-book, then the ballots which shall remain in the box, after canvassing and estimating as many ballots as there are such names, shall be deemed and taken to be null and of no effect; and 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, on the face of such ballot shall be written the words "rejected ballot," and the said ballot shall then be strung in the same manner in which the other ballots are directed to be strung, but on a different twine.

172. If, in canvassing and estimating the votes, any ballot or ballots shall be found to contain more names for any office than there are persons to be elected to fill such office, then in every such case the ballot or ballots shall be deemed and taken to be null and of no effect, so far as respects the office for which there are more names than there are persons to be elected to fill such office, and no further.

173. 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; and 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.

STATEMENT OF RESULT OF ELECTION.

174. In every township or municipality (other than cities) containing but one election district, the members of the district board of election conducting any township, local or charter election therein, not held at the same time with the general election, shall, upon the close of the election, ascertain and determine what officers have been elected, sums of money voted, or propositions adopted, and the result of the election in all other particulars; in every township or municipality containing more than one election district, the members of the district boards of election conducting any such election shall meet on the day after holding the same, at the hour of two o'clock in the afternoon, at the polling place in the district in which the township or municipal clerk may reside, and when so met shall ascertain and determine in like manner the result of said election in said township or municipality; *provided*, that when such township or municipality contains more than two election districts, two members only from the board of election of each district, to be designated by the board, shall meet in like manner and ascertain the result of said election as above provided; such determination shall be written out and signed by the election officers making the same, and forthwith delivered to and filed by the township or municipal clerk.

175. In all general elections, the board of registry and election shall make duplicate statements of the result thereof, and certificates to the same, in the following or like form:

"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 nine hundred and, for a member of the Senate, members 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 poll-list 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.

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."

Making under each head a list of the names of all the persons 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; and in every other election the board of registry and election shall make statements of the result thereof, and certificates to the same, in a form similar to that above given, as far as the nature of such election will admit.

176. The judge of election, or such one of their number, as the board of registry and election shall designate, shall, within two days next after election, deliver or safely transmit one of said statements of the result of such election to the clerk of the county, who shall forthwith file the same; and whenever an election shall be held for Senator, members of Assembly or for any county, township, city or other municipal officers, such judge or member so designated shall, at the same time and with the ballot-boxes, as hereinafter provided, deliver or safely transmit the other of said statements to the clerk of the township, city or municipality wherein such election is held, who shall forthwith file the same; but whenever an election shall be held for member of the House of Representatives or for electors of President and Vice-President, or for Governor, separate statements of the result of such election for Representative, Electors or Governor shall be made and certified by said board, and such judge or member so designated shall, within two days next after such election, deliver or safely transmit one of said statements to the clerk of the county, and shall inclose, seal up and transmit the other 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.

177. 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 forthwith institute proceedings to recover said penalty.

178. If any election 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 member of the county board of elections 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, 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.

DISPOSAL OF BALLOT-BOXES.

179. As soon as the election shall be finished, all ballots which have been cast, whether the same have been estimated and canvassed or rejected for any cause, all the stubs detached from such ballots, the poll-list and tally-papers, all unused and all spoiled official ballots, shall be carefully collected and deposited in the ballot-boxes; and such ballot-boxes, after being locked and bound with tape and sealed, shall, in all cities in this State, be immediately taken in charge by the two clerks of election, and by them forthwith carried to the office of the city clerk of the city 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 city clerk's office; the clerk of such city 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 city at such election shall have been delivered at his office; the clerk of such city, 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 have accompanied them, and such other particulars as he may deem important; said book shall be filed in the office of the city clerk; in all townships and municipalities other than cities, such ballot-boxes shall remain in the township or other municipality under the care and in the custody of the clerk thereof, to whom they shall be forthwith delivered by the clerks of election in the manner above directed.

180. Every city, township or other 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 city council, township committee or 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.

181. 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.

BOARD OF COUNTY CANVASSERS.

182. For all general and special elections in this State, and for all local or municipal elections in the several cities of this

State, the county board of elections in each county shall hereafter be and act as a board of county canvassers; the clerk of the county shall be the clerk of the said board.

183. Such board shall meet on the Monday next after any such election, at twelve o'clock noon, at the court house of such county, at which time and place the clerk of such county shall attend and bring with him the statements of the result of such election which have been filed in his office.

184. 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, and, 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."

185. 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 results 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, and at the hour to which such adjournment shall have been ordered the member or members then present 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.

186. If, 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 either the statements directed to be filed with the county clerk or the statements directed to be filed with the clerk of any township, city or municipality wherein such election was held.

or a copy, certified by the Secretary of State, of the statements transmitted to him, shall be sufficient, and 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.

187. 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.

188. 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; 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), and 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.

189. The statement and certificate 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:

Names of persons voted for and the offices designated for each.	Names of election districts and the number of votes given for each person in each district.						Whole number of votes in the county.	Whole number of votes received by each person.
For members of Senate,								
For members of Assembly,								
For sheriff,								
For coroners,								
Number of names on the poll-book of each district,								
Number of ballots rejected,								

"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.*"

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

190. Such board shall deliver one of the said statements to the clerk of the county, who shall forthwith file the same, and in case of an election held for members of the House of Representatives, or for electors of President and Vice-President, or for Governor, or for Senator, members of Assembly, or for any county officers, 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; and in case of the election of municipal officers and chosen freeholders at the general election the chairman of such board shall forthwith deliver or safely transmit such other statement to the clerk of the proper municipality, who shall file the same.

191. The board of county canvassers, in case of an election for a member of the Senate, members of the General Assembly, or for any county or municipal officer or officers, 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, certified 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, and the clerk of such board shall attest the signing of the same by such chairman, by signing his name thereto; and the statement of such determination, and the certificate thereto, shall be annexed to the statement of the result of the election and shall be delivered therewith to the clerk of the county and filed in his office; in case of any election for any mu-

nicipal officer or officers, and for chosen freeholders, another copy of such determination, as to such officer or officers, shall be made, signed and attested in manner aforesaid and forthwith filed with the clerk of the proper municipality.

192. The statement of the determination of such board shall be 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).

"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 nine hundred and

"Chairman of the Board of Canvassers.

Attest:

"Clerk."

And in case of a special election to fill a vacancy or vacancies the statement of the determination of such board, and the certificate thereof, shall be in a form similar to that above given, as far as the nature of the case will admit.

193. The board of county canvassers, in the case of an election for a member of the Senate, members of the General Assembly, county or municipal officers, or any of them, shall make a statement of the result thereof, and their determination as to the person or persons who shall be elected therein; and in all

other cases shall make only a statement of the result of the election in such county upon the statements and copies of statements which shall be produced and laid before the board, as directed in this act.

194. The clerk of such county, in the case of an election for Senator, members of the Assembly, or any county officer, 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, and shall 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.

195. The Senate and General Assembly shall convene and hold their sessions in the State House, at Trenton and in the organization of each house 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.

196. All the statements and copies of 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.

197. All the proceedings of such boards shall be open and public, and 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 to the clerk of such county, who shall file the same in his office.

BOARD OF STATE CANVASSERS.

