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[Third Reprint]

SENATE, No. 923

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED JANUARY 19, 2010

Sponsored by:

Senator JIM WHELAN

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Senator KEVIN J. O'TOOLE

District 40 (Bergen, Essex and Passaic)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

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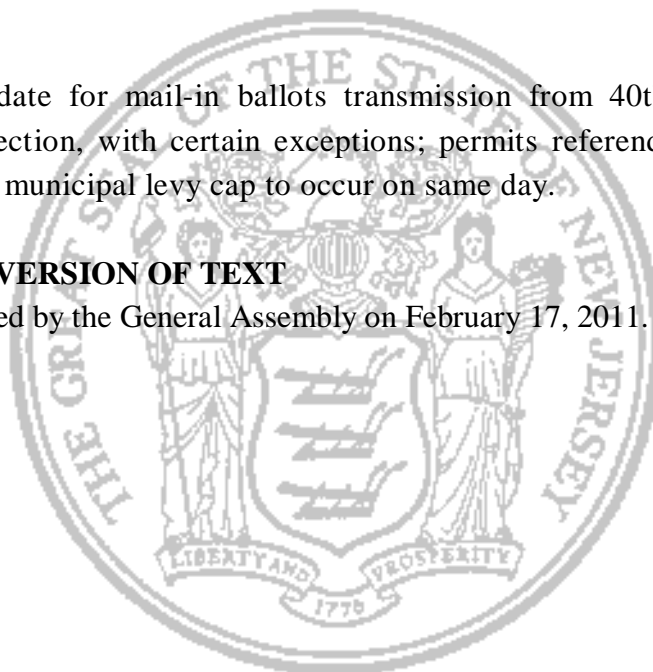
Senators Gordon, Oroho, Assemblymen Gusciora, Connors and Conaway

SYNOPSIS

Changes date for mail-in ballots transmission from 40th to 45th day before an election, with certain exceptions; permits referendum on school levy cap and municipal levy cap to occur on same day.

CURRENT VERSION OF TEXT

As amended by the General Assembly on February 17, 2011.



(Sponsorship Updated As Of: 2/18/2011)

1 AN ACT concerning ²[the timing of the distribution of vote by mail
2 ballots] vote by mail ballots and the holding of certain elections²,
3 and amending various parts of the statutory law and
4 supplementing ²[P.L.1976, C.23] Title 19 of the Revised
5 Statutes².

6
7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:

9
10 ²1. R.S.19:13-11 is amended to read as follows:

11 19:13-11. The officer with whom the original petition was filed
12 shall in the first instance pass upon the validity of such objection in
13 a summary way unless an order shall be made in the matter by a
14 court of competent jurisdiction and for this purpose such officer
15 shall have power to subpoena witnesses and take testimony or
16 depositions. He shall file his determination in writing in his office
17 on or before the [tenth] ninth day after the last day for the filing of
18 petitions, which determination shall be open for public inspection.

19 In the case of petitions nominating electors of candidates for
20 President and Vice President of the United States, which candidates
21 have not been nominated at a convention of a political party as
22 defined by this Title, the Secretary of State shall file his or her
23 determination in writing in his or her office on or before the 93rd
24 day before the general election, which determination shall be open
25 for public inspection.²

26 (cf: P.L.1998, c.147, s.3)

27
28 ²2. R.S.19:13-13 is amended to read as follows:

29 19:13-13. A candidate whose petition of nomination, or any
30 affidavit or affidavits thereto, is defective may cause such petition,
31 or the affidavit or affidavits thereto, to be amended in matters of
32 substance or of form as may be necessary, but not to add signatures,
33 or such amendment or amendments may be made by filing a new or
34 substitute petition, or affidavit or affidavits, and the same when so
35 amended shall be of the same effect as if originally filed in such
36 amended form; but every amendment shall be made on or before the
37 [tenth] third day after the last day for the filing of petitions. This
38 provision shall be liberally construed to protect the interest of
39 candidates.

40 Notwithstanding the above provision, in the case of nomination
41 petitions for electors for candidates for President and Vice President
42 of the United States, which candidates have not been nominated at a

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted May 20, 2010.

²Assembly floor amendments adopted January 10, 2011.

³Assembly floor amendments adopted February 17, 2011.

1 convention of a political party as defined by this Title, every
2 statutorily authorized amendment shall be made on or before the
3 93rd day before the general election.²

4 (cf: P.L.1998, c.147, s.5)

5

6 ²[1. R.S.19:13-19 is amended to read as follows:

7 19:13-19. If the candidate vacating the nomination was
8 nominated directly by petition his successor shall be nominated in
9 the same manner by direct petition, which new petition of
10 nomination must be filed with the Secretary of State or county
11 clerk, as the case may require, not later than ~~54~~ ⁵⁹ 60 days
12 before the day of election whereat such candidate is to be voted for.

13 (cf: P.L.1985, c.92, s.13)]²

14

15 ²[2. R.S.19:13-20 is amended to read as follows:

16 19:13-20. In the event of a vacancy, howsoever caused, among
17 candidates nominated at a primary election for the general election,
18 which vacancy shall occur not later than the ~~51st~~ ^{56th} day before
19 the general election, or in the event of inability to select a candidate
20 because of a tie vote at such primary, a candidate shall be selected
21 in the following manner:

22 a. (1) In the case of an office to be filled by the voters of the
23 entire State, the candidate shall be selected by the State committee
24 of the political party wherein such vacancy has occurred.

25 (2) In the case of an office to be filled by the voters of a single
26 and entire county, the candidate shall be selected by the county
27 committee in such county of the political party wherein such
28 vacancy has occurred.

29 (3) In the case of an office to be filled by the voters of a portion
30 of the State comprising all or part of two or more counties, the
31 candidate shall be selected by those members of the county
32 committees of the party wherein the vacancy has occurred who
33 represent those portions of the respective counties which are
34 comprised in the district from which the candidate is to be elected.

35 (4) In the case of an office to be filled by the voters of a portion
36 of a single county, the candidate shall be selected by those members
37 of the county committee of the party wherein the vacancy has
38 occurred who represent those portions of the county which are
39 comprised in the district from which the candidate is to be elected.

40 At any meeting held for the selection of a candidate under this
41 subsection, a majority of the persons eligible to vote thereat shall be
42 required to be present for the conduct of any business, and no
43 person shall be entitled to vote at that meeting who is appointed to
44 the State committee or county committee after the seventh day
45 preceding the date of the meeting.

46 Within 20 days after the meeting of each county committee that
47 is held on the first Tuesday following the primary election at which

1 committee members are elected, the municipal clerk shall certify to
2 the county clerk an official list of the duly elected county
3 committee members and an official list of the municipal committee
4 chairs. The county party chairperson shall have a continuing duty
5 to report to the county clerk any vacancies, resignations, and
6 committee positions filled pursuant to R.S.19:5-2 or 19:5-3. A
7 report of a resignation shall be accompanied by a notarized letter of
8 resignation signed by the resigning committee member or, if the
9 resigning committee member fails to provide such a letter, by a
10 notarized letter stating that the resignation has occurred signed by
11 the chair of the relevant municipal committee who shall also
12 provide a copy thereof to the resigning member. Notice of
13 vacancies in the membership of a county committee that are filled
14 pursuant to R.S.19:5-2 or 19:5-3 shall be accompanied by a
15 certificate of acceptance signed by the newly selected member. The
16 official list of the county committee members and of the municipal
17 committee chairs maintained by the county clerk shall be deemed to
18 be a government record and only those county committee members
19 listed thereon seven days prior to a selection to fill a vacancy and
20 otherwise qualified to vote on the vacancy shall be entitled to vote
21 on filling a vacancy pursuant to this section.

22 In addition, every person appointed to the county committee
23 shall file with the county clerk a certificate of acceptance which
24 shall be preserved by the county clerk as a government record.

25 In the case of a meeting held to select a candidate for other than
26 a Statewide office, the chairperson of the meeting shall be chosen
27 by majority vote of the persons present and entitled to vote thereat.
28 The chairperson so chosen may propose rules to govern the
29 determination of credentials and the procedures under which the
30 meeting shall be conducted, and those rules shall be adopted upon a
31 majority vote of the persons entitled to vote upon the selection. If a
32 majority vote is not obtained for those rules, the delegates shall
33 determine credentials and conduct the business of the meeting under
34 such other rules as may be adopted by a majority vote. All
35 contested votes taken at the selection meeting, as referenced in
36 subsections a. and b. of this section, shall be by secret ballot in a
37 location or manner that protects the anonymity of the person's vote.

38 b. (1) Whenever in accordance with subsection a. of this section
39 members of two or more county committees are empowered to
40 select a candidate to fill a vacancy, it shall be the responsibility of
41 the chairpersons of said county committees, acting jointly not later
42 in any case than the seventh day following the occurrence of the
43 vacancy, to give notice to each of the members of their respective
44 committees, as certified by the county clerk, who are so empowered
45 of the date, time and place of the meeting at which the selection will
46 be made, that meeting to be held at least one day following the date
47 on which the notice is given.

1 (2) Whenever in accordance with the provisions of subsection a.
2 of this section members of a county committee are empowered to
3 select a candidate to fill a vacancy, it shall be the responsibility of
4 the chairperson of such county committee, not later in any case than
5 the seventh day following the occurrence of the vacancy, to give
6 notice to each of the members of the committee, as certified by the
7 county clerk, who are so empowered of the date, time and place of
8 the meeting at which the selection will be made, that meeting to be
9 held at least one day following the date on which the notice is
10 given.

