

ASSEMBLY, No. 2362

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 19, 1996

By Assemblyman AUGUSTINE

1 **AN ACT** concerning the membership of the district boards of election
2 and amending various parts of the statutory law.

3

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

6

7 1. Section 3 of P.L.1976, c.83 (C.19:4-12) is amended to read as
8 follows:

9 3. Each district in which two voting machines or five electronic
10 system voting devices are to be used shall contain, as nearly as is
11 practicable, 1,000 voters, and each district in which three voting
12 machines or eight electronic system voting devices are to be used shall
13 contain, as nearly as is practicable, 1,500 voters.

14 Nothing herein shall prevent any election district from containing
15 [a less number of] fewer voters than prescribed above, if necessary for
16 the convenience of the voters.

17 In a district where more than two voting machines or five electronic
18 system voting devices are to be used, two additional members of the
19 district board, who shall not be members of opposite the same
20 political parties party, shall be appointed for each additional voting
21 machine or system.

22 (cf: P.L.1976, c.83, s.3)

23

24 2. R.S.19:6-2 is amended to read as follows:

25 19:6-2. a. Any legal voter (1) who is a member of a political party
26 by virtue of having voted in a party primary or who shall have filed a
27 party declaration form for the ensuing primary election for the general
28 election with the commissioner of the county in which the voter is
29 registered and who, for [2] two years prior to making written
30 application, has not espoused the cause of another political party or its
31 candidates, or (2) who is not affiliated with a political party may make
32 written application for service as a member of a district board of any
33 municipality in the county in which he or she resides on a form to be
34 prepared and furnished for that purpose by such board and signed by

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 him or her and stating thereon, under the applicant's oath, the
2 applicant's name and address and the political party to which he or she
3 belongs or, if the applicant is not affiliated with a political party, the
4 fact that the applicant is not so affiliated, and that [said] the applicant
5 is of good moral character and has not been convicted of any crime
6 involving moral turpitude and possesses the following qualifications,
7 namely: such eyesight as will enable the applicant, with or without
8 eyeglasses, to read nonpareil type; ability to read the English language
9 readily; ability to add and subtract figures correctly; ability to write in
10 a legible hand with reasonable facility; reasonable knowledge of the
11 duties to be performed by the applicant as an election officer under the
12 election laws of this State and such health as will permit the applicant
13 to discharge his or her duties as such election officer.

14 b. No person shall be precluded from applying to serve as a
15 member of a district board of any municipality for failure to vote in
16 any year such person was ineligible to vote by reason of age or
17 residence.

18 (cf: P.L.1981, c.257, s.1)

19

20 3. R.S.19:6-3 is amended to read as follows:

21 19:6-3. The county board shall, on or before April 1, appoint the
22 members of the district boards. The members of any district board
23 shall be equally apportioned between the two political parties which at
24 the last preceding general election held for the election of all of the
25 members of the General Assembly cast the largest and next largest
26 number of votes respectively in this State for members of the General
27 Assembly, except that if the county board is unable to fill all of the
28 positions of the members of a particular district board from among
29 qualified members of those two political parties, the county board shall
30 appoint to any such unfilled position an otherwise qualified person
31 who is unaffiliated with any political party, but in no event shall more
32 than two such unaffiliated persons serve at the same time on any
33 district board.

34 In case the county board shall neglect or refuse to appoint and
35 certify the members of the district boards as herein provided, the
36 Assignment Judge of the Superior Court shall, before April 10 in each
37 year, make such appointments and certifications.

38 (cf: P.L.1991, c.91, s.239)

39

40 4. R.S.19:6-5 is amended to read as follows:

41 19:6-5. Any member of a district board in an election district may
42 be summarily removed from office, with or without cause, and
43 vacancies filled, at any time by the members of the county board of the
44 county in which such election district is located in the manner
45 hereinafter provided. [Such] In the case of a member of the district
46 board who was appointed as a member of a political party, removal

1 shall be made by the members of the county board of [the same] that
2 political party [of the person so removed], and [upon] in the case of
3 a member of the district board unaffiliated with a political party at the
4 time of appointment, removal shall be made by the county board.
5 Upon a removal the members of the county board so acting shall make
6 a certificate of removal and file same with the county board.