198. In case of any election for one or more members of the House of Representatives, or for electors of President and Vice-President, or for Governor, 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; and 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, certified by such clerk, which shall be sufficient; and such secretary shall, on the twenty-first day next after the day of such election, produce and lay before the board of State canvassers all such statements and copies as shall relate to such election, which shall have been received or obtained by him as hereinbefore provided for.

199. The Governor shall attend at Trenton on the twenty-first day next after the day of election, and summon to attend him on that day four or more of the members of the Senate, not more than two of whom shall be of the same political party, 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 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; and such members of the Senate as shall be summoned shall attend at Trenton on that day for that purpose; they 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, and shall constitute a board of State canvassers; and the Governor shall be the chairman thereof, and the Secretary of State shall be the clerk thereof.

200. 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.

201. If the 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."

202. Such board shall consist of at least five persons, including the chairman thereof; and 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.

203. 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; and such board shall then forthwith proceed to make a statement of the result of such election in the State, which 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; and the 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; and 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 determina-

tion; and 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; 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, and shall be annexed to the statement of the result of such election; and both of such statements and certificates shall forthwith be delivered to the Secretary of State, who shall file the same in his office.

204. 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; and the member of the board of election of any election district, or any clerk or 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 clerk of such county, deliver to such messenger such statement or copy; and such messenger, in either case, shall be commissioned as such in writing, under the hand and official seal of the officer by whom he shall have been dispatched, 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 officer who shall have dispatched him.

205. 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.

206. Such board shall make 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.

207. 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.

208. 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.

209. The proceedings of such board shall be open and public, and the decision of a majority of the members thereof shall be deemed and taken to be the decision thereof; and if any member shall dissent from such decision, and shall desire to protect himself against any consequences which may result therefrom, he shall state his dissent in writing, and deliver the same to the Secretary of State, who shall file the same in his office.

210. In case of any election for one or more members of the House of Representatives, the Secretary of State shall prepare a general certificate of the election of such member or members, 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 name 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 House of Representatives, if they shall then be in session, and if not in session, then at their first meeting; and 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.

THE ELECTORAL COLLEGE.

211. At the general election in each fourth year as prescribed by the laws of the United States, such number of persons as this State shall be entitled to elect or appoint shall be elected by the legal voters throughout the State to be electors of President and Vice-President of the United States; each of such electors 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.

212. 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; and, after choosing a president and secretary from their own body, shall proceed to perform the duties required of them by the constitution and laws of the United States.

213. 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.

ELECTIONS TO SUPPLY VACANCIES.

214. Whenever any vacancy shall happen in the representation of any county in the Senate or General Assembly, the house in which such vacancy happens shall direct a writ of election 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; but 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 (or a shorter time before such commencement if the board of chosen freeholders make the requirement hereafter mentioned), it shall be the duty of the Governor forthwith to issue a writ of election 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; but 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; *provided*, that if the board of chosen freeholders of such county shall signify in writing to the Governor, in case such vacancy occurs during the recess of the Legislature, or after the annual election, and before the commencement of the legislative year, 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.

215. If 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.

216. Whenever any vacancy or vacancies shall happen in the representation of this State in the House of Representatives, it shall be the duty of the Governor forthwith to issue a writ 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 two months next after the happening of such vacancy or vacancies.

217. 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; and shall specify the cause and purpose of such election, the name of the officer in whose office the vacancy has occurred and the day on which such election shall be held, which shall not be less than fifteen days, nor more than forty days, from the date of such writ.

218. 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; and in case such vacancy or vacancies shall have happened in the representation of any county, in the Senate or Assembly, he 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 House of Representatives, he

shall cause as many copies of such writ to be made as there shall be counties or parts of counties in such vacant congressional district or districts, certify each of the same to be true and correct under his hand, and cause one of such copies to be delivered to the clerk of each of said counties.

219. The clerk of each of said counties shall, forthwith, after the receipt of any such copy, cause the same to be published at least once a week, and as often as required by the writ of election, until the time of such election, in at least four of the newspapers which shall be printed or published in said county, if so many there be in said county; and such advertising shall be made, as nearly as may be, in newspapers of the different political parties so as to afford the widest possible notice to all voters of every political party; and such publication shall constitute sufficient notice of the holding of such election.,

220. Any vacancy happening in the office of sheriff, coroner, clerk, register or surrogate of any county, 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.

221. Except as in this section otherwise provided every special election shall be conducted by the same election officers and in as nearly as may be the same manner as the general election is or may be conducted; nominations shall be made for the offices to be filled at such special election in the manner herein provided for the nomination for such offices at the general election, except that there shall be no primary election at public expense in connection therewith, and the registry of voters shall be made as in this act provided for elections other than the general election, with such modifications, if any, as to the times of meeting of the district boards of registry and elections as the county board of elections may deem necessary. Whenever a writ of election shall be issued for the purpose of filling vacancies which shall arise from the death, resignation or otherwise of any member of either the Senate or House of General Assembly of the State of New Jersey, the political parties of the county to which such writ of election shall be directed may nominate candidates

for the office in which such vacancy has occurred, in such manner and under such regulations as shall be provided by the county committees of the respective political parties, anything in this act to the contrary notwithstanding. The convention or body making such nomination shall file with the county clerk, at least six days before the time fixed for holding such election, a certificate containing the name of the person selected as candidate, which certificate shall be under the hand of the presiding officer of such convention or other body, together with an acceptance of such nomination signed by the person selected as candidate. The local boards of registry and election shall meet at the place where such election is to be held in the respective election districts on the Friday preceding the day set for the holding of such election, at one o'clock in the afternoon, and remain in session until eight o'clock in the evening, for the purpose of revising and correcting the registers of voters by adding to the registers used at the then last preceding general election, in the manner provided in this act for elections other than general elections, the names of persons entitled to vote whose names shall not appear on such registers. The local boards of registry and election shall make return of the result of such election to the clerk of the county board of elections within twenty-four hours after the holding of such election, and the county board of elections shall meet on the Thursday following the holding of such election and shall canvass the vote and immediately certify the result to the clerk of the county, and the clerk of the county shall immediately after receiving the statement of the result of such election from the county board of elections, deliver a certificate of election to the successful candidate and transmit another copy thereof to the Secretary of State at Trenton.

CONTESTED ELECTIONS FOR GOVERNOR.

222. Any person intending to contest the election of Governor shall, within thirty days next after such election, give notice in writing to the person whose election he intends to contest, stating such intention, and setting forth the facts, charges and specifications upon which he means to rely; which notice shall be deliv-

ered to such person, or be left open at his usual place of residence with a member of the family over the age of fourteen years.

223. The said contestant shall address and cause to be delivered to the President of the Senate as soon as that body shall be organized by the election of a President, a petition in writing, setting forth that the said petitioner intends to contest the said election of Governor, and the facts, charges and specifications upon which he means to rely, and praying that a joint committee of the two Houses of the Legislature may be appointed to try the same; which petition shall be accompanied by the affidavit of the petitioner that the facts, matters and things in said petition contained are true, as he verily believes, and shall be also accompanied by due proof that the notice mentioned in the preceding section has been given as is therein directed.

224. Upon the receipt of such petition, verification and proof, the said President shall immediately give information thereof to both Houses of the Legislature, who shall, on a day and hour to be agreed upon between them, not exceeding ten days from the delivery of such petition, convene in the Senate chamber, and proceed to appoint such committee.