11 (3) A county committee chairperson or chairpersons who call a
12 meeting pursuant to paragraph (1) or (2) of this subsection shall not
13 be entitled to vote upon the selection of a candidate at such meeting
14 unless he or she or they are so entitled pursuant to subsection a.

15 (4) Whenever in accordance with the provisions of subsection a.
16 of this section the State committee of a political party is empowered
17 to select a candidate to fill a vacancy, it shall be the responsibility
18 of the chairperson of that State committee to give notice to each of
19 the members of the committee of the date, time and place of the
20 meeting at which the selection will be made, that meeting to be held
21 at least one day following the date on which the notice is given.

22 c. Whenever a selection is to be made pursuant to this section
23 to fill a vacancy resulting from inability to select a candidate
24 because of a tie vote at a primary election for the general election,
25 the selection shall be made from among those who have thus
26 received the same number of votes at the primary.

27 d. A selection made pursuant to this section shall be made not
28 later than the ~~48th~~ 53rd day preceding the date of the general
29 election, and a statement of such selection shall be filed with the
30 Secretary of State or the appropriate county clerk, as the case may
31 be, not later than that day, and in the following manner:

32 (1) A selection made by a State committee of a political party
33 shall be certified to the Secretary of State by the State chairperson
34 of the political party.

35 (2) A selection made by a county committee of a political party,
36 or a portion of the members thereof, shall be certified to the county
37 clerk of the county by the county chairperson of such political
38 party; except that when such selection is of a candidate for the
39 Senate or General Assembly or the United States House of
40 Representatives the county chairperson shall certify the selection to
41 the State chairperson of such political party, who shall certify the
42 same to the Secretary of State.

43 (3) A selection made by members of two or more county
44 committees of a political party acting jointly shall be certified by
45 the chairpersons of said committees, acting jointly, to the State
46 chairperson of such political party, who shall certify the same to the
47 Secretary of State.

1 e. A statement filed pursuant to subsection d. of this section
2 shall state the residence and post office address of the person so
3 selected, and shall certify that the person so selected is qualified
4 under the laws of this State to be a candidate for such office, and is
5 a member of the political party filling the vacancy. Accompanying
6 the statement, the person endorsed therein shall file a certificate
7 stating that he or she is qualified under the laws of this State to be a
8 candidate for the office mentioned in the statement, that he or she
9 consents to stand as a candidate at the ensuing general election and
10 that he or she is a member of the political party named in said
11 statement, and further that he or she is not a member of, or
12 identified with, any other political party or any political
13 organization espousing the cause of candidates of any other
14 political party, to which shall be annexed the oath of allegiance
15 prescribed in R.S.41:1-1 duly taken and subscribed by him or her
16 before an officer authorized to take oaths in this State. The person
17 so selected shall be the candidate of the party for such office at the
18 ensuing general election. Each candidate for the office of Governor
19 or the office of member of the Senate or General Assembly filing a
20 certification shall annex thereto a statement signed by the candidate
21 that he or she:

22 (1) has not been convicted of any offense graded by Title 2C of
23 the New Jersey Statutes as a crime of the first, second, third or
24 fourth degree, or any offense in any other jurisdiction which, if
25 committed in this State, would constitute such a crime; or

26 (2) has been so convicted, in which case, the candidate shall
27 disclose on the statement the crime for which convicted, the date
28 and place of the conviction and the penalties imposed for the
29 conviction. Such a candidate may, as an alternative, submit with
30 the statement a copy of an official document that provides such
31 information. If the candidate has been convicted of more than one
32 criminal offense, such information about each conviction shall be
33 provided. Records expunged pursuant to chapter 52 of Title 2C of
34 the New Jersey Statutes shall not be subject to disclosure.

35 (cf: P.L.2009, c.135, s.5)]²

36

37 ²[3. R.S.19:13-21 is amended to read as follows:

38 19:13-21. If the nomination vacated is that of a candidate for
39 elector of the President and Vice-President of the United States, the
40 vacancy shall be filled by the committee to whom power shall have
41 been delegated to fill vacancies if such there be, otherwise by the
42 State committee of the political party which nominated the elector
43 whose nomination is vacated. The chairman and secretary of the
44 vacancy committee or State committee shall file with the Secretary
45 of State on or before the [48th] 53rd day prior to the general
46 election a certificate of nomination for filling the vacancy. This
47 certificate shall be made and filed in the same manner and form as
48 heretofore provided for filling vacancies among candidates

1 nominated at the primary and there shall be annexed thereto the
2 oath of allegiance prescribed in section 41:1-1 of the Revised
3 Statutes duly taken and subscribed by the person so nominated
4 before an officer authorized to take oaths in this State.

5 (cf: P.L.1985, c.92, s.15)]²

6

7 ²3. R.S.19:13-19 is amended to read as follows:

8 19:13-19. If the candidate vacating the nomination was
9 nominated directly by petition his successor shall be nominated in
10 the same manner by direct petition, which new petition of
11 nomination must be filed with the Secretary of State or county
12 clerk, as the case may require, not later than **[54]** 64 days before
13 the day of election whereat such candidate is to be voted for.²

14 (cf: P.L.1985, c.92, s.13)

15

16 ²4. R.S.19:13-20 is amended to read as follows:

17 19:13-20. In the event of a vacancy, howsoever caused, among
18 candidates nominated at a primary election for the general election,
19 which vacancy shall occur not later than the **[51st]** 56th day before
20 the general election, or in the event of inability to select a candidate
21 because of a tie vote at such primary, a candidate shall be selected
22 in the following manner:

23 a. (1) In the case of an office to be filled by the voters of the
24 entire State, the candidate shall be selected by the State committee
25 of the political party wherein such vacancy has occurred.

26 (2) In the case of an office to be filled by the voters of a single
27 and entire county, the candidate shall be selected by the county
28 committee in such county of the political party wherein such
29 vacancy has occurred.

30 (3) In the case of an office to be filled by the voters of a portion
31 of the State comprising all or part of two or more counties, the
32 candidate shall be selected by those members of the county
33 committees of the party wherein the vacancy has occurred who
34 represent those portions of the respective counties which are
35 comprised in the district from which the candidate is to be elected.

36 (4) In the case of an office to be filled by the voters of a portion
37 of a single county, the candidate shall be selected by those members
38 of the county committee of the party wherein the vacancy has
39 occurred who represent those portions of the county which are
40 comprised in the district from which the candidate is to be elected.

41 At any meeting held for the selection of a candidate under this
42 subsection, a majority of the persons eligible to vote thereat shall be
43 required to be present for the conduct of any business, and no
44 person shall be entitled to vote at that meeting who is appointed to
45 the State committee or county committee after the seventh day
46 preceding the date of the meeting.

1 Within 20 days after the meeting of each county committee that
2 is held on the first Tuesday following the primary election at which
3 committee members are elected, the municipal clerk shall certify to
4 the county clerk an official list of the duly elected county
5 committee members and an official list of the municipal committee
6 chairs. The county party chairperson shall have a continuing duty
7 to report to the county clerk any vacancies, resignations, and
8 committee positions filled pursuant to R.S.19:5-2 or 19:5-3. A
9 report of a resignation shall be accompanied by a notarized letter of
10 resignation signed by the resigning committee member or, if the
11 resigning committee member fails to provide such a letter, by a
12 notarized letter stating that the resignation has occurred signed by
13 the chair of the relevant municipal committee who shall also
14 provide a copy thereof to the resigning member. Notice of
15 vacancies in the membership of a county committee that are filled
16 pursuant to R.S.19:5-2 or 19:5-3 shall be accompanied by a
17 certificate of acceptance signed by the newly selected member. The
18 official list of the county committee members and of the municipal
19 committee chairs maintained by the county clerk shall be deemed to
20 be a government record and only those county committee members
21 listed thereon seven days prior to a selection to fill a vacancy and
22 otherwise qualified to vote on the vacancy shall be entitled to vote
23 on filling a vacancy pursuant to this section.

24 In addition, every person appointed to the county committee
25 shall file with the county clerk a certificate of acceptance which
26 shall be preserved by the county clerk as a government record.

27 In the case of a meeting held to select a candidate for other than
28 a Statewide office, the chairperson of the meeting shall be chosen
29 by majority vote of the persons present and entitled to vote thereat.
30 The chairperson so chosen may propose rules to govern the
31 determination of credentials and the procedures under which the
32 meeting shall be conducted, and those rules shall be adopted upon a
33 majority vote of the persons entitled to vote upon the selection. If a
34 majority vote is not obtained for those rules, the delegates shall
35 determine credentials and conduct the business of the meeting under
36 such other rules as may be adopted by a majority vote. All
37 contested votes taken at the selection meeting, as referenced in
38 subsections a. and b. of this section, shall be by secret ballot in a
39 location or manner that protects the anonymity of the person's vote.

40 b. (1) Whenever in accordance with subsection a. of this
41 section members of two or more county committees are empowered
42 to select a candidate to fill a vacancy, it shall be the responsibility
43 of the chairpersons of said county committees, acting jointly not
44 later in any case than the seventh day following the occurrence of
45 the vacancy, to give notice to each of the members of their
46 respective committees, as certified by the county clerk, who are so
47 empowered of the date, time and place of the meeting at which the

1 selection will be made, that meeting to be held at least one day
2 following the date on which the notice is given.