7 The members of the county board removing such election officer
8 shall forthwith proceed to fill the vacancy caused by the removal, and
9 shall issue to the person selected to fill the vacancy a certificate which
10 shall entitle that person to perform all the duties of a member of the
11 district board for such election district.

12 (cf: R.S.19:6-5)

13

14 5. R.S.19:6-10 is amended to read as follows:

15 19:6-10. Each district board shall, on or before the second Tuesday
16 next preceding the primary election, meet and organize by the election
17 of one of its members as judge, who shall be chairman of the board,
18 and another of its members as inspector. [Such] The judge and
19 inspector shall not be members or voters of [different] the same
20 political [parties] party. In case of failure to elect a judge as herein
21 provided, after balloting or voting three times, the senior member of
22 the board in respect to length of continuous service as a member of
23 such district board shall become judge, and in case of failure to elect
24 an inspector after balloting or voting three times, the next senior
25 member of the board in respect to length of continuous service as a
26 member of such district board shall become inspector; provided, that
27 both the chairman and the inspector shall not be members or voters of
28 the same political party. The other [two] members of the board shall
29 be clerks of election, and shall perform all the duties required by law
30 of the clerks of district boards.

31 (cf: P.L.1946, c.11, s.4)

32

33 6. Section 2 of P.L.1944, c.230 (C.19:31A-8) is amended to read
34 as follows:

35 2. Every person qualified to vote in any election shall at any time
36 after the opening of the polls be at liberty to enter the polling place or
37 room and claim his right to vote at such election in his proper district,
38 and he shall claim such right in person before the district board in the
39 district. The board shall permit no person to vote whose name does
40 not appear in the signature copy register of its election district. Each
41 voter in claiming the right to vote shall first give his full name and
42 address to the member of the district board having charge of the
43 duplicate permanent registration binder and voting record and the
44 signature comparison record. Such clerk shall thereupon locate the
45 permanent registration form and voting record and signature
46 comparison record of the voter and shall require the voter to

1 thereupon sign his name in the proper space on his signature
2 comparison record if the voter has previously signed his name on the
3 line marked sample signature. If the voter has not so signed the
4 member of the district board shall require the voter to sign the line
5 marked sample signature and compare the sample signature with the
6 signature made by such person at the time he registered and if satisfied
7 that they were made by one and the same person he shall then permit
8 the voter to sign his name in the proper space on the signature
9 comparison record. The voter shall sign his name without assistance
10 using black ink in the proper column on the signature comparison
11 record. Such signature being completed on the signature comparison
12 record the member of the board having charge of the duplicate
13 permanent registration binder shall audibly and publicly announce the
14 name of the claimant and if the member of the board has ascertained
15 from the duplicate permanent registration binder that the claimant is
16 registered as a qualified voter and upon comparison the member of the
17 board is satisfied that the signature of the claimant and the sample
18 signature on the signature copy register has been made by one and the
19 same person, the member of the board who compared the signature of
20 the voter shall place his initials in the proper column on the signature
21 comparison record signifying that he has made such comparison and
22 is satisfied that the signature of the claimant and sample signature has
23 been made by one and the same person; whereupon the voter shall be
24 eligible to receive a ballot unless it be shown to the satisfaction of a
25 majority of the members of the district board that he is not entitled to
26 vote in the district or has otherwise become disqualified.

27 In addition to signing the signature comparison record and after the
28 comparison of the signature with the signature in the register, a person
29 offering to vote at a primary election for the general election shall
30 announce his name and the party primary in which he wishes to vote.

31 After a person has voted, the member of the district board having
32 charge of the signature copy register shall place the number of the
33 person's ballot in the proper column on the record of voting form of
34 such person, which number shall constitute a record that the person
35 has voted. In the case of a primary election for the general election
36 such member of the district board shall also place in the proper column
37 on the record of voting form the first three letters of the name of the
38 political party whose primary ballot such person has voted.