225. The president of the Senate shall preside at such meeting; the names of the members of each house shall be called over, and thereupon the names of the members of the Senate present shall be written on distinct pieces of paper, as nearly similar as may be, and each rolled up and put into a box by the clerk of the Assembly, and after being shaken and intermixed, shall be placed on the president's table; and the secretary of the Senate shall then draw from the said box the papers so rolled up, and deliver them singly to the speaker of the House of Assembly, who shall open and read them aloud as he receives them, and deliver them singly to the president of the Senate, who shall place them open on the table; and the clerk of the House shall take down the names as they are so called in writing, until the number of ten names be drawn, when the drawing shall cease; the names of all the members of the House of Assembly who are present shall then, in like manner, be written on similar distinct pieces of paper, and each rolled up and put into a box by the secretary of

the Senate, and after being shaken and intermixed, shall be placed on the president's table; and the clerk of the House shall then draw from the said box the papers so rolled up, and deliver them singly to the president of the Senate, who shall open and read them aloud as he receives them, and deliver them singly to the speaker of the House, who shall place them open on the table, and the secretary of the Senate shall take down the names as they are so called, in writing, until the number of twenty-nine names shall be drawn, when the drawing shall cease.

226. When the names of ten members of the Senate and twenty-nine members of the House of Assembly shall have been so drawn, a list of the members so selected shall be given to each of the parties, or their counsel, who shall immediately withdraw to some adjoining room, with a clerk or member appointed by the joint vote of the members present, where they shall proceed alternately to strike off the names upon the said list, the contestant striking first, until the number shall be reduced to four members of the Senate and nine members of the House of Assembly; and within one hour from the time of so withdrawing shall deliver to the president of the Senate the names of the said thirteen members remaining on the list, who shall constitute a committee to try the matter in controversy, and shall respectively take an oath or affirmation, to be administered by the president of the Senate, to try the matter of the petition, and to give true judgment thereon according to evidence; and the time and place for the meeting of the select committee so appointed shall then be directed by the joint vote of the members of both houses, which shall be within twenty-four hours of the appointment.

227. As soon as the list shall have been delivered to the parties aforesaid the clerk of the House of Assembly shall proceed to draw out, one by one, the names of the remaining members of the Senate, and deliver them singly to the speaker of the House, who shall unfold and read them aloud; and then the secretary of the Senate shall, in like manner, draw out the names of the remaining members of the House of Assembly and deliver them singly to the President of the Senate, who shall unfold and read them aloud; and if any unfairness or mistake shall be discovered therein, then the whole proceeding shall be set aside, and the business be renewed in manner and form as is hereinbefore directed.

228. The committee so chosen shall, on their first meeting, elect a chairman from among themselves, and some competent person as clerk, and in case of the sickness, death, resignation or inability to act of either, may choose another in his place; and in case of the refusal or inability of any member of the committee so chosen to act, the committee shall, by a majority of votes, fill such vacancy by choosing a member to supply his place, if he be a Senator, from the Senate; if a member of the Assembly, from the House of Assembly; *provided*, that no member who was stricken from the list of names drawn shall be eligible to be chosen; *and provided*, that such vacancy shall be filled before the committee shall have entered upon the hearing of the case.

229. The said committee shall sit from day to day, Sundays excepted, and attend exclusively to the business before them until they shall have finally decided the case.

230. The said committee shall have power to send for persons, papers and records, to examine all witnesses who may come before them, upon oath or affirmation, to be administered by the chairman; and any person guilty of taking a false oath or affirmation before them, or of procuring another to do so, shall, upon conviction, be liable to the same punishment as persons convicted of perjury are liable to by law; the committee may require the production of ballot-boxes with their contents, and may examine and recount, if necessary, the ballots cast in any district or districts.

231. All determinations of the said committee shall be by a majority of votes; as soon as the said committee shall have determined whether the election or return referred to them is legal and valid, or the contrary, and who, if anyone, is duly elected to the said office of Governor, the chairman shall make two reports thereof in writing, one of which he shall deliver to the President of the Senate and the other to the Speaker of the House of Assembly, which reports shall be entered on the journal of the respective Houses, and shall be final and conclusive, and the person adjudged to be elected shall be entitled to the office; and if no one shall be adjudged to be elected then the office shall be declared vacant.

232. The proceedings of the committee shall be conducted publicly; the parties shall be at liberty to appear before them in person, or by counsel, and examine and cross-examine the witnesses produced, and be heard upon the questions that arise in the case.

233. Witnesses attending by order of the committee shall have the same fees as are allowed at law; the clerk of the committee shall be allowed compensation at the rate of ten dollars per diem, but no fees, and all expenses incurred shall be taxed by the committee and paid by the treasurer on the certificate of the chairman.

CONTESTED ELECTIONS FOR MEMBERS OF THE LEGISLATURE AND CONGRESS.

234. If any person shall intend to contest the right of any person who shall have been declared to be duly elected a member of the Senate, a member of the General Assembly or a member of the House of Representatives of the United States, to a seat in the house of which he shall have been declared to be elected a member, the person intending shall, within thirty days next after the day of such election, give notice in writing of such intention to the person whose seat he shall intend to contest; which notice shall be delivered to such person, or shall be left open at his usual place of residence, with one of the family above the age of fourteen years, and such notice shall particularly set forth the ground or grounds on which such seat will be contested.

235. The judges of the Court of Common Pleas, the commissioners to take bail and affidavits in the Supreme Court, and the masters in chancery, respectively, shall have power, and are hereby required at any time, on application to them by any person who shall intend to contest the right to a seat as above mentioned, or whose right to a seat shall be contested, to issue a subpoena or subpoenas to any person or persons whose testimony the person so applying shall be desirous to take, and to appoint some time, not less than ten, nor more than twenty days after such application shall be made to him, and some place for the examination of such person or persons; *provided*, that no officer

shall issue any such subpoena or appoint such time, unless he shall be satisfied that such notice has been given as is directed in the preceding section of this act.

236. When such time and place shall have been appointed the person who shall have made such application shall forthwith give at least eight days' notice of such time and place, and of the name of the officer who is to take the testimony, to the opposite party; which notice shall be in writing, and shall contain the name or names of the witness or witnesses intended to be examined, and shall be given in the same manner as the notice of contest of such election hereinbefore mentioned is directed to be given.

237. At the time and place which shall have been so appointed the officer appointing them shall attend and take the deposition or depositions of such person or persons as shall appear before him; which deposition or depositions shall be taken in writing, and shall be signed by the person or persons, respectively, who shall be examined; *provided*, that such officer shall not proceed to take the testimony of any person unless he shall be satisfied that such notice has been given, as is hereinbefore directed, and that he shall take the testimony of no other person than such as shall be mentioned in such notice, and that no testimony shall be taken which shall not relate to some ground of contest specified in the notice which shall have been given, as is hereinbefore directed.

238. The officer who shall take any such deposition or depositions shall certify the same under his hand and shall inclose, seal up and transmit or deliver the same, in case the intended contest shall relate to a seat in the Senate, to the President of that body; in case it shall relate to a seat in the General Assembly, then to the Speaker of that body, and in case it shall relate to a seat in the House of Representatives of the United States, then to the Speaker of that body.