3 (2) Whenever in accordance with the provisions of subsection a.
4 of this section members of a county committee are empowered to
5 select a candidate to fill a vacancy, it shall be the responsibility of
6 the chairperson of such county committee, not later in any case than
7 the seventh day following the occurrence of the vacancy, to give
8 notice to each of the members of the committee, as certified by the
9 county clerk, who are so empowered of the date, time and place of
10 the meeting at which the selection will be made, that meeting to be
11 held at least one day following the date on which the notice is
12 given.

13 (3) A county committee chairperson or chairpersons who call a
14 meeting pursuant to paragraph (1) or (2) of this subsection shall not
15 be entitled to vote upon the selection of a candidate at such meeting
16 unless he or she or they are so entitled pursuant to subsection a.

17 (4) Whenever in accordance with the provisions of subsection a.
18 of this section the State committee of a political party is empowered
19 to select a candidate to fill a vacancy, it shall be the responsibility
20 of the chairperson of that State committee to give notice to each of
21 the members of the committee of the date, time and place of the
22 meeting at which the selection will be made, that meeting to be held
23 at least one day following the date on which the notice is given.

24 c. Whenever a selection is to be made pursuant to this section
25 to fill a vacancy resulting from inability to select a candidate
26 because of a tie vote at a primary election for the general election,
27 the selection shall be made from among those who have thus
28 received the same number of votes at the primary.

29 d. A selection made pursuant to this section shall be made not
30 later than the ~~48th~~ 54th day preceding the date of the general
31 election, and a statement of such selection shall be filed with the
32 Secretary of State or the appropriate county clerk, as the case may
33 be, not later than that day, and in the following manner:

34 (1) A selection made by a State committee of a political party
35 shall be certified to the Secretary of State by the State chairperson
36 of the political party.

37 (2) A selection made by a county committee of a political party,
38 or a portion of the members thereof, shall be certified to the county
39 clerk of the county by the county chairperson of such political
40 party; except that when such selection is of a candidate for the
41 Senate or General Assembly or the United States House of
42 Representatives the county chairperson shall certify the selection to
43 the State chairperson of such political party, who shall certify the
44 same to the Secretary of State.

45 (3) A selection made by members of two or more county
46 committees of a political party acting jointly shall be certified by
47 the chairpersons of said committees, acting jointly, to the State

1 chairperson of such political party, who shall certify the same to the
2 Secretary of State.

3 e. A statement filed pursuant to subsection d. of this section
4 shall state the residence and post office address of the person so
5 selected, and shall certify that the person so selected is qualified
6 under the laws of this State to be a candidate for such office, and is
7 a member of the political party filling the vacancy. Accompanying
8 the statement, the person endorsed therein shall file a certificate
9 stating that he or she is qualified under the laws of this State to be a
10 candidate for the office mentioned in the statement, that he or she
11 consents to stand as a candidate at the ensuing general election and
12 that he or she is a member of the political party named in said
13 statement, and further that he or she is not a member of, or
14 identified with, any other political party or any political
15 organization espousing the cause of candidates of any other
16 political party, to which shall be annexed the oath of allegiance
17 prescribed in R.S.41:1-1 duly taken and subscribed by him or her
18 before an officer authorized to take oaths in this State. The person
19 so selected shall be the candidate of the party for such office at the
20 ensuing general election. Each candidate for the office of Governor
21 or the office of member of the Senate or General Assembly filing a
22 certification shall annex thereto a statement signed by the candidate
23 that he or she:

24 (1) has not been convicted of any offense graded by Title 2C of
25 the New Jersey Statutes as a crime of the first, second, third or
26 fourth degree, or any offense in any other jurisdiction which, if
27 committed in this State, would constitute such a crime; or

28 (2) has been so convicted, in which case, the candidate shall
29 disclose on the statement the crime for which convicted, the date
30 and place of the conviction and the penalties imposed for the
31 conviction. Such a candidate may, as an alternative, submit with
32 the statement a copy of an official document that provides such
33 information. If the candidate has been convicted of more than one
34 criminal offense, such information about each conviction shall be
35 provided. Records expunged pursuant to chapter 52 of Title 2C of
36 the New Jersey Statutes shall not be subject to disclosure.²

37 (cf: P.L.2009, c.135, s.5)

38

39 ²5. R.S.19:13-21 is amended to read as follows:

40 19:13-21. If the nomination vacated is that of a candidate for
41 elector of the President and Vice-President of the United States, the
42 vacancy shall be filled by the committee to whom power shall have
43 been delegated to fill vacancies if such there be, otherwise by the
44 State committee of the political party which nominated the elector
45 whose nomination is vacated. The chairman and secretary of the
46 vacancy committee or State committee shall file with the Secretary
47 of State on or before the ~~48th~~ 54th day prior to the general
48 election a certificate of nomination for filling the vacancy. This

1 certificate shall be made and filed in the same manner and form as
2 heretofore provided for filling vacancies among candidates
3 nominated at the primary and there shall be annexed thereto the
4 oath of allegiance prescribed in section 41:1-1 of the Revised
5 Statutes duly taken and subscribed by the person so nominated
6 before an officer authorized to take oaths in this State.²
7 (cf: P.L.1985, c.92, s.15)

8
9 ²[4.] 6.² R.S.19:14-1 is amended to read as follows:

10 19:14-1. Every county clerk shall have ready for the printer on
11 or before the ~~[43rd]~~ ¹[48th] 50th¹ day prior to the general election
12 a copy of the contents of official ballots as hereinafter required to
13 be printed for use at such election. He shall also on or before that
14 time place another copy of such contents on file in his office and
15 keep the same open to public inspection until the sample ballots
16 hereinafter provided to be printed shall have been distributed.
17 (cf: P.L.1985, c.92, s.16)

18
19 ²[5. R.S.19:23-12 is amended to read as follows:

20 19:23-12. The signers to petitions for "Choice for President,"
21 delegates and alternates to national conventions, for Governor,
22 United States Senator, member of the House of Representatives,
23 State Senator, member of the General Assembly and any county
24 office may name three persons in their petition as a committee on
25 vacancies.

26 This committee shall have power in case of death or resignation
27 or otherwise of the person indorsed as a candidate in said petition to
28 fill such vacancy by filing with the ~~[Attorney General]~~ Secretary of
29 State in the case of officers to be voted for by the voters of the
30 entire State or a portion thereof involving more than one county
31 thereof or any congressional district, and with the county clerk in
32 the case of officers to be voted for by the voters of the entire county
33 or any county election district, a certificate of nomination to fill the
34 vacancy.

35 Such certificate shall set forth the cause of the vacancy, the name
36 of the person nominated and that he is a member of the same
37 political party as the candidate for whom he is substituted, the
38 office for which he is nominated, the name of the person for whom
39 the new nominee is to be substituted, the fact that the committee is
40 authorized to fill vacancies and such further information as is
41 required to be given in any original petition of nomination.

42 The certificate so made shall be executed and sworn to by the
43 members of such committee, and shall upon being filed at least
44 ~~[48]~~ ¹[53] 57¹ days before election have the same force and effect
45 as the original petition of nomination for the primary election for
46 the general election and there shall be annexed thereto the oath of
47 allegiance prescribed in R.S.41:1-1 duly taken and subscribed by

1 the person so nominated before an officer authorized to take oaths
2 in this State. The name of the candidate submitted shall be
3 immediately certified to the proper municipal clerks. In addition, a
4 person so nominated for the office of Governor or the office of
5 member of the Senate or General Assembly shall annex to the
6 certificate a statement signed by the candidate that he or she:

7 a. has not been convicted of any offense graded by Title 2C of
8 the New Jersey Statutes as a crime of the first, second, third or
9 fourth degree, or any offense in any other jurisdiction which, if
10 committed in this State, would constitute such a crime; or

11 b. has been so convicted, in which case, the candidate shall
12 disclose on the statement the crime for which convicted, the date
13 and place of the conviction and the penalties imposed for the
14 conviction. Such a candidate may, as an alternative, submit with
15 the statement a copy of an official document that provides such
16 information. If the candidate has been convicted of more than one
17 criminal offense, such information about each conviction shall be
18 provided. Records expunged pursuant to chapter 52 of Title 2C of
19 the New Jersey Statutes shall not be subject to disclosure.

20 (cf: P.L.2004, c.26, s.3)]²

21
22 ²[6. R.S.19:23-14 is amended to read as follows:

23 19:23-14. Petitions addressed to the [Attorney General]
24 Secretary of State, the county clerks, or the municipal clerks shall
25 be filed with such officers, respectively, before 4:00 p.m. of the
26 [57th] ¹[62nd] 71st¹ day next preceding the day of the holding of
27 the primary election for the general election.

28 Not later than the close of business of the [48th] 53rd day
29 preceding the primary election for the general election, the
30 municipal clerk shall certify to the county clerk the full and correct
31 names and addresses of all candidates for nomination for public and
32 party office and the name of the political party of which such
33 persons are candidates together with their slogan and designation.
34 The county clerk shall transmit this information to the Election Law
35 Enforcement Commission in the form and manner prescribed by the
36 commission and shall notify the commission immediately upon the
37 withdrawal of a petition of nomination.

38 (cf: P.L.2001, c.211, s.1)]²

39
40 ²[7. R.S.19:23-21 is amended to read as follows:

41 19:23-21. The Secretary of State shall certify the names of the
42 persons indorsed in the petitions filed in his office to the clerks of
43 counties concerned thereby not later than the [48th] ¹[53rd] 57th¹
44 day prior to the holding of the primary election, specifying in such
45 certificate the political parties to which the persons so nominated in
46 the petitions belong. In the case of candidates for offices other than
47 federal office, the Secretary of State shall also transmit this

1 information to the Election Law Enforcement Commission in the
2 form and manner prescribed by the commission and shall notify the
3 commission immediately upon the withdrawal of a petition of
4 nomination.