39 No person shall be required to sign the signature comparison record
40 as a means of identification if he shall have been unable to write his
41 name when he registered, or if, having been able to write his name
42 when registered, he subsequently shall have lost his sight or lost the
43 hand with which he was accustomed to write or shall by reason of
44 disease or accident be unable to write his name when he applies to
45 vote, but each such person who alleges his inability to sign his name
46 on the signature comparison record shall establish his identity as

1 follows: one of the members of the district board shall read the same
2 list of questions to the voter as were required upon registration, such
3 questions shall be provided at each election by the commissioner of
4 registration and are to be known as "identification statements for
5 election day." The member of the board shall write the answers of the
6 voter upon the identification statement. These statements shall be
7 inserted in the front of the duplicate registry binders, at each election,
8 and shall be numbered serially from one to twenty.

9 Each statement shall contain the same questions as the voter was
10 required to answer upon registration. The questions answered upon
11 registration shall not be turned to or inspected until the answers to the
12 questions shall have been written on election day by the member of the
13 board.

14 At the end of each list of questions shall be printed the following
15 statement: "I certify that I have read to the above named voter each
16 of the foregoing questions and that I have duly recorded his answers
17 as above to each of said questions"; and the member of the board who
18 has made the above record shall sign his name to such certificate and
19 date the same, and note the time of day of making such record. If the
20 answers to the questions asked of the voter on election day agree with
21 the answers given by him to the same questions at the time he
22 registered, he shall then be eligible to receive a ballot. Any person
23 who shall permit or attempt to furnish the answers on behalf of the
24 voter shall be guilty of a misdemeanor. The commissioner of
25 registration shall furnish sufficient identification statements for each
26 election district in each county. The statements shall be printed on
27 sheets approximately ten by sixteen inches and shall contain a margin
28 of approximately two inches for binding and shall be inserted in the
29 front of the duplicate registry binders each election and shall be in
30 substantially the following form:

1

IDENTIFICATION STATEMENT FOR ELECTION DAY,

19

2 3 4 5	Affidavit Number	Name of Voter	What is, or was your father's full name?	What is, or was your mother's full name?	Are you Married or Single?	Where Did You Actually Reside Prior to Taking Up Your Present Residence? State Floor and Character Premises.	I Certify that I Have Read to the Elector Each of the Foregoing Questions and That I Have Truly Recorded His Answer to Each of the said Questions
6	1A						<u>Signature of Member of the Board of Registry and Election.</u>
7	2A						<u>Signature of Member of the Board of Registry and Election.</u>
8	3A						<u>Signature of Member of the Board of Registry and Election.</u>
9	4A						<u>Signature of Member of the Board of Registry and Election.</u>
10	5A						<u>Signature of Member of the Board of Registry and Election.</u>
11	6A						<u>Signature of Member of the Board of Registry and Election.</u>
12	7A						<u>Signature of Member of the Board of Registry and Election.</u>
13	8A						<u>Signature of Member of the Board of Registry and Election.</u>
14	9A						<u>Signature of Member of the Board of Registry and Election.</u>
15	10A						<u>Signature of Member of the Board of Registry and Election.</u>
16	11A						<u>Signature of Member of the Board of Registry and Election.</u>
17	12A						<u>Signature of Member of the Board of Registry and Election.</u>
18	13A						<u>Signature of Member of the Board of Registry and Election.</u>
19	14A						<u>Signature of Member of the Board of Registry and Election.</u>
20	15A						<u>Signature of Member of the Board of Registry and Election.</u>
21	16A						<u>Signature of Member of the Board of Registry and Election.</u>
22	17A						<u>Signature of Member of the Board of Registry and Election.</u>
23	18A						<u>Signature of Member of the Board of Registry and Election.</u>
24	19A						<u>Signature of Member of the Board of Registry and Election.</u>

1 At any election any person who declares under oath and establishes
2 to the satisfaction of a majority of all the members of the district
3 board, that by reason of an inability to read or write, blindness or other
4 physical disability he is unable to mark his ballot without assistance,
5 shall have the assistance of two members of the board, who shall not
6 be members of [opposite] the same political [faith] party, to be
7 assigned by the board, in preparing his ballot. Such members shall
8 retire with such voter to the booth and assist him in the preparation of
9 his ballot and folding the same. The member acting as clerk of the
10 district board shall make an entry on a disability certificate for
11 assistance, which entry shall be in the form of an oath and be inserted
12 in the front of the duplicate registry binders each election.