239. It shall be the duty of every person upon whom a subpoena, issued under and by virtue of this act, shall have been served, and to whom the lawful fees shall have been paid or tendered, to obey the command of such subpoena, under the penalty of fifty dollars, to be sued for and recovered, with costs, in an action of debt, before any court of competent jurisdiction, by the

person on whose application such subpoena shall have been issued; *provided*, that no person shall in any case be required to attend any such examination as a witness out of the county in which he resides, and if any person duly subpoenaed as aforesaid shall neglect or refuse to obey the command of such subpoena, it shall be lawful for any justice of the Supreme Court or judge of the Court of Common Pleas, on due proof by affidavit of the service of a subpoena on such witness, and of the payment of his legal fees, and of his refusal or neglect to obey the command of said subpoena as aforesaid, to issue an attachment against such person to bring him before said justice or judge, and the said justice or judge shall have power to proceed against said witness as for a contempt of said court.

RECOUNT OF VOTES.

240. Whenever any candidate at any election shall have reason to believe that an error has been made by any board of election or of canvassers in counting the vote or declaring the result of such election, whereby the result of such election has been changed, such candidate may, within ten days after such election, apply to any justice of the Supreme Court, who 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 board of elections, after due notice to the parties interested of the time and place of such recount; and if it shall appear upon such recount that an error has been made, sufficient to change the result of such election, then such justice shall revoke the certificate 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 majority of the votes cast at such election, which latter 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; said justice shall have power to decide all disputed questions which the said board shall fail to decide by a majority vote thereof.

241. Whenever any such certificate shall be issued by any justice of the Supreme Court, the same shall be filed with the clerk of the county or municipality in and for which such election was held; and such 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; and 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.

242. 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; and 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.

CONTESTED ELECTIONS FOR COUNTY OR MUNICIPAL OFFICES.

243. The several Circuit Courts of this State shall have jurisdiction to hear and determine all cases in which the election of any officer or officers of any county, city, borough, village, township, or other municipality may be contested, and for that purpose the said courts shall always be open; such contest shall be commenced by filing a petition therefor within thirty days after any such election shall be held.

244. Such election may be contested upon one or more of the following grounds, viz:

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.

245. 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.

246. When the misconduct complained of is 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.

247. The contestant shall file a petition in writing signed by himself and at least fifteen qualified electors of the county, township or municipality in and for which such election was held, as the case may be, setting forth one or more of the causes specified and the particular circumstances of the case, duly verified

by the oaths or affirmations of at least two of said petitioners, which shall be filed with the clerk of said court, together 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.

248. 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; the court shall appoint a suitable time for hearing such complaint, not more than thirty nor less than fifteen days thereafter; 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.

249. 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.

250. 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.

251. 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.

252. 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.

253. 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.

254. 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; 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.

255. 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.

256. 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, one thousand eight 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.

257. 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.

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.

COMPENSATION OF ELECTION OFFICER; AND EXPENSES OF ELECTION.

259. 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 members 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 returns 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.

260. 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 cities, townships and other 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 cities, townships or municipalities.

261. All costs, charges and expenses incurred by the county and municipal clerks in carrying out the provisions of this act (except for sample ballots furnished to individuals as hereinbefore provided), including the charges and expenses incurred for rooms for polling places and fitting up and arranging the same, the compensation of the district boards of registry and

election, and all other expenses incurred by any officer or person duly authorized in carrying out the provisions of this act, shall be regarded as election expenses, and shall be paid, in the case of the general election or any special election held in and for the whole county, by the respective counties, and in case of all other elections by the respective municipalities in and for which they are held, in the same manner as other county and municipal expenses are paid; but municipal ballots shall be paid for by the respective municipalities; all bills, before being paid, shall be itemized and verified by the oath of the claimant, and audited and approved by the clerk of the county, township, city or municipality who contracted the bill charged for; *provided*, that nothing herein contained shall be construed as permitting compensation to any election agent or challenger; and the board of freeholders in each county shall include in their annual tax levy a sum sufficient to pay all the election expenses, and a reasonable compensation for the services of the county board of elections, the amount of which 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.

MISCELLANEOUS.

262. 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; and no person shall be elected to the office of such elector who shall hold the office of Senator or Member of the House of Representatives of the United States.

263. 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 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; and if 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 if 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.

264. When by the provisions of any statute the decision of any question has been or shall be submitted to the decision of a majority of the legal voters of this State or of any subdivision thereof; or when the approval of a majority of the legal voters of this State or of any sub-division thereof is required in any statute before such statute takes effect or before any prescribed action or proceeding under such statute shall be valid and lawful, 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 or proposition submitted; and that for the purpose of ascertaining what is a majority of the legal voters of any district defined in such statute, upon the proposition therein directed to be submitted, the persons who do not vote at such election shall not be estimated, counted or considered for the purpose of ascertaining what is a majority of the legal voters in such district, with respect to the proposition submitted; such votes shall be estimated and canvassed, and the result thereof determined by the several boards of election and boards of canvassers, in the same manner as the results of other elections are estimated, canvassed and determined.

265. The board of registry and election in each election district, the board of county canvassers in each county 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.

266. 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, wages or stake shall have been lost.

CRIMES AND PENALTIES.

267. 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 imprison-

ment 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.

268. If the clerk of any county shall willfully and corruptly suppress, destroy, mutilate, change or alter any statement or certificate of the result of any election, or any copy thereof, made in pursuance of this act, which shall have been delivered to or received by him, or omit or refuse to produce and lay the same before the board of county canvassers, or if the chairman or clerk of any such board shall willfully and knowingly certify, sign or attest any false or untrue statement of the result of any election, or any false or untrue statement of the determination of any such board, or of the certificate thereto, or shall willfully and corruptly refuse or omit to certify, sign or attest any such certificate which he is by this act required to certify, sign or attest, or if any Secretary of State or clerk of the board of State canvassers shall willfully and knowingly certify, sign or attest any false or untrue statement of the result of any election, or any false or untrue statement of the determination of any such board, or of the certificate thereto, or shall willfully and corruptly suppress, destroy, mutilate, change or alter any statement or certificate of the result of any election, or any copy thereof, made in pursuance of this act, which shall have been delivered to or received by him, or omit or refuse to produce and lay the same before the board of State canvassers, every such person so offending, his aiders, procurers or abettors, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labor for any term not exceeding seven years, or both.

269. 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 two years, or both.

270. If any member of any district board of registry and election shall at any election knowingly and willfully receive, or assent to receive, the vote of any person who is not by law entitled and qualified to vote at such election, or shall willfully and designedly make or sign any false or untrue statement or certificate of the result of any such election, or suppress, destroy, withhold, mutilate, change or alter any such statement or certificate, or any copy thereof made in pursuance of this act, or shall knowingly and willfully make any false or untrue entry in any poll-book, or in any primary book, or shall in canvassing and estimating the votes received at any such election, willfully and corruptly write any figure or mark opposite the name of any person voted for at such election, or refuse or omit to write any such figure or mark when he is by this act required so to do, or shall corruptly and without sufficient excuse omit or refuse to deliver or transmit to the clerk of such county, within the time by this act prescribed, the statement of the result of any such election, which shall have been delivered to him to be delivered or transmitted to such clerk, every person so offending, 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 imprisonment at hard labor for any term not exceeding two years, or both.