5 (cf: P.L.1985, c.92, s.19)]²

6

7 ²[8. R.S.19:23-22 is amended to read as follows:

8 19:23-22. The county clerk shall certify all of the persons so
9 certified to him by the Secretary of State and in addition the names
10 of all persons indorsed in petitions filed in his office to the clerk of
11 each municipality concerned thereby in his respective county not
12 later than the close of business of the [47th] 52nd day prior to the
13 time fixed by law for the holding of the primary election, specifying
14 in such certificate the political party to which the person or persons
15 so nominated belong. The county clerk shall also transmit this
16 information with respect to persons, other than candidates for
17 federal office, indorsed in petitions filed in his office to the Election
18 Law Enforcement Commission in the form and manner prescribed
19 by the commission and shall notify the commission immediately
20 upon the withdrawal of a petition of nomination filed in his office.

21 (cf: P.L.1985, c.92, s.20)]²

22

23 ²[9. R.S.19:23-24 is amended to read as follows:

24 19:23-24. The position which the candidates and bracketed
25 groups of names of candidates for the primary for the general
26 election shall have upon the ballots used for the primary election for
27 the general election, in the case of candidates for nomination for
28 members of the United States Senate, Governor, members of the
29 House of Representatives, members of the State Senate, members of
30 the General Assembly, candidates for party positions, and county
31 offices or party positions which are to be voted for by the voters of
32 the entire county or a portion thereof greater than a single
33 municipality, including a congressional district which is wholly
34 within a single municipality, shall be determined by the county
35 clerks in their respective counties; and, excepting in counties where
36 R.S.19:49-2 applies, the position on the ballot used for the primary
37 election for the general election in the case of candidates for
38 nomination for office or party position wherein the candidates for
39 office or party position to be filled are to be voted for by the voters
40 of a municipality only, or a subdivision thereof (excepting in the
41 case of members of the House of Representatives) shall be
42 determined by the municipal clerk in such municipalities, in the
43 following manner: The county clerk, or his deputy, or the
44 municipal clerk or his deputy, as the case may be, shall at his office
45 on the [47th] ¹[52nd] 56th¹ day prior to the primary election for
46 the general election at three o'clock in the afternoon draw from the
47 box, as hereinafter described, each card separately without

1 knowledge on his part as to which card he is drawing. Any legal
2 voter of the county or municipality, as the case may be, shall have
3 the privilege of witnessing such drawing. The person making the
4 drawing shall make public announcement at the drawing of each
5 name, the order in which same is drawn, and the office for which
6 the drawing is made. When there is to be but one person nominated
7 for the office, the names of the several candidates who have filed
8 petitions for such office shall be written upon cards (one name on a
9 card) of the same size, substance and thickness. The cards shall be
10 deposited in a box with an aperture in the cover of sufficient size to
11 admit a man's hand. The box shall be well shaken and turned over
12 to thoroughly mix the cards, and the cards shall then be withdrawn
13 one at a time. The first name drawn shall have first place, the
14 second name drawn, second place, and so on; the order of the
15 withdrawal of the cards from the box determining the order of
16 arrangement in which the names shall appear upon the primary
17 election ballot. Where there is more than one person to be
18 nominated to an office where petitions have designated that certain
19 candidates shall be bracketed, the position of such bracketed names
20 on the ballot (each bracket to be treated as a single name), together
21 with individuals who have filed petitions for nomination for such
22 office, shall be determined as above described. Where there is more
23 than one person to be nominated for an office and there are more
24 candidates who have filed petitions than there are persons to be
25 nominated, the order of the printing of such names upon the primary
26 election ballots shall be determined as above described.

27 The county clerk in certifying to the municipal clerk the offices
28 to be filled and the names of candidates to be printed upon the
29 ballots used for the primary election for the general election, shall
30 certify them in the order as drawn in accordance with the above
31 described procedure, and the municipal clerk shall print the names
32 upon the ballots as so certified and in addition shall print the names
33 of such candidates as have filed petitions with him in the order as
34 determined as a result of the drawing as above described.
35 Candidates for the office of the county executive in counties that
36 have adopted the county executive plan of the "Optional County
37 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall precede
38 the candidates for other county offices for which there are
39 candidates on the ballot used for the primary election for the
40 general election.

41 (cf: P.L.2005, c.136, s.26)]²

42

43 ²⁷. R.S.19:23-12 is amended to read as follows:

44 19:23-12. The signers to petitions for "Choice for President,"
45 delegates and alternates to national conventions, for Governor,
46 United States Senator, member of the House of Representatives,

1 State Senator, member of the General Assembly and any county
2 office may name three persons in their petition as a committee on
3 vacancies.

4 This committee shall have power in case of death or resignation
5 or otherwise of the person indorsed as a candidate in said petition to
6 fill such vacancy by filing with the **[Attorney General]** Secretary of
7 State in the case of officers to be voted for by the voters of the
8 entire State or a portion thereof involving more than one county
9 thereof or any congressional district, and with the county clerk in
10 the case of officers to be voted for by the voters of the entire county
11 or any county election district, a certificate of nomination to fill the
12 vacancy.

13 Such certificate shall set forth the cause of the vacancy, the name
14 of the person nominated and that he is a member of the same
15 political party as the candidate for whom he is substituted, the
16 office for which he is nominated, the name of the person for whom
17 the new nominee is to be substituted, the fact that the committee is
18 authorized to fill vacancies and such further information as is
19 required to be given in any original petition of nomination.

20 The certificate so made shall be executed and sworn to by the
21 members of such committee, and shall upon being filed at least
22 **[48]** 55 days before election have the same force and effect as the
23 original petition of nomination for the primary election for the
24 general election and there shall be annexed thereto the oath of
25 allegiance prescribed in R.S. 41:1-1 duly taken and subscribed by
26 the person so nominated before an officer authorized to take oaths
27 in this State. The name of the candidate submitted shall be
28 immediately certified to the proper municipal clerks. In addition, a
29 person so nominated for the office of Governor or the office of
30 member of the Senate or General Assembly shall annex to the
31 certificate a statement signed by the candidate that he or she:

32 a. has not been convicted of any offense graded by Title 2C of
33 the New Jersey Statutes as a crime of the first, second, third or
34 fourth degree, or any offense in any other jurisdiction which, if
35 committed in this State, would constitute such a crime; or

36 b. has been so convicted, in which case, the candidate shall
37 disclose on the statement the crime for which convicted, the date
38 and place of the conviction and the penalties imposed for the
39 conviction. Such a candidate may, as an alternative, submit with
40 the statement a copy of an official document that provides such
41 information. If the candidate has been convicted of more than one
42 criminal offense, such information about each conviction shall be
43 provided. Records expunged pursuant to chapter 52 of Title 2C of
44 the New Jersey Statutes shall not be subject to disclosure.²

45 (cf: P.L.2004, c.26, s.3)

1 ²8. R.S.19:23-14 is amended to read as follows:

2 19:23-14. Petitions addressed to the **【Attorney General】**
3 Secretary of State, the county clerks, or the municipal clerks shall
4 be filed with such officers, respectively, before 4:00 p.m. of the
5 **【57th】** ³**【67th】** 64th³ day next preceding the day of the holding of
6 the primary election for the general election.

7 Not later than the close of business of the **【48th】** 54th day
8 preceding the primary election for the general election, the
9 municipal clerk shall certify to the county clerk the full and correct
10 names and addresses of all candidates for nomination for public and
11 party office and the name of the political party of which such
12 persons are candidates together with their slogan and designation.
13 The county clerk shall transmit this information to the Election Law
14 Enforcement Commission in the form and manner prescribed by the
15 commission and shall notify the commission immediately upon the
16 withdrawal of a petition of nomination.²

17 (cf: P.L.2001, c.211, s.1)

18

19 ²9. R.S.19:23-21 is amended to read as follows:

20 19:23-21. The Secretary of State shall certify the names of the
21 persons indorsed in the petitions filed in his office to the clerks of
22 counties concerned thereby not later than the **【48th】** 54th day prior
23 to the holding of the primary election, specifying in such certificate
24 the political parties to which the persons so nominated in the
25 petitions belong. In the case of candidates for offices other than
26 federal office, the Secretary of State shall also transmit this
27 information to the Election Law Enforcement Commission in the
28 form and manner prescribed by the commission and shall notify the
29 commission immediately upon the withdrawal of a petition of
30 nomination.²

31 (cf: P.L.1985, c.92, s.19)

32

33 ²10. R.S.19:23-22 is amended to read as follows:

34 19:23-22. The county clerk shall certify all of the persons so
35 certified to him by the Secretary of State and in addition the names
36 of all persons indorsed in petitions filed in his office to the clerk of
37 each municipality concerned thereby in his respective county not
38 later than the close of business of the **【47th】** 53rd day prior to the
39 time fixed by law for the holding of the primary election, specifying
40 in such certificate the political party to which the person or persons
41 so nominated belong. The county clerk shall also transmit this
42 information with respect to persons, other than candidates for
43 federal office, indorsed in petitions filed in his office to the Election
44 Law Enforcement Commission in the form and manner prescribed
45 by the commission and shall notify the commission immediately
46 upon the withdrawal of a petition of nomination filed in his office.²

47 (cf: P.L.1985, c.92, s.20)