13 In every instance when such oath was administered to a voter as
14 herein provided, it shall state briefly what facts were sworn to and the
15 names of the members of the board who aided such voter. Any
16 members of the district board shall be eligible to witness the
17 preparation of the ballot of any such voter, but no other person shall
18 be allowed to assist him in marking his ballot or to witness the marking
19 of the same. No member of the board shall reveal the name of any
20 person for whom such voter has voted or anything that took place
21 while he was being assisted.

22 Such voter, if blind, disabled, or unable to read or write, may, in
23 lieu of the assistance of the board as above provided, have assistance
24 of some person of his own selection in preparing his ballot. Such
25 person shall retire with such voter to the booth and assist him in the
26 preparation of his ballot and folding the same. The name and address
27 of such person shall be recorded as above. In such case, no other
28 person than the one so selected by the voter shall be allowed to assist
29 such voter in marking his ballot or witness the marking of the same.
30 No person so selected shall reveal the name of any person for whom
31 such voter has voted or anything that took place while he was being
32 assisted.

33 The disability certificates shall be numbered serially one to twenty.
34 The commissioner of registration shall furnish sufficient disability
35 certificates for assistance for each election district in his county. The
36 disability certificates for assistance shall be printed on sheets
37 approximately ten by sixteen inches and shall contain a margin of
38 approximately two inches for binding and shall be in substantially the
39 following form:

1 The commissioner of registration in each county shall furnish
2 sufficient certificates of signature comparison records for each election
3 district in his county to be filled in and signed at the close of the polls
4 by the members of the district board. A blank space shall also be
5 provided for on the certificate for the signatures of the members of the
6 election board. Under said certificate there shall also be printed the
7 word "Remarks" together with a number of blank lines. The
8 commissioner shall insert one of such certificates in the front of the
9 signature copy register in each election district in the county. At
10 primary elections the certificate shall be in substantially the following
11 form:

12

PRIMARY ELECTION

14 CERTIFICATION OF SIGNATURE COMPARISON RECORD

15 The undersigned constituting the district board of election in the
16 County of in the (City, Town, Township,
17 Borough or Village) Ward District hereby certify that
18 (.....) (Figures) is the correct total of the number of names of voters
19 who actually signed the signature comparison records and voted in the
20 DEMOCRATIC PRIMARY ELECTION held on the day of
21 194... .

22 And hereby certify that (.....) (Figures) is the correct total of the
23 number of names of voters who actually signed the signature
24 comparison records and voted in the REPUBLICAN PRIMARY
25 ELECTION held on the day of, 194... . DISTRICT
26 Judge Clerk. BOARD OF
27 Inspector Clerk. ELECTION
28 Remarks:

29

30

31

At all other elections the certificates shall be in substantially the

34 At all other elections the certificates shall be in substantially the
35 following form:
36

37

The undersigned constituting the district board of election in the

The undersigned constituting the district board of election in the
County of in the (City, Town,
Township, Borough or Village) Ward District
hereby certify that (.....) (Figures) is the correct total of the number
of names of voters who actually signed the signature comparison
records and voted in the (General,
Special or other Election as the case may be) election held on the
..... day of, 194.... . DISTRICT Judge
..... Clerk. BOARD OF Inspector

1 Clerk. ELECTION

2 Remarks:

3

4

5

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7

8

9 After each election the commissioner of registration shall remove
10 from the binders the identification statements, the disability certificates
11 for assistance, and certifications of signature comparison records and
12 shall preserve them in his office in a suitable place for a period of two
13 years.

14 (cf: P.L.1985, c.20, s.1)

15

16 7. R.S.19:52-1 is amended to read as follows:

17 19:52-1. The district boards of each election district shall meet at
18 the polling place three-quarters of an hour before the time set for
19 opening of the polls at each election and shall proceed to arrange the
20 furniture, stationery and voting machine or machines for the conduct
21 of the election. The district boards shall then and there have the
22 voting machine, ballots and stationery required to be delivered to them
23 for such election by the officials charged by law with that duty. If not
24 previously done, they shall insert in their proper place on the voting
25 machine the ballots containing the names of offices to be filled at such
26 election and the names of candidates nominated therefor.