271. 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.

272. 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.

273. It shall be the duty of all sheriffs, under sheriffs, police officers and constables, on any election day, during the hours of election, to arrest without warrant 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.

274. 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, or forge or falsely make the official indorsement of any ballot; every person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction

tion thereof shall be punished by imprisonment for not more than five years.

275. 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 pencils placed in the booths or compartments for the purpose of enabling the voter to prepare his ballot, nor on any pretext carry any official ballot from the polling-room during the election; 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.

276. Any public officer or election officer whatsoever of this State, or of a city, borough, town, township, municipality or election district or precinct, upon whom a duty is imposed by the provisions of this act, who refuses, or willfully neglects, or willfully fails to perform such duty, or who willfully performs it contrary to the law, or in such way as to hinder the objects of this act, shall on each offense, if no other penalty is herein specifically imposed for such offense, be punished by fine not exceeding five hundred dollars, or by imprisonment in the State prison for a term of not more than three years, or both such fine and imprisonment; any person charged with the care of official ballots under this act, who shall willfully destroy them, or either of them, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in State prison for not more than five years; any person who has undertaken to deliver official ballots to the clerk of any city, township or municipality, and willfully or negligently fails or refuses so to do, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not more than one year.

277. Whoever shall solicit the registering of his name on the registry list of any election district or precinct in this State, or shall solicit the enrolling of his name on any enrollment list for such district, 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 or the enrolling of such name on any enrollment list therein, knowing such other person is not entitled to vote therein; whoever shall unlawfully enroll his or any other person's name on any enrollment list for any primary election; 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 set or series of ballots 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 attempt to vote upon any name other than his own, or knowingly casts or attempts to cast more than one set or series of ballots 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; 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 or voting machine, 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. 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 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; 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; no voter shall place or permit to be placed any mark upon the face or back of his ballot by which the ballot may afterwards be identified by any other person as the one voted by him; whoever shall violate this last-mentioned provision of this section shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding one year, or both, at the discretion of the court.

279. If any printer employed by any county or municipal clerk to print the official ballots, or any of them, 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.

280. 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 distinguish-

ing 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.

281. 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 information 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.

282. 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.

283. 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.

284. 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.

285. 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, on conviction thereof, shall be sentenced to disfranchisement for a period of five years from the date of conviction.

286. 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, or publicly within one hundred feet of 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.

287. Any person not authorized by the proper officers who shall print or make any ballot of a like character and with the names and words contained on the official ballot provided for in this act, or any person who shall on or prior to election day have in his possession an official ballot, or a ballot made in imitation thereof, without being such person as is authorized by this act to have charge or possession thereof, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment not exceeding one year.

288. 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.

289. Any person who solicits from a candidate for any elective office any money or other property, or who seeks to induce such candidate to purchase any ticket, card or other evidence of admission to any ball, picnic, fair or entertainment of any kind, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment for a period not exceeding six months, or both; *provided, however*, this act shall not apply to a request for a contribution by an authorized representative of the political party, organization or association of which such candidate is a member or by which he is nominated.

290. 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.

291. In addition to the penalties provided for violations of any of the provisions of this act, the court imposing such penalties may add thereto that such offender be thenceforth disfranchised as a voter and disqualified to hold any office of trust or profit within this State for such length of time as such court may deem proper; *provided, nevertheless*, that nothing in this act contained shall be held or construed to in anywise absolve or relieve any person or persons from any liability, penalty, prosecution, indictment or punishment for or on account of any violation of any law in force at the time of the passage of this act.

292. 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 or 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.

293. Nothing in this act contained shall be construed to alter, modify, amend or repeal any statute of this State, imposing any penalty or punishment for any offense relating to any election.

GENERAL PROVISIONS RELATING TO PRIMARY ELECTIONS AND TO PARTY PRIMARY MEETINGS AND CAUCUSES.

294. No person not at the time entitled to vote, by the laws of this State, at the special, general and local elections held in this State shall vote at any primary election or at any party

primary meeting or caucus called or held by any political party or political organization of this State for the nomination or selection of persons to be voted for at any such election, or for the selection of delegates to conventions to make such nominations, or both, nor shall such person vote unless he is a legal resident of the political division in and for which such primary election or party primary meeting or caucus is held.

295. If any person not entitled to vote as aforesaid shall vote or offer to vote at any such primary election or party primary meeting or party 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 election or at any party primary meeting or party caucus held by any political party or organization to nominate candidates to be voted for at any election, or to elect delegates to nominate such candidates, or both, shall vote or offer to vote at the primary election or party primary meeting or party caucus held by any other political party or organization held to nominate candidates to be voted for at the same election, or to elect delegates to nominate such candidates, or both, such person or persons shall be deemed to 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.

296. It is hereby made the duty of the judges, inspectors and clerks or other officers of the party primary meetings or caucuses, held for the purpose of nominating candidates, or electing delegates to nominate candidates, to be voted for at any election, before entering upon the discharge of their duties, severally to take and subscribe to an oath or affirmation, in the presence of each other, substantially in the following form:

"I,.....do.....that I will, as judge (or as inspector or clerk, as the case may be) at the ensuing primary meeting (or caucus), impartially, honestly and faithfully perform my duties in accordance with the laws of the State of

New Jersey, and in accordance with the rules and regulations adopted by the.....party, of the county of..... (as the case may be), for the government of primary meetings (or caucuses), to the best of my understanding and ability."

297. If any judge, inspector, clerk or other officer of a primary election, or of a party primary meeting or caucus, as aforesaid, shall presume to act in such a capacity before taking and subscribing to an oath or affirmation as required by this act, or, in the case of any party primary meeting or caucus not held at public expense, 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 meetings or caucuses of the party, or if any judge or inspector of any primary election, or of any party primary meeting or caucus, as aforesaid, shall knowingly reject the vote of any person entitled to vote thereat by law, or shall knowingly receive the vote of any person or persons not qualified to vote thereat by law, or if any judge, inspector, clerk or any other officer of a primary election, or of any party primary meeting or caucus, 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.

298. 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 above mentioned, 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 a 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.

299. 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, or any other money, service, preferment 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 convention, 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.

OF ELECTIONS BY SOLDIERS AND SAILORS ABSENT FROM THE STATE
IN TIME OF WAR.

300. Whenever in time of war any of the qualified electors of this State shall be in the actual military service of this State, or of the United States, in the army or navy thereof, by the authority of this State, or under a requisition from the President of the United States, and as such shall be absent from the election districts in which they reside, on the days appointed by law for holding any general, special or local election within this State, or within any congressional district, county, city, borough, town, township or municipality therein, such electors shall be entitled, at such times, to exercise the right of suffrage in their several districts in the manner and form hereinafter prescribed.

301. Such absent elector shall by an instrument in writing, executed by him not more than sixty days previous to any general or special election to be held in this State, authorize and empower any elector of the election district in which the said absent elector shall reside, on the day of said election, to cast for him his vote or ballot, in the manner prescribed in this act, for all officers for whom he would have a right to vote if he were present at such election; said instrument shall be signed by such absent elector, attested by two subscribing witnesses, and sworn (or affirmed) to before any field officer, captain, adjutant or commander of any regiment, company, battalion or detachment, or of any vessel or naval station to which the said absent elector may belong or be attached, and such officers are hereby duly authorized to administer oaths and affirmations for the purposes specified in this act, and they shall attach to their signatures their official designations.