1 ²11. R.S.19:23-24 is amended to read as follows:
2 19:23-24. The position which the candidates and bracketed
3 groups of names of candidates for the primary for the general
4 election shall have upon the ballots used for the primary election for
5 the general election, in the case of candidates for nomination for
6 members of the United States Senate, Governor, members of the
7 House of Representatives, members of the State Senate, members of
8 the General Assembly, candidates for party positions, and county
9 offices or party positions which are to be voted for by the voters of
10 the entire county or a portion thereof greater than a single
11 municipality, including a congressional district which is wholly
12 within a single municipality, shall be determined by the county
13 clerks in their respective counties; and, excepting in counties where
14 R.S.19:49-2 applies, the position on the ballot used for the primary
15 election for the general election in the case of candidates for
16 nomination for office or party position wherein the candidates for
17 office or party position to be filled are to be voted for by the voters
18 of a municipality only, or a subdivision thereof (excepting in the
19 case of members of the House of Representatives) shall be
20 determined by the municipal clerk in such municipalities, in the
21 following manner: The county clerk, or his deputy, or the
22 municipal clerk or his deputy, as the case may be, shall at his office
23 on the ~~[47th]~~ 53rd day prior to the primary election for the general
24 election at three o'clock in the afternoon draw from the box, as
25 hereinafter described, each card separately without knowledge on
26 his part as to which card he is drawing. Any legal voter of the
27 county or municipality, as the case may be, shall have the privilege
28 of witnessing such drawing. The person making the drawing shall
29 make public announcement at the drawing of each name, the order
30 in which same is drawn, and the office for which the drawing is
31 made. When there is to be but one person nominated for the office,
32 the names of the several candidates who have filed petitions for
33 such office shall be written upon cards (one name on a card) of the
34 same size, substance and thickness. The cards shall be deposited in
35 a box with an aperture in the cover of sufficient size to admit a
36 man's hand. The box shall be well shaken and turned over to
37 thoroughly mix the cards, and the cards shall then be withdrawn one
38 at a time. The first name drawn shall have first place, the second
39 name drawn, second place, and so on; the order of the withdrawal of
40 the cards from the box determining the order of arrangement in
41 which the names shall appear upon the primary election ballot.
42 Where there is more than one person to be nominated to an office
43 where petitions have designated that certain candidates shall be
44 bracketed, the position of such bracketed names on the ballot (each
45 bracket to be treated as a single name), together with individuals
46 who have filed petitions for nomination for such office, shall be
47 determined as above described. Where there is more than one
48 person to be nominated for an office and there are more candidates

1 who have filed petitions than there are persons to be nominated, the
2 order of the printing of such names upon the primary election
3 ballots shall be determined as above described.

4 The county clerk in certifying to the municipal clerk the offices
5 to be filled and the names of candidates to be printed upon the
6 ballots used for the primary election for the general election, shall
7 certify them in the order as drawn in accordance with the above
8 described procedure, and the municipal clerk shall print the names
9 upon the ballots as so certified and in addition shall print the names
10 of such candidates as have filed petitions with him in the order as
11 determined as a result of the drawing as above described.
12 Candidates for the office of the county executive in counties that
13 have adopted the county executive plan of the "Optional County
14 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall precede
15 the candidates for other county offices for which there are
16 candidates on the ballot used for the primary election for the
17 general election.²

18 (cf: P.L.2005, c.136, s.26)

19

20 ²[10.] 12.² R.S.19:23-45 is amended to read as follows:

21 19:23-45. No voter shall be allowed to vote at any primary
22 election unless his name appears in the signature copy register.

23 A voter who votes in a primary election of a political party or
24 who signs and files with the municipal clerk or the county
25 commissioner of registration a declaration that he desires to vote in
26 any primary election of a political party, or who indicates on a voter
27 registration form the voter's choice of political party affiliation and
28 submits the form to the commissioner of registration of the county
29 wherein the voter resides, to the employees or agents of a public
30 agency, as defined in subsection a. of section 15 of P.L.1974, c.30
31 (C.19:31-6.3), or a voter registration agency, as defined in
32 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), or to
33 the **[Attorney General]** Secretary of State, shall be deemed to be a
34 member of that party until the voter signs and files with the
35 municipal clerk or the commissioner of registration a declaration
36 that he desires to vote in a primary election of another political
37 party at which time he shall be deemed to be a member of such
38 other political party. The **[Attorney General]** Secretary of State
39 shall cause to be prepared political party affiliation declaration
40 forms and shall provide such forms to the commissioners of
41 registration of the several counties and to the clerks of the
42 municipalities within such counties.

43 No voter, except a newly registered voter at the first primary at
44 which he is eligible to vote, or a voter who has not previously voted
45 in a primary election, may vote in a primary election of a political
46 party unless he was deemed to be a member of that party on the
47 **[50th]** 55th day next preceding such primary election.

1 A member of the county committee of a political party and a
2 public official or public employee holding any office or public
3 employment to which he has been elected or appointed as a member
4 of a political party shall be deemed a member of such political
5 party.

6 A voter may declare the voter's party affiliation or change the
7 voter's party affiliation, or declare that the voter is unaffiliated with
8 any party regardless of any previously declared party affiliation, by
9 so indicating on a political party declaration form filed with the
10 municipal clerk or the county commissioner of registration. A voter
11 may also indicate that the voter wishes to declare a political party
12 affiliation or that the voter does not want to declare a political party
13 affiliation on a voter registration form filed at the time of initial
14 registration.

15 Any person voting in the primary ballot box of any political
16 party in any primary election in contravention of the election law
17 shall be guilty of a disorderly persons offense, and any person who
18 aids or assists any such person in such violation by means of public
19 proclamation or order, or by means of any public or private
20 direction or suggestions, or by means of any help or assistance or
21 cooperation, shall likewise be guilty of a disorderly persons offense.
22 (cf: P.L.2005, c.154, s.6)

23

24 ²[11.] 13.² Section 2 of P.L.1976, c.16 (C.19:23-45.1) is
25 amended to read as follows:

26 2. a. The county commissioner of registration in each of the
27 several counties shall cause a notice to be published in each
28 municipality of their respective counties in a newspaper or
29 newspapers circulating therein. The notice to be so published shall
30 be published once during each of the two calendar weeks next
31 preceding the week in which the ~~50th~~ 55th day next preceding
32 any primary election of a political party occurs.

33 b. The notice required to be published by the preceding
34 paragraph shall inform the reader thereof that no voter, except a
35 newly registered voter at the first primary at which he is eligible to
36 vote, or a voter who has not previously voted in a primary election
37 may vote in a primary election of a political party unless he was
38 deemed to be a member of that party on the ~~50th~~ 55th day next
39 preceding such primary election. It shall further inform the reader
40 thereof that a voter who votes in any primary election of a political
41 party, or who signs and files with the municipal clerk or the county
42 commissioner of registration a declaration that he desires to vote in
43 a primary election of a political party, or who indicates on a voter
44 registration form the voter's choice of political party affiliation and
45 submits the form to the commissioner of registration of the county
46 wherein the voter resides, to the employees or agents of a public
47 agency, as defined in subsection a. of section 15 of P.L.1974, c.30
48 (C.19:31-6.3), or a voter registration agency, as defined in

1 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11) or to
2 the **[Attorney General]** Secretary of State, shall be deemed to be a
3 member of that party until the voter signs and files with the
4 municipal clerk or the commissioner of registration a declaration
5 that he desires to vote in a primary election of another political
6 party, at which time he shall be deemed to be a member of such
7 other political party, or that the voter chooses not to be affiliated
8 with any political party. The notice shall also state the time and
9 location where a person may obtain political party affiliation
10 declaration forms or voter registration forms.

11 (cf: P.L.2005, c.153, s.2)

12

13 ²**[12. R.S.19:24-4 is amended to read as follows:**

14 19:24-4. Not less than 100 members of each such political party
15 may file with the **[Attorney General]** Secretary of State at least
16 **[57]** 62 days prior to the presidential primary election in any year
17 of a national convention a petition requesting that the name of a
18 person therein indorsed shall be printed on the presidential primary
19 ticket of such political party as candidate for the position of
20 delegate-at-large or alternate-at-large, to be chosen by the party
21 voters throughout the State to the national convention of that party,
22 or as a delegate or alternate to be chosen to that convention by the
23 voters of any congressional district.

24 The signers to the petition for any delegate-at-large or alternate-
25 at-large shall be legal voters resident in the State; and the signers
26 for any delegate or alternate from any Congressional district shall
27 be voters of such district.

28 The **[Attorney General]** Secretary of State shall not later than
29 the **[48th]** 53rd day preceding the presidential primary election
30 certify to each county clerk and county board such nominations for
31 delegates and alternates-at-large and the nominations for delegate or
32 alternate for any Congressional district.

33 (cf: P.L.2005, c.136, s.36)]²

34

35 ²**[13. Section 1 of P.L.1952, c.2 (C.19:25-3) is amended to read**
36 **as follows:**

37 1. Not less than **[one thousand]** 1,000 voters of any political
38 party may file a petition with the **[Attorney General]** Secretary of
39 State on or before the **[57th]** 62nd day before a presidential
40 primary election, requesting that the name of the person indorsed
41 therein as a candidate of such party for the office of President of the
42 United States shall be printed upon the official presidential primary
43 ballot of that party for the then ensuing election for delegates and
44 alternates to the national convention of such party.

45 The petition shall be prepared and filed in the form and manner
46 herein required for the indorsement of candidates to be voted for at
47 the primary election for the general election, except that the

1 candidate shall not be permitted to have a designation or slogan
2 following his name, and that it shall not be necessary to have the
3 consent of such candidate for President indorsed on the petition.