27 The keys to the voting machine shall be delivered to the district
28 election officers in any manner that the county board of elections or
29 the superintendent of elections or the municipal clerk, as the case may
30 be, having custody of voting machines, may determine, at least
31 three-quarters of an hour before the time set for opening the polls, in
32 a sealed envelope, on which shall be written or printed the number and
33 location of the voting machine, the number of the seal with which it is
34 sealed, the number of the green seal with which the emergency ballot
35 box is sealed, and the number registered on the protective counter or
36 device, as reported by the custodian.

37 The envelope containing the keys shall not be opened until at least
38 [one member] two members of the board [from each] who are not
39 members of [two] the same political [parties] party shall be present at
40 the polling place and shall have examined the envelope to see that it
41 has not been opened. Before opening the envelope all election officers
42 present shall examine the number on the seal on the machine and the
43 number registered on the protective counter, and shall ascertain if they
44 are the same as the numbers written on the envelope; and if they are
45 not the same, the machine must not be opened until such county board
46 of elections or such superintendent of elections or such municipal

1 clerk, as the case may be, after due notice of such discrepancy, shall
2 have caused such machine to be re-examined and properly arranged by
3 any person or persons employed or appointed pursuant to [section
4 19:48-6 of this Title] R.S.19:48-6. If the numbers on the voting
5 machine seal and the protective counter are found to agree with the
6 numbers on the envelope, the district election officers shall proceed to
7 open the doors concealing the counters, and each district election
8 officer shall carefully examine every counter and ascertain whether or
9 not it registers zero (000), and the same shall be subject to the
10 inspection of official watchers.

11 In addition, each district election officer shall carefully examine the
12 emergency ballot box to ascertain whether or not it is properly sealed
13 with a numbered green seal and examine the number to ascertain if it
14 is the same as the number written on the voting machine key envelope.
15 If the numbers are not the same, the county board of elections, the
16 superintendent of elections, or the municipal clerk, as the case may be,
17 shall be notified of the discrepancy.

18 The machine shall remain locked against voting until the polls are
19 formally opened and shall not be operated except by voters in voting.
20 If any counter is found not to register zero (000) the district board
21 shall immediately notify such county board of elections or such
22 superintendent of elections or such municipal clerk, as the case may
23 be, who shall, if practicable, cause such counter to be adjusted at zero
24 (000) by any person or persons employed or appointed pursuant to
25 [section 19:48-6 of this Title] R.S.19:48-6. If it shall be impracticable
26 for such person or persons to arrive in time to so adjust such counter
27 before the time set for opening the polls, the district election officers
28 shall immediately make a written statement of the designating letter
29 and number of such counter, together with the number registered
30 thereon, and shall sign and post same upon the wall of the polling
31 room, where it shall remain throughout election day, and in filling out
32 the statement of canvass, they shall subtract such number from the
33 number registered thereon at the close of the polls.

34 (cf: P.L.1992, c.3, s.8)

35

36 8. R.S.19:52-5 is amended to read as follows:

37 19:52-5. Immediately upon the close of the polls, the district
38 election officers shall lock and seal the voting machine against further
39 voting and open the counter compartment in the presence of persons
40 who may be lawfully present at that time, giving full view of the
41 counters. The judge of the district board, under the scrutiny of a
42 member of such board who is not a member of [a different] the same
43 political party as the judge, shall then in the order of the offices as
44 their titles are arranged on the machine, read and announce in distinct
45 tones the result as shown by the counters, and shall then read the votes
46 recorded for each office on the irregular ballots. He shall also, in the

1 same manner, read and announce the vote on each constitutional
2 amendment, proposition or other question. As each vote is read and
3 announced, it shall be recorded in two statements of canvass by two
4 other members of such district board who are not members of
5 [opposite] the same political party, and when completed the record
6 thereof shall be compared with the numbers on the counters of the
7 machine. If found to be correct, the result shall be announced by the
8 judge of such board and the statement of canvass, after being duly
9 certified, shall be filed as now provided by law for filing election
10 returns. After the reading and announcing of the vote and before the
11 doors of the counter compartment of the voting machine shall be
12 closed, ample opportunity shall be given to any person or persons
13 lawfully present to compare the results so announced with the counters
14 of the machine and any necessary corrections shall then and there be
15 made by such district board. No tally sheets nor return blanks as
16 required by law for use in election districts where paper ballots are
17 used shall be furnished or used in election districts where voting
18 machines are used, but in lieu thereof there shall be furnished two
19 copies of a statement of canvass to conform to the requirements of the
20 make and type of voting machine or machines being used.