302. The said absent elector shall make and subscribe an affidavit in the form or of the effect following:

"I, A. B., do solemnly swear (or affirm) that I am a citizen of the United States; that I am now of the age of twenty-one years; that I have been (or will have been) a resident of the State of New Jersey for one year, and of the county of for five months next preceding the election to be held on the

.....day of.....nineteen hundred and...., and that I am now a resident of the.....ward of the city (or town) of.....and that I am (or will be) in all respects qualified to vote in said city (or town) at said election, and until said election intend to be a resident thereof; and I do further swear that I am in the actual military service of the State of New Jersey (or of the United States), in the army (or navy) thereof, and that I am a member of company.....of the.....regiment (describing the organization or vessel to which he belongs), now at or near....., in the State (or territory or country) of..... Sworn to and subscribed before me this.....day of....., anno domini nineteen hundred and.....”

303. The said absent elector in the service as aforesaid shall prepare and fold the ballot he designs to cast at such election, and inclose the same, together with the instrument hereinbefore described, in an envelope, duly sealed, having on the outside thereof, either written or printed, the affidavit prescribed in the last preceding section of this act, sworn to and subscribed as therein required; the said envelope, prepared as aforesaid, shall be enclosed by him in another envelope, marked “soldier’s (or sailor’s) vote,” sealed and directed to the elector empowered by the aforesaid instrument to cast the ballot of said absent elector, and the said absent elector may then transmit the same to the person to whom it is directed by mail or otherwise.

304. The aforesaid instrument shall be in the words or of the effect following, namely:

“I, A. B., a resident and elector of the ward of the city (or township), or, as the case may be, of in the county of in the State of New Jersey, but absent from my election district in the military service of the State of New Jersey (or of the United States), and now at in the State of in company of the regiment of under the command of do hereby authorize, empower and direct C. D., of the election district above mentioned, to cast for me the ballot herewith inclosed at the election to be held in said election district on the day of

....., anno domini nineteen hundred in the manner provided by the laws of the State of New Jersey.”

305. The elector to whom such letter shall be directed may open the outer envelope thereof, but he shall not open the inner envelope; on the day of such election, and between the opening and the closing of the polls thereof he shall deliver such inner envelope to the board of election of the proper election district, and at the polls thereof, and if the person whose name shall be signed to the affidavit on the outside of said envelope shall be determined by the said board of election to be a duly qualified voter in such election district, said envelope shall be by said board publicly opened, and the vote or ballot therein contained shall be duly deposited in the ballot-box prepared to receive the ballots of voters, and the name of such absent elector shall be entered upon the poll-list, together with the name of the person delivering the ballot at the polls; no envelope containing a soldier’s or sailor’s ballot shall be opened by the board of election unless the name of the person signing the affidavit on the outside of said envelope shall be found upon the registry list of the district where such person claims to reside, or unless an affidavit be made and subscribed by a voter of the district to the effect that he knows that said person whose vote is so offered is a resident of said district; the ballots contained in any such envelope which shall have been opened or unsealed before the same shall have been delivered to the board of election shall not be deposited in the ballot-box, but shall be rejected.

306. The affidavits and instruments hereinbefore described and all envelopes marked “soldier’s or sailor’s” votes not opened at such elections shall be kept and filed by the clerk of the election in the same manner and place as poll-lists of such elections are required by law to be filed and kept.

307. Any person who shall be entitled to receive any letter or envelope marked as herein provided, before he shall take away the same, shall sign and deliver to the postmaster, or his deputy, or clerk, a receipt therefor, which receipt shall specify how many such letters or envelopes he has received, and otherwise, as far as may be, specify the particulars of the description thereof; and any willful omission to comply with the provisions

of this section shall be adjudged a misdemeanor, and any person convicted thereof shall be punished accordingly.

308. The person to whom any soldier's or sailor's ballot shall be sent as herein provided, shall, at the time of delivering the same to the board of elections to be deposited in the ballot-box, also present his oath or affirmation, in writing, setting forth that the ballot or ballots therewith presented have been received by him to deliver to said board of election, and that he has not in any manner changed, altered or opened the said ballot or ballots, or the inner envelopes thereof, and that he believes the same have not been changed, altered or opened by any other person.

309. Any member of any board of election and any elector to whom said ballot shall be sent, who shall willfully neglect or refuse to perform any of the duties required of him as aforesaid, or who shall in any manner willfully violate or abuse any trust or duty hereby imposed, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for a period not exceeding six months, or both.

310. Every person who shall deliver or present to the board of election under this act, any false, forged, altered or changed ballot, envelope or instrument of any such enlisted elector, provided for by this act, knowing the same to be so eltered, forged or changed, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labor for any period not exceeding two years, or both.

311. Any officer of this State, or of the United States, or any other person who shall, directly or indirectly, control, or attempt to control, any such enlisted elector as aforesaid in the exercise of any of his rights under this act, by menace, bribery, fear of punishment, hope of reward, or any other corrupt or arbitrary measure or resort whatever, or to annoy, injure or otherwise punish any such absent elector for the manner in which he may have exercised any such right, shall be deemed guilty of an offense against the government and dignity of this State, which

shall be punished as a misdemeanor, and for which he may be indicted and tried at any future time when he may be found within the limits of this State, and upon conviction he shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labor not exceeding two years, or both.

312. The Secretary of State is hereby authorized and required to prepare and have printed, at the cost of this State, the necessary blank forms and envelopes required to carry out the provisions of this act relative to the voting of enlisted electors; and shall cause the affidavits required by this act to be printed in blank upon the proper envelopes to contain the instrument required by this act; and shall, at least one month previous to any general, special or local election, cause such blank forms and envelopes, and copies of those sections of this act relating thereto, to be forwarded to the several regiments from this State, in the service of this State or of the United States, in the field, and to the several hospitals, posts and naval stations, in sufficient quantity to furnish one copy of each blank form, envelope, and of the sections of this act required to be printed as aforesaid, to each person in actual military service of this State or of the United States, in the army or navy thereof, from this State and absent therefrom; *provided, however*, that such absent electors shall have the right to vote as hereinabove provided without being required to use an official ballot or envelope.

313. In case for any reason any section or any provision or proviso of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section, provision or proviso of this act.

314. The act entitled "An act to regulate elections" (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight, and all acts amendatory thereof and supplemental thereto, and all acts and parts of acts, general and special, inconsistent with this act, are hereby repealed, but this repealer shall not revive any act heretofore repealed, and this act shall take effect immediately; *provided*, that the members of any county board of elections and members of any district board of registry and election, in office, shall continue in office until the

time or times herein provided for the commencement of the term of office of their successors.

MASSACHUSETTS BALLOT.

Provision for Massachusetts form of ballot to be used in place of sections 91, 92 and 93.