4 (cf: P.L.2005, c.136, s.37)]²

5
6 ²[14. Section 2 of P.L.1952, c.2 (C.19:25-4) is amended to read
7 as follows:

8 2. The [Attorney General] Secretary of State shall certify the
9 names so indorsed to the county clerk of each county not later than
10 the [48th] 53rd day before such presidential primary election, but if
11 any person so indorsed shall on or before such date decline in
12 writing, filed in the office of the [Attorney General] Secretary of
13 State, to have his name printed upon the presidential primary
14 election ballot as a candidate for President, the [Attorney General]
15 Secretary of State shall not so certify such name.

16 (cf: P.L.2005, c.136, s.38)]²

17
18 ²[15. R.S.19:27-6 is amended to read as follows:

19 19:27-6. In the case of a vacancy in the representation of this
20 State in the United States Senate or House of Representatives, the
21 writ may designate the next general election day for the election,
22 but if a special day is designated, it shall specify the cause and
23 purpose of such election, the name of the officer in whose office the
24 vacancy has occurred, the day on which a special primary election
25 shall be held, which shall be not less than [65] 70 days nor more
26 than [71] 76 days following the date of such proclamation, and the
27 day on which the special election shall be held, which shall be not
28 less than [46] 51 nor more than [52] 57 days following the day of
29 the special primary election. The writ shall also specify the day or
30 days when the district boards shall meet for the purpose of making,
31 revising or correcting the registers of voters to be used at such
32 special election.

33 If the vacancy happens in the representation of this State in the
34 United States Senate the election shall take place at the general
35 election next succeeding the happening thereof, unless the vacancy
36 shall happen within [64] 69 days next preceding the primary
37 election prior to the general election, in which case it shall be filled
38 by election at the second succeeding election, unless the Governor
39 shall deem it advisable to call a special election therefor, which he
40 is authorized hereby to do.

41 If the vacancy happens in the representation of this State in the
42 House of Representatives in any year, not later than the [65th] 70th
43 day prior to the day for holding the next primary election for the
44 general election, the Governor shall issue a writ of election to fill
45 such vacancy, designating in said writ the next general election day
46 as the day on which the election shall be held to fill such vacancy.
47 The nomination of candidates to fill such vacancy shall be made in

1 the same manner as the nomination of other candidates at the said
2 primary election for the general election.

3 (cf: P.L.1985, c.92, s.25)]²

4

5 ²[16. Section 1 of P.L.1945, c.206 (C.19:27-10.1) is amended to
6 read as follows:

7 1. When a vacancy, howsoever caused, happens in the
8 representation of this State in the House of Representatives in any
9 year later than the [64th] 69th day prior to the day for holding the
10 primary election for the general election but before the [52nd]
11 57nd day preceding the day of the general election, and the
12 unexpired term to be filled exceeds [1] one year, the Governor, in
13 issuing a writ of election to fill such vacancy, may designate in said
14 writ the next general election day as the day on which the election
15 shall be held to fill such vacancy and that no primary election shall
16 be held for nomination of candidates to fill such vacancy.

17 In such case, each political party shall select its candidate to fill
18 such vacancy in the same manner prescribed in R.S. 19:13-20 for
19 selecting candidates to fill vacancies arising among candidates
20 nominated at primary elections, except that the time for making
21 such selection and filing the statement thereof shall be within 10
22 days following the issuance of the writ of election.

23 In such case, petitions of nomination of other candidates shall be
24 filed in the office of the Secretary of State within 10 days of the
25 date of such proclamation.

26 The Secretary of State on the eleventh day following the date of
27 such proclamation shall certify to the clerk and county board of
28 each county affected by the vacancy, a statement of all candidates
29 selected and nominated for the office so vacated.

30 The election to fill such vacancy shall in all other respects be
31 conducted as though it were being conducted to fill the office upon
32 the expiration of the term of the incumbent.

33 (cf: P.L.1985, c.92, s.27)]²

34

35 ²[17. R.S.19:27-11 is amended to read as follows:

36 19:27-11. In the event of any vacancy in any county or
37 municipal office, except for the office of a member of the board of
38 chosen freeholders, which vacancy shall occur after the 11th day
39 preceding the last day for filing petitions for nominations for the
40 primary election for the general election and on or before the [51st]
41 56th day preceding the general election, each political party may
42 select a candidate for the office in question in the manner
43 prescribed in R.S.19:13-20 for selecting candidates to fill vacancies
44 among candidates nominated at primary elections to the general
45 elections. A statement of such selection shall be filed with the
46 county clerk not later than the close of business of the [48th] 53rd
47 day preceding the date of the general election.

1 Besides the selection of candidates by each political party as
2 before provided, candidates may also be nominated by petition in a
3 similar manner as herein provided for direct nomination by petition
4 for the general election but the petition shall be filed with the
5 county clerk at least **[48]** 53 days prior to such general election.

6 When the vacancy occurs in a county office the county clerk
7 shall forthwith give notice thereof to the chairman of the county
8 committee of each political party and in counties of the first class to
9 the county board, and in case the vacancy occurs in a municipal
10 office the municipal clerk shall forthwith give notice thereof to the
11 county clerk, the chairman of the county committee of each political
12 party and in counties of the first class the county board.

13 The county clerk shall print on the ballots for the territory
14 affected, in the personal choice column, the title of office and leave
15 a proper space under such title of office; and print the title of office
16 and the names of such persons as have been duly nominated, in
17 their proper columns.

18 (cf: P.L.2005, c.136, s.40)]²

19
20 ²[18. Section 7 of P.L.1988, c.126 (C.19:27-11.1) is amended to
21 read as follows:

22 7. When any vacancy happens in the Legislature otherwise than
23 by expiration of term, it shall be filled by election for the unexpired
24 term only at the next general election occurring not less than **[51]**
25 56 days after the occurrence of the vacancy, except that no such
26 vacancy shall be filled at the general election which immediately
27 precedes the expiration of the term in which the vacancy occurs. In
28 the event a vacancy eligible to be filled by election hereunder
29 occurs on or before the sixth day preceding the last day for filing
30 petitions for nomination for the primary election, such petitions
31 may be prepared and filed for nomination in that primary election in
32 the manner provided by article 3 of chapter 23 of this Title. In the
33 event the vacancy occurs after that sixth day preceding the last day
34 for filing petitions for nomination for the primary election for the
35 general election, a political party may select a candidate for the
36 office in question in the manner prescribed in subsections a. and b.
37 of R.S.19:13-20 for selecting candidates to fill vacancies among
38 candidates nominated at primary elections for the general elections.
39 A statement of such selection under R.S.19:13-20 shall be filed with
40 the **[Attorney General]** Secretary of State not later than the **[48th]**
41 53rd day preceding the date of the general election.

42 Besides the selection of candidates by each political party,
43 candidates may also be nominated by petition in a manner similar to
44 direct nomination by petition for the general election; but if the
45 candidate of any party to fill the vacancy will be chosen at a
46 primary election, such petition shall be filed with the **[Attorney**
47 **General]** Secretary of State at least **[55]** 60 days prior to the

1 primary election; and if no candidate of any party will be chosen at
2 a primary election, such petition shall be filed with the [Attorney
3 General] Secretary of State not later than 12 o'clock noon of the
4 day on which the first selection meeting by any party is held under
5 this section to select a nominee to fill the vacancy.

6 When the vacancy occurs in the Senate or General Assembly, the
7 county clerk of each county which is comprised in whole or part in
8 the Senate or General Assembly district shall forthwith give notice
9 thereof to the chairman of the county committee of each political
10 party and in counties of the first class to the county board.

11 The county clerk shall print on the ballots for the territory
12 affected, in the personal choice column, the title of office and leave
13 a proper space under such title of office; and print the title of office
14 and the names of such persons as have been duly nominated, in
15 their proper columns.

16 (cf: P.L.2005, c.136, s.41)]²

17

18 ²[19. Section 8 of P.L.1988, c.126 (C.19:27-11.2) is amended to
19 read as follows:

20 8. In the case of a vacancy occurring with respect to a member
21 of the Senate or General Assembly who was elected as the
22 candidate of a political party which at the last preceding general
23 election held for all members of the General Assembly received the
24 largest number of votes or the next largest number of votes in the
25 State for members of the General Assembly, for the interim period
26 pending the election and qualification of a permanent successor to
27 fill the vacancy, or for the interim period constituting the remainder
28 of the term in the case of a vacancy occurring which cannot be
29 filled pursuant to section 7 of this amendatory and supplementary
30 act at a general election, the vacancy shall be filled within [35] 40
31 days by a member of the political party of which the person who
32 vacated the office was the candidate at the time of his election
33 thereto. The interim successor shall be selected by the appropriate
34 political party's county committee or committees in the same
35 manner prescribed in subsections a. and b. of R.S. 19:13-20 for
36 selecting candidates to fill vacancies among candidates nominated
37 at primary elections, and a statement of the selection of that
38 successor shall be certified to and filed with the Secretary of State
39 in the same manner prescribed by subsection d. of that section for
40 certifying statements concerning the selection of such candidates.

41 The Secretary of State shall thereupon issue to the interim
42 successor a certificate of selection based upon that filed statement
43 of selection, and shall sign his name and affix the seal of the State
44 thereto, and shall without delay deliver that statement to the person
45 so selected. The Secretary of State shall also prepare a certified
46 statement of selection, similar in form to the certificate but
47 addressed to the presiding officer of the house of the Legislature in

1 which the vacancy occurred, and shall sign the statement, affix the
2 seal of the State thereto, and promptly deliver the same to the
3 President of the Senate or Speaker of the General Assembly as
4 appropriate.