21 (cf: R.S.19:52-5)

22

23 9. Section 7 of P.L.1973, c.82 (C.19:53A-7) is amended to read as
24 follows:

25 7. a. Thirty minutes before the opening of the polls the local
26 district election officers shall arrive at the polling place, place the
27 voting devices in position for voting, and examine them to see that
28 they have the correct ballot labels by comparing them with the sample
29 ballots, and are in proper working order. They shall open and check
30 the ballot cards, supplies, records and forms, and post the sample
31 ballots and instructions to voters.

32 b. Each voter requesting assistance shall be instructed how to
33 operate the voting device before he enters the voting booth. If he
34 needs additional instruction after entering the voting booth and
35 requests assistance, two members of the district board who are not
36 members of [opposite] the same political [parties,] party may if
37 necessary enter the booth and give him additional instructions.

38 c. The district election official attending the voting machine shall
39 inspect the face of the machine and the ballot at least once per hour to
40 see that the face of the machine and the ballot are in their proper place
41 and that neither has been mutilated, defaced, tampered with or
42 changed and that the machine has not been changed.

43 d. After the voter has marked his ballot cards, he shall place the
44 ballot card inside the envelope provided for this purpose and return it
45 to the election officer, who shall remove the stub, place it on a file
46 string, and deposit the envelope with the ballot card inside in the ballot

1 box. No ballot card from which the stub has been detached shall be
2 accepted by the election official in charge of the ballot box, but it shall
3 be marked "Spoiled" and placed with the spoiled ballot cards.

4 e. Any voter who spoils his ballot card may return it enclosed in
5 the envelope and secure another. The word "Spoiled" shall be written
6 across the face of the envelope, which shall be placed on the same
7 string with the stubs.

8 f. As soon as the polls have been closed and the last qualified voter
9 has voted, all unused ballot cards shall be placed in a container and
10 sealed for return to the board of elections. The ballot box shall be
11 opened and any write-in votes counted, unless these votes are to be
12 counted by duly appointed bipartisan tabulating teams at the counting
13 center. Before write-in votes are counted they shall be compared with
14 votes cast on the ballot card for the same office. If the voter has cast
15 more votes for an office than he is entitled to vote for, the vote for
16 that office shall be declared null and void and that vote shall not be
17 counted for that office. Votes cast for duly nominated candidates on
18 the ballot card will not be voided because of an invalid write-in vote,
19 but if otherwise valid shall be counted. The voted ballot cards shall
20 next be placed in the ballot card container for delivery to the counting
21 center, and the voting devices shall be placed in their containers for
22 returning to the county board of elections.

23 g. The district board election officers shall prepare a report of the
24 number of voters who have voted, as indicated by the poll list, the
25 number of write-in votes and any other votes counted by the district
26 board and the number of spoiled ballots, and shall place the original
27 copy of this report in the ballot card container for delivery to the
28 counting center, which thereupon shall be sealed so that no additional
29 ballot cards may be deposited or removed. Such container shall be
30 durably constructed so as to be resistant to fire, water and tampering.
31 The duplicate copy of said report shall be returned to the county
32 election board with other records. Two district election board officers
33 [one] who are not members of [each opposite] the same political party
34 [as in this act defined] shall forthwith deliver the ballot card container
35 to the counting center or other place designated by the county board.
36 The county board may, in its discretion, direct that ballots be delivered
37 to one or more collection points from which points the ballots shall be
38 transported collectively to the counting center by two duly appointed
39 deputies who are not members of [opposite] the same political
40 [parties] party. The district board shall receive a receipt before
41 releasing the ballots to said deputies.