91. The ballots shall be arranged as nearly as possible as follows: To the name of each candidate for a State or county office shall be added the name of the municipality in which the candidate resides. To the name of each candidate for a municipal office shall be added the name of the street on which he resides, with the street number, if any. To the name of every candidate, whether for a State, county or municipal office, shall be added the name of the political party of which he is a candidate, if any, as the same shall appear in the petition or certificate of nomination, or as his party shall be shown by his nomination at the primary election. If a candidate shall receive the nomination of more than one party for the same office, he may, by writing delivered at least ten days before the election to the officer required by law to prepare the official ballot, direct in what order the several nominations shall be added to his name upon such official ballot; and said directions shall be followed by the said officer. If said candidate shall neglect to make such direction in writing, then said officer shall add said party names to the name of said candidate in such order as said officer shall determine. The names of candidates for every public office, except the names of candidates for presidential electors, shall be arranged under the designation of the office in alphabetical order according to the surnames; blank spaces shall be left at the end of the list for candidates for each different office, equal to the number to be elected thereto, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office. When any question or proposition is to be submitted to voters, it shall be printed on the ballot after the names of the candidates. Ballots shall be so printed as to give to each voter an opportunity to designate by cross in a square at the right of the name and designation of each candi-

date and at the right of each question, his choice of candidates and his answer to such question; and upon the ballots may be printed such directions as will aid the voter; for example, "vote for one," "vote for two," "yes," "no," and the like.

92. In case no nomination at all shall have been made for an office to be filled at an election, it shall be the duty of the county or municipal clerk, as the case may be, to place on the official ballot a blank space or spaces under the title of the office to be filled, equal to the number of persons to be elected thereto.

93. The names of candidates for presidential electors shall be arranged in groups as presented in the several certificates or petitions of nomination or as nominated at the primary election. The groups shall be arranged in the alphabetical order of the surnames of the candidates for President, and the names of the candidates in each group shall be printed upon the ballots in two columns of equal width. The surnames of the candidates for each political party for the office 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 for such party of electors. A sufficient square in which each voter may designate by a cross his choice for electors, shall be left at the right of each political designation; and no other space or margin shall be left in any such group of candidates, but blank spaces provided with voting squares shall be left at the end of the list of groups, equal to the number of electors to be chosen, so that a voter may write in a name or names in the manner provided by this act.

Provision for Massachusetts form of ballot to be used in place of section 122:

122. The poll clerk and the registry clerk shall be conveniently seated at a table located within the railed enclosure near the entrance thereto. The judge of elections shall preside at the ballot-box for general ballots; the inspector at the ballot-box for municipal ballots; the poll clerk shall have charge of the distribution of the general ballots and the registry clerk shall have charge of the distribution of the municipal ballots; the name of each voter shall, upon his entering the railed enclosure and expressing his

desire to vote, be announced, and the registry clerk shall thereupon ascertain whether such name is on the registry list, and if such name is so found, it shall be checked on the list to show that the person so named has applied to vote. Unless the voter shall have been challenged and the board shall have determined to reject his vote as provided in this act, the poll-clerk shall then enter on the poll-book the name and place of residence of the voter as provided in this act, and the voter shall thereupon receive one general and one municipal ballot, the numbers on the stubs thereof to correspond with the number of the voter in the poll-book; having obtained said ballots, the voter shall, with the same in his possession, without delay and without leaving said railed enclosure, retire alone to one of the booths unoccupied by any other person, and entering the same, close the door thereof, and then and there shall prepare the ballots so as to show for which candidates he shall desire to vote and what choice he shall desire to make on the questions or propositions which may be submitted. The vote for candidates shall be indicated on the ballots as follows: the voter shall make a cross in the square at the right of the name of each candidate for whom he intends to vote. If the name of the person for whom he desires to vote for any office does not appear in the list of candidates for such office, upon the ticket, then the voter may insert the name of such person in the space provided therefor and shall indicate his vote by making a cross in the square at the right. A voter may vote for an entire group of candidates for presidential electors by making a cross in the square at the right of the party or political designation immediately above the group. If a voter does not intend to vote for any one candidate in the group of presidential electors, he may strike out the name with a horizontal pencil mark, and the cross shall count as a vote for each of the other candidates in such group. If a voter shall desire to vote for another person for presidential elector in place of a candidate whose name he has erased, he may insert his name in one of the blank spaces and make a cross in the square at the right thereof. A voter who does not mark for any group of candidates for presidential elector may vote for electors, up to the

number to be elected, by inserting names in the blank spaces and making a cross in the square at the right of each name so inserted. No voter shall indicate on any ballot a vote for more persons for a given office than are to be elected in the political division for which the incumbents for such office are chosen. The vote of the voter on any question or proposition which may be submitted shall be indicated as follows: If he shall desire to vote in favor of the question or proposition, he shall make a cross in the voting space following the word "yes," and a vote so indicated shall be counted as a vote in favor of such question or proposition; if he shall desire to vote against the question or proposition, he shall make a cross in the voting space following the word "no," and a vote so indicated shall be counted as a vote against such question or proposition; no voter shall make marks in both voting spaces connected with any one question or proposition; if no mark shall be made in either such voting space, no vote shall be counted either for or against such question or proposition. All crosses and other marks allowed by this act shall be made with a pencil with black lead and not otherwise.

Provision for Massachusetts form of ballot to be used in place of section 133:

133. No voting machine shall be approved by the said board unless the same be so constructed as to provide facilities for voting for the candidates of as many different parties or organizations and for and against as many different questions or amendments as in the judgment of the commissioners shall be necessary; nor shall any such machine be approved unless the same will permit a voter to vote for any person for any office, although the name of the person voted for does not appear on the machine as a nominated candidate for such office; it must enable the voter to vote a ticket selected in part from the nominees of one party and in part from the nominees of any or all other parties, and in part from independent nominations, or in part or in whole of the names of persons not nominated by any party or upon any independent ticket; such machines must also secure to the voter privacy and secrecy in the act of voting; such machine must also be so constructed that a voter cannot vote for a candidate or a

proposition for whom or on which he is not lawfully entitled to vote, also to prevent voting for more than one person for the same office, except in cases where the voter is lawfully entitled to vote for more than one person for the same office, in which event they must enable the voter to vote for as many persons for that office as he is by law entitled to vote, and no more; they must also prevent his voting more than once for the same person for the same office; said machines may be provided with one ballot in each column or horizontal row containing only the words "presidential electors" and the names of the candidates for president and vice-president, preceded by the party name and party emblem (if any emblem be used) and a vote for such ballot shall operate as and be counted, canvassed and returned as a vote for all the candidates of such party for presidential electors, and such machine must be so constructed that by voting an irregular or split ticket, as herein defined, the elector may vote for any person or persons he may choose for the office of presidential elector, and must be so constructed that all votes cast for regularly nominated candidates are registered on mechanical counters or devices; each machine must be provided with a lock or locks, by the use of which any movement of the voting or registering mechanism is absolutely prohibited, and any machine to be approved by said board must be of such kind, style or pattern as will permit the exercise by each voter of the full right and privilege of his elective franchise under the constitutions and laws of this State; such machines, in order to be approved by said board, shall be supplied with a booth, canopy, curtain or other contrivance so arranged or affixed that the use and operation of the machine by the voter when voting cannot be seen or observed by any other person, unless such person be inside the booth, canopy, curtain or other contrivance at the same time; such machine must be so constructed as to correctly register or contain every vote of every description that may be cast, and of sufficient capacity to enable at least six hundred votes to be cast within the time prescribed for holding an election on any general election day.