5 (cf: P.L.1988, c. 126, s. 8)]²

6

7 ²[20. Section 13 of P.L.1995, c.105 (C.19:27A-13) is amended
8 to read as follows:

9 13. a. (1) If the recall election official determines that a petition
10 contains the required number of signatures and otherwise complies
11 with the provisions of this act and if the official sought to be
12 recalled makes no timely challenge to that determination, or if the
13 official makes such a challenge but the original determination is
14 confirmed by the recall election official or the court, the recall
15 election official shall forthwith issue a certificate as to the
16 sufficiency of the petition to the recall committee. A copy of the
17 certificate shall be served by the recall election official on the
18 elected official sought to be recalled by personal service or certified
19 mail. If, within five business days of service of the certification, the
20 official has not resigned from office, the recall election official
21 shall order and fix the holding of a recall election on the date
22 indicated in the certificate.

23 (2) In the case of an office which is ordinarily filled at the
24 general election, a recall election shall be held at the next general
25 election occurring at least [55] 60 days following the fifth business
26 day after service of the certification, unless it was indicated in the
27 notice of intention that the recall election shall be held at a special
28 election in which case the recall election official shall order and fix
29 the date for holding the recall election to be the next Tuesday
30 occurring during the period beginning with the 55th day and ending
31 on the 61st day following the fifth business day after service of the
32 certification of the petition or, if that Tuesday falls on, or during the
33 28-day period before or after, a day on which any general, primary,
34 nonpartisan municipal, school district or other recall election is to
35 be held or shall have been held within all or any part of the
36 jurisdiction, then the first Tuesday thereafter which does not fall
37 within such period. In the case of an office which is ordinarily
38 filled at an election other than the general election, a recall election
39 shall be held at the next general election or the next regular election
40 for that office occurring at least [55] 60 days following the fifth
41 business day after service of the certification, unless it was
42 indicated in the notice of intention that the recall election shall be
43 held at a special election in which case the recall election official
44 shall order and fix the date for holding the recall election to be the
45 next Tuesday occurring during the period beginning with the [55th]
46 60th day and ending on the [61st] 66th day following the fifth
47 business day after service of the certification of the petition or, if

1 that Tuesday falls on, or during the 28-day period before or after, a
2 day on which any general, primary, nonpartisan municipal, school
3 district or other recall election is to be held or shall have been held
4 within all or any part of the jurisdiction, then the first Tuesday
5 thereafter which does not fall within such period. A recall election
6 to be held at a special election shall not be scheduled on the same
7 day as a primary election. The date for a recall election shall not be
8 fixed, and no recall election shall be held, after the date occurring
9 six months prior to the general election or regular election for the
10 office, as appropriate, in the final year of an official's term.

11 (3) A vacancy in an elective office resulting from the resignation
12 of an elective official sought to be recalled prior to the expiration of
13 the five-day period shall be filled in the manner provided by law for
14 filling vacancies in that office.

15 b. The certificate issued by the recall election official shall
16 contain:

17 (1) the name and office of the official sought to be recalled;

18 (2) the number of signatures required by law to cause a recall
19 election to be held for that office;

20 (3) a statement to the effect that a valid recall petition,
21 determined to contain the required number of signatures, has been
22 filed with the recall election official and that a recall election will
23 be held; and

24 (4) the date and time when the election will be held if the
25 official does not resign.

26 c. The recall election official shall transmit a copy of the
27 certificate to the officer or public body designated by law to be
28 responsible for publishing notice of any other election to be held in
29 the jurisdiction on the same day as the recall election, and that
30 officer or body shall cause notice of the recall election, including all
31 of the information contained in the certificate as prescribed by
32 subsection b. of this section, to be printed in a newspaper published
33 in the jurisdiction of the official sought to be recalled or, if none
34 exists, in a newspaper generally circulated in the jurisdiction. The
35 notice of the recall election shall appear on the same schedule
36 applicable to the notice of such other election. In the event that the
37 recall election is to be held as a special election, the recall election
38 official shall transmit a copy of the certificate to the county board
39 or boards of elections, and the county board or boards shall cause
40 notice of the recall election to be printed, in the manner
41 hereinbefore prescribed, once during the 30 days next preceding the
42 day fixed for the closing of the registration books for the recall
43 election and once during the calendar week next preceding the week
44 in which the recall election is held.

45 (cf: P.L.1995, c.105, s.13)]²

46

47 ²14. R.S.19:24-4 is amended to read as follows:

1 19:24-4. Not less than 100 members of each such political party
2 may file with the [Attorney General] Secretary of State at least
3 [57] 64 days prior to the presidential primary election in any year
4 of a national convention a petition requesting that the name of a
5 person therein indorsed shall be printed on the presidential primary
6 ticket of such political party as candidate for the position of
7 delegate-at-large or alternate-at-large, to be chosen by the party
8 voters throughout the State to the national convention of that party,
9 or as a delegate or alternate to be chosen to that convention by the
10 voters of any congressional district.

11 The signers to the petition for any delegate-at-large or alternate-
12 at-large shall be legal voters resident in the State; and the signers
13 for any delegate or alternate from any Congressional district shall
14 be voters of such district.

15 The [Attorney General] Secretary of State shall not later than
16 the [48th] 54th day preceding the presidential primary election
17 certify to each county clerk and county board such nominations for
18 delegates and alternates-at-large and the nominations for delegate or
19 alternate for any Congressional district.²

20 (cf: P.L.2005, c.136, s.36)

21

22 ²15. Section 1 of P.L.1952, c.2 (C.19:25-3) is amended to read
23 as follows:

24 1. Not less than [one thousand] 1,000 voters of any political
25 party may file a petition with the [Attorney General] Secretary of
26 State on or before the [57th] 64th day before a presidential primary
27 election, requesting that the name of the person indorsed therein as
28 a candidate of such party for the office of President of the United
29 States shall be printed upon the official presidential primary ballot
30 of that party for the then ensuing election for delegates and
31 alternates to the national convention of such party.

32 The petition shall be prepared and filed in the form and manner
33 herein required for the indorsement of candidates to be voted for at
34 the primary election for the general election, except that the
35 candidate shall not be permitted to have a designation or slogan
36 following his name, and that it shall not be necessary to have the
37 consent of such candidate for President indorsed on the petition.²

38 (cf: P.L.2005, c.136, s.37)

39

40 ²16. Section 2 of P.L.1952, c.2 (C.19:25-4) is amended to read
41 as follows:

42 2. The [Attorney General] Secretary of State shall certify the
43 names so indorsed to the county clerk of each county not later than
44 the [48th] 54th day before such presidential primary election, but if
45 any person so indorsed shall on or before such date decline in
46 writing, filed in the office of the [Attorney General] Secretary of
47 State, to have his name printed upon the presidential primary

1 election ballot as a candidate for President, the **[Attorney General]**
2 Secretary of State shall not so certify such name.²
3 (cf: P.L.2005, c.136, s.38)

4
5 ²17. R.S.19:27-6 is amended to read as follows:

6 19:27-6. In the case of a vacancy in the representation of this
7 State in the United States Senate or House of Representatives, the
8 writ may designate the next general election day for the election,
9 but if a special day is designated, it shall specify the cause and
10 purpose of such election, the name of the officer in whose office the
11 vacancy has occurred, the day on which a special primary election
12 shall be held, which shall be not less than **[65]** 70 days nor more
13 than **[71]** 76 days following the date of such proclamation, and the
14 day on which the special election shall be held, which shall be not
15 less than **[46]** 64 nor more than **[52]** 70 days following the day of
16 the special primary election. The writ shall also specify the day or
17 days when the district boards shall meet for the purpose of making,
18 revising or correcting the registers of voters to be used at such
19 special election.

20 If the vacancy happens in the representation of this State in the
21 United States Senate the election shall take place at the general
22 election next succeeding the happening thereof, unless the vacancy
23 shall happen within **[64]** 70 days next preceding the primary
24 election prior to the general election, in which case it shall be filled
25 by election at the second succeeding election, unless the Governor
26 shall deem it advisable to call a special election therefor, which he
27 is authorized hereby to do.

28 If the vacancy happens in the representation of this State in the
29 House of Representatives in any year, not later than the **[65th]** 70th
30 day prior to the day for holding the next primary election for the
31 general election, the Governor shall issue a writ of election to fill
32 such vacancy, designating in said writ the next general election day
33 as the day on which the election shall be held to fill such vacancy.
34 The nomination of candidates to fill such vacancy shall be made in
35 the same manner as the nomination of other candidates at the said
36 primary election for the general election.²

37 (cf: P.L.1985, c.92, s.25)

38
39 ²18. Section 1 of P.L.1945, c.206 (C.19:27-10.1) is amended to
40 read as follows:

41 1. When a vacancy, howsoever caused, happens in the
42 representation of this State in the House of Representatives in any
43 year later than the **[64th]** 70th day prior to the day for holding the
44 primary election for the general election but before the **[52nd]** 70th
45 day preceding the day of the general election, and the unexpired
46 term to be filled exceeds **[1]** one year, the Governor, in issuing a
47 writ of election to fill such vacancy, may designate in said writ the

1 next general election day as the day on which the election shall be
2 held to fill such vacancy and that no primary election shall be held
3 for nomination of candidates to fill such vacancy.