42 (cf: P.L.1975, c.316, s.5)

43

44 10. Section 8 of P.L.1973, c.82 (C.19:53A-8) is amended to read
45 as follows:

46 8. a. Prior to the start of the count of the ballots, each county

1 board of elections shall have the automatic tabulating equipment tested
2 to ascertain that it will accurately count the votes cast for all offices
3 and on all measures. Public notice of the time and place of the test
4 shall be given at least 48 hours prior thereto by publication once in
5 three or more daily or weekly newspapers published in the county or
6 jurisdiction where such equipment is used, if a newspaper is published
7 therein, otherwise in a newspaper of general circulation therein; said
8 newspapers shall be selected so as to give the widest possible notice
9 to the voters of said county and one of said newspapers shall be the
10 newspaper or one of the newspapers in which legal notices of the
11 county are required to be published. The test shall be conducted by
12 processing a preaudited group of ballot cards so punched as to record
13 a predetermined number of valid votes for each candidate and on each
14 measure, and shall include for each office one or more ballots which
15 have votes in excess of the number allowed by law in order to test the
16 ability of the automatic tabulating equipment to reject such votes. In
17 such test a different number of valid votes shall be assigned to each
18 candidate for an office, and for and against each measure. If any error
19 is detected, the cause therefor shall be ascertained and corrected and
20 an errorless count shall be made and certified to by the county board
21 of elections before the count is started. The tabulating equipment shall
22 pass the same test at the conclusion of the count before the election
23 returns are approved as official. On completion of the count, the
24 programs, test materials, and ballot cards arranged by districts shall be
25 sealed and retained as provided for paper ballots.

26 b. All proceedings at the counting center shall be under the
27 direction of the county board of elections or persons designated by it;
28 there shall always be two persons in charge[, one from each opposite]
29 who shall not be members of the same political party [as in this act
30 defined]; and all proceedings shall be conducted under the observation
31 of the public, but no persons except those authorized for the purpose
32 shall touch any ballot card or return. All persons who are engaged in
33 processing and counting of the ballots shall be deputized and take an
34 oath that they will faithfully perform their assigned duties. If any
35 ballot card is damaged or defective so that it cannot properly be
36 counted by the automatic tabulating equipment, a true duplicate copy
37 shall be made and substituted for the damaged ballot card. All
38 duplicate ballot cards shall be clearly labeled "duplicate," and shall
39 bear a serial number which shall be recorded on the damaged or
40 defective ballot card. The damaged or defective ballot card as well as
41 the "duplicate" shall be preserved with the other ballot cards. During
42 the count the election officer or board in charge may from time to time
43 release unofficial returns. Upon completion of the count the official
44 returns shall be open to the public.

45 c. The return of the automatic tabulating equipment, to which have
46 been added the write-in and absentee votes, shall, after being duly

1 certified by the county board of elections, constitute the official return
2 of each election district.

3 d. If for any reason it becomes impracticable to count all or a part
4 of the ballot cards with tabulating equipment, the county board of
5 elections may direct that they be counted manually, following as far as
6 practicable the provisions governing the counting of paper ballots
7 contained in Title 19 of the Revised Statutes.

8 (cf: P.L.1975, c.316, s.6)

9

10 11. (New section) A vacancy or vacancies in the membership of
11 any district board of elections existing on the effective date of P.L. ,
12 c. (now pending before the Legislature as this bill) may be filled in
13 accordance with the provisions of R.S.19:6-3 as amended by section
14 3 thereof, but for the unexpired term only.

15

16 12. This act shall take effect immediately.

17

18

19 STATEMENT

20

21 This bill provides that, if the county board of elections is unable to
22 fill all of the positions of the members of a particular district board
23 from among qualified members of the principal political parties, as
24 presently required by law, the county board shall appoint to that
25 district board to each such unfilled position an otherwise qualified
26 person who is unaffiliated with any political party. In no event would
27 more than two such unaffiliated persons be permitted to serve at the
28 same time on any district board.

29

30

31

32 Authorizes appointment to district board of elections of up to two
33 members unaffiliated with a political party.