Provision for Massachusetts form of ballot to be used in place of section 144:

144. All voting machine ballots shall be printed in black ink,

of such form and size as will fill the ballot frame of the machines, in plain, clear type as large as the place will reasonably permit. There shall be two ballots for each machine, a ballot on plain white paper, to be supplied by the county clerk, which shall correspond with the ordinary paper official general ballot, and upon which shall be printed all names which would appear on such official general ballot, if such were provided for the election district in which such machine is to be used, and a ballot on paper of a medium shade of red, to be supplied by the municipal clerk, which shall correspond with the ordinary paper official municipal ballot, and upon which shall be printed all names which would appear on such official municipal ballot, if such were provided for such election district.

Provision for Massachusetts form of ballot to be used in place of section 145:

145. Nominations shall be arranged on the voting machine ballots so that all of the nominations for a single office shall be either in one column or in one horizontal line, as the construction of the machine may require, and the names of the candidates of the various political parties and groups of petitioners shall be placed in such column or horizontal line under or following the title of the office, in alphabetical order according to the surname, the name of the political party, if any, and the residence of each candidate to be added, in like manner as provided in the case of ordinary official ballots.

AN ACT to repeal sundry acts relating to elections, and relating to the regulation and conduct of the same, and to the manner of voting therein, and to the use of voting machines thereat.

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

I. The following acts are hereby repealed:

A. The act entitled "An act to regulate elections" (Revision of 1898), approved April fourth, eighteen hundred and ninety-eight.

B. The following acts supplementary to and amendatory of said act entitled "An act to regulate elections" (Revision of 1898).

- (a) An amendment, approved February twenty-seventh, eighteen hundred and ninety-nine.
- (b) A supplement, approved March twenty-first, eighteen hundred and ninety-nine.
- (c) An amendment, approved March twenty-third, nineteen hundred.
- (d) A supplement, approved March twenty-second, nineteen hundred and one, being chapter one hundred and seventeen of the laws of nineteen hundred and one.
- (e) A supplement, approved March twenty-second, nineteen hundred and one, being chapter one hundred and fifty-five of the laws of nineteen hundred and one.
- (f) An amendment, approved April second, nineteen hundred and two.
- (g) A supplement, approved April first, nineteen hundred and two.
- (h) A further amendment, approved April fourteenth, nineteen hundred and three, being chapter two hundred and fifty-nine of the laws of nineteen hundred and three.
- (i) An amendment, approved April fifteenth, nineteen hundred and three.
- (j) A further supplement, approved April fourteenth, nineteen hundred and three.
- (k) An amendment, approved April fifth, nineteen hundred and four.
- (l) An amendment to a supplement, approved April fifth, nineteen hundred and four, being chapter two hundred and forty-one of the laws of nineteen hundred and four.
- (m) An amendment, approved April fifth, nineteen hundred and four.
- (n) A further supplement, approved January twentieth, nineteen hundred and five.
- (o) A further supplement, approved January twenty-fifth, nineteen hundred and five.
- (p) A supplement to a further supplement, approved April sixth, nineteen hundred and five, being chapter one hundred and seventeen of the laws of nineteen hundred and five.
- (q) A supplement, approved April sixth, nineteen hundred and

- five, being chapter one hundred and eighteen of the laws of nineteen hundred and five.
- (r) A supplement, approved April twelfth, nineteen hundred and five.
- (s) An amendment, approved June third, nineteen hundred and five.
- (t) A further supplement, approved April nineteenth, nineteen hundred and six.
- (u) An amendment to a supplement, approved May sixteenth, nineteen hundred and six, being chapter two hundred and thirty-five of the laws of nineteen hundred and six.
- (v) An amendment to a supplement, approved May sixteenth, nineteen hundred and six, being chapter two hundred and thirty-six of the laws of nineteen hundred and six.
- (w) An amendment to an amendment to a supplement, approved May sixteenth, nineteen hundred and six, being chapter two hundred and thirty-seven of the laws of nineteen hundred and six.
- (x) A supplement, approved May twenty-fourth, nineteen hundred and six.
- (y) An amendment to a supplement, approved May thirteenth, nineteen hundred and seven, being chapter one hundred and seventy-nine of the laws of nineteen hundred and seven.
- (z) A supplement to a supplement, approved October twenty-eighth, nineteen hundred and seven, being chapter two hundred and seventy-eight of the laws of nineteen hundred and seven.
- (a2) A supplement to a supplement, approved October twenty-eighth, nineteen hundred and seven, being chapter two hundred and eighty-one of the laws of nineteen hundred and seven.
- (b2) A supplement, approved March seventeenth, nineteen hundred and eight.
- (c2) An amendment to an amendment, approved March thirty-first, nineteen hundred and eight, being chapter forty of the laws of nineteen hundred and eight.
- (d2) An amendment to a supplement, approved April eighth, nineteen hundred and eight, being chapter one hundred and twenty-one of the laws of nineteen hundred and eight.
- (e2) An amendment, approved April thirteenth, nineteen hun-

dred and eight, being chapter one hundred and eighty-six of the laws of nineteen hundred and eight.

(f2) An amendment, approved April thirteenth, nineteen hundred and eight, being chapter one hundred and ninety-one of the laws of nineteen hundred and eight.

(g2) An amendment, approved April thirteenth, nineteen hundred and eight, being chapter one hundred and ninety-six of the laws of nineteen hundred and eight.

(h2) A supplement to a supplement to a supplement, approved April thirteenth, nineteen hundred and eight, being chapter two hundred and eight of the laws of nineteen hundred and eight.

(i2) An amendment to a supplement to a supplement, approved April thirteenth, nineteen hundred and eight, being chapter two hundred and nine of the laws of nineteen hundred and eight.

(j2) An amendment to a supplement, approved April sixteenth, nineteen hundred and eight, being chapter three hundred and ten of the laws of nineteen hundred and eight.

C. 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-eight," which supplement was approved May sixteenth, nineteen hundred and six.

D. An act entitled "A supplement to an act entitled 'An act relative to the time of election and appointment and terms of office or officers elected or appointed in towns, townships, boroughs and other municipalities in this State,' approved February Fifteenth, one thousand nine hundred and five," which supplementary act was approved May eleventh, nineteen hundred and seven.

E. An act entitled "An act to authorize the use of voting machines at elections hereafter to be held in this State, or in any sub-division thereof, and providing that the votes cast at any such elections may be registered and counted, and the result of such elections ascertained by such machines," approved April ninth, nineteen hundred and two.

F. A supplement to said act, approved March twenty-sixth, nineteen hundred and three.

G. A supplement to said act, approved April eighth, nineteen hundred and three.

H. An act entitled "An act authorizing the State Board of Voting Machine Commissioners to purchase voting machines for use at elections to be held in this State, and providing for the location, use and care of such machines," being chapter one hundred and seventy-one of the laws of nineteen hundred and three.

I. An act entitled "An act to provide for the purchase of voting machines, and to regulate the use of the same at elections," approved April twenty-eighth, nineteen hundred and five.

J. A supplement to said act, approved April tenth, nineteen hundred and eight.

2. This repealer shall not be construed to revive any act heretofore repealed.