4 In such case, each political party shall select its candidate to fill
5 such vacancy in the same manner prescribed in R.S. 19:13-20 for
6 selecting candidates to fill vacancies arising among candidates
7 nominated at primary elections, except that the time for making
8 such selection and filing the statement thereof shall be within 10
9 days following the issuance of the writ of election.

10 In such case, petitions of nomination of other candidates shall be
11 filed in the office of the Secretary of State within 10 days of the
12 date of such proclamation.

13 The Secretary of State on the eleventh day following the date of
14 such proclamation shall certify to the clerk and county board of
15 each county affected by the vacancy, a statement of all candidates
16 selected and nominated for the office so vacated.

17 The election to fill such vacancy shall in all other respects be
18 conducted as though it were being conducted to fill the office upon
19 the expiration of the term of the incumbent.²

20 (cf: P.L.1985, c.92, s.27)

21

22 ²19. R.S.19:27-11 is amended to read as follows:

23 19:27-11. In the event of any vacancy in any county or
24 municipal office, except for the office of a member of the board of
25 chosen freeholders, which vacancy shall occur after the **[11th]** 70th
26 day preceding ³**[the last day for filing petitions for nominations**
27 **for]**³ the primary election for the general election and on or before
28 the **[51st]** 70th day preceding the general election, each political
29 party may select a candidate for the office in question in the manner
30 prescribed in R.S.19:13-20 for selecting candidates to fill vacancies
31 among candidates nominated at primary elections to the general
32 elections. A statement of such selection shall be filed with the
33 county clerk not later than the close of business of the **[48th]** 55th
34 day preceding the date of the general election.

35 Besides the selection of candidates by each political party as
36 before provided, candidates may also be nominated by petition in a
37 similar manner as herein provided for direct nomination by petition
38 for the general election but the petition shall be filed with the
39 county clerk at least **[48]** 64 days prior to such general election.

40 When the vacancy occurs in a county office the county clerk
41 shall forthwith give notice thereof to the chairman of the county
42 committee of each political party and in counties of the first class to
43 the county board, and in case the vacancy occurs in a municipal
44 office the municipal clerk shall forthwith give notice thereof to the
45 county clerk, the chairman of the county committee of each political
46 party and in counties of the first class the county board.

1 The county clerk shall print on the ballots for the territory
2 affected, in the personal choice column, the title of office and leave
3 a proper space under such title of office; and print the title of office
4 and the names of such persons as have been duly nominated, in
5 their proper columns.²

6 (cf: P.L.2005, c.136, s.40)

7
8 ²20. Section 7 of P.L.1988, c.126 (C.19:27-11.1) is amended to
9 read as follows:

10 7. When any vacancy happens in the Legislature otherwise than
11 by expiration of term, it shall be filled by election for the unexpired
12 term only at the next general election occurring not less than 51
13 days after the occurrence of the vacancy, except that no such
14 vacancy shall be filled at the general election which immediately
15 precedes the expiration of the term in which the vacancy occurs. In
16 the event a vacancy eligible to be filled by election hereunder
17 occurs on or before the sixth day preceding the last day for filing
18 petitions for nomination for the primary election, such petitions
19 may be prepared and filed for nomination in that primary election in
20 the manner provided by article 3 of chapter 23 of this Title. In the
21 event the vacancy occurs after that sixth day preceding the last day
22 for filing petitions for nomination for the primary election for the
23 general election, a political party may select a candidate for the
24 office in question in the manner prescribed in subsections a. and b.
25 of R.S.19:13-20 for selecting candidates to fill vacancies among
26 candidates nominated at primary elections for the general elections.
27 A statement of such selection under R.S.19:13-20 shall be filed with
28 the **【Attorney General】** Secretary of State not later than the 48th
29 day preceding the date of the general election.

30 Besides the selection of candidates by each political party,
31 candidates may also be nominated by petition in a manner similar to
32 direct nomination by petition for the general election; but if the
33 candidate of any party to fill the vacancy will be chosen at a
34 primary election, such petition shall be filed with the **【Attorney**
35 **General】** Secretary of State at least **【55】** 64 days prior to the
36 primary election; and if no candidate of any party will be chosen at
37 a primary election, such petition shall be filed with the **【Attorney**
38 **General】** Secretary of State not later than 12 o'clock noon of the
39 day on which the first selection meeting by any party is held under
40 this section to select a nominee to fill the vacancy.

41 When the vacancy occurs in the Senate or General Assembly, the
42 county clerk of each county which is comprised in whole or part in
43 the Senate or General Assembly district shall forthwith give notice
44 thereof to the chairman of the county committee of each political
45 party and in counties of the first class to the county board.

46 The county clerk shall print on the ballots for the territory
47 affected, in the personal choice column, the title of office and leave

1 a proper space under such title of office; and print the title of office
2 and the names of such persons as have been duly nominated, in
3 their proper columns.²

4 (cf: P.L.2005, c.136, s.41)

5
6 ²21. Section 13 of P.L.1995, c.105 (C.19:27A-13) is amended to
7 read as follows:

8 13. a. (1) If the recall election official determines that a petition
9 contains the required number of signatures and otherwise complies
10 with the provisions of this act and if the official sought to be
11 recalled makes no timely challenge to that determination, or if the
12 official makes such a challenge but the original determination is
13 confirmed by the recall election official or the court, the recall
14 election official shall forthwith issue a certificate as to the
15 sufficiency of the petition to the recall committee. A copy of the
16 certificate shall be served by the recall election official on the
17 elected official sought to be recalled by personal service or certified
18 mail. If, within five business days of service of the certification, the
19 official has not resigned from office, the recall election official
20 shall order and fix the holding of a recall election on the date
21 indicated in the certificate.

22 (2) In the case of an office which is ordinarily filled at the
23 general election, a recall election shall be held at the next general
24 election occurring at least **[55]** 60 days following the fifth business
25 day after service of the certification, unless it was indicated in the
26 notice of intention that the recall election shall be held at a special
27 election in which case the recall election official shall order and fix
28 the date for holding the recall election to be the next Tuesday
29 occurring during the period beginning with the **[55th]** 60th day and
30 ending on the **[61st]** 66th day following the fifth business day after
31 service of the certification of the petition or, if that Tuesday falls
32 on, or during the 28-day period before or after, a day on which any
33 general, primary, nonpartisan municipal, school district or other
34 recall election is to be held or shall have been held within all or any
35 part of the jurisdiction, then the first Tuesday thereafter which does
36 not fall within such period. In the case of an office which is
37 ordinarily filled at an election other than the general election, a
38 recall election shall be held at the next general election or the next
39 regular election for that office occurring at least **[55]** 60 days
40 following the fifth business day after service of the certification,
41 unless it was indicated in the notice of intention that the recall
42 election shall be held at a special election in which case the recall
43 election official shall order and fix the date for holding the recall
44 election to be the next Tuesday occurring during the period
45 beginning with the **[55th]** 60th day and ending on the **[61st]** 66th
46 day following the fifth business day after service of the certification
47 of the petition or, if that Tuesday falls on, or during the 28-day

1 period before or after, a day on which any general, primary,
2 nonpartisan municipal, school district or other recall election is to
3 be held or shall have been held within all or any part of the
4 jurisdiction, then the first Tuesday thereafter which does not fall
5 within such period. A recall election to be held at a special election
6 shall not be scheduled on the same day as a primary election. The
7 date for a recall election shall not be fixed, and no recall election
8 shall be held, after the date occurring six months prior to the
9 general election or regular election for the office, as appropriate, in
10 the final year of an official's term.

11 (3) A vacancy in an elective office resulting from the
12 resignation of an elective official sought to be recalled prior to the
13 expiration of the five-day period shall be filled in the manner
14 provided by law for filling vacancies in that office.

15 b. The certificate issued by the recall election official shall
16 contain:

17 (1) the name and office of the official sought to be recalled;

18 (2) the number of signatures required by law to cause a recall
19 election to be held for that office;

20 (3) a statement to the effect that a valid recall petition,
21 determined to contain the required number of signatures, has been
22 filed with the recall election official and that a recall election will
23 be held; and

24 (4) the date and time when the election will be held if the
25 official does not resign.

26 c. The recall election official shall transmit a copy of the
27 certificate to the officer or public body designated by law to be
28 responsible for publishing notice of any other election to be held in
29 the jurisdiction on the same day as the recall election, and that
30 officer or body shall cause notice of the recall election, including all
31 of the information contained in the certificate as prescribed by
32 subsection b. of this section, to be printed in a newspaper published
33 in the jurisdiction of the official sought to be recalled or, if none
34 exists, in a newspaper generally circulated in the jurisdiction. The
35 notice of the recall election shall appear on the same schedule
36 applicable to the notice of such other election. In the event that the
37 recall election is to be held as a special election, the recall election
38 official shall transmit a copy of the certificate to the county board
39 or boards of elections, and the county board or boards shall cause
40 notice of the recall election to be printed, in the manner
41 hereinbefore prescribed, once during the 30 days next preceding the
42 day fixed for the closing of the registration books for the recall
43 election and once during the calendar week next preceding the week
44 in which the recall election is held.²

45 (cf: P.L.1995, c.105, s.13)

46

47 ²[21.] 22.² R.S.19:37-1 is amended to read as follows:

1 19:37-1. When the governing body of any municipality or of any
2 county desires to ascertain the sentiment of the legal voters of the
3 municipality or county upon any question or policy pertaining to the
4 government or internal affairs thereof, and there is no other statute
5 by which the sentiment can be ascertained by the submission of
6 such question to a vote of the electors in the municipality or county
7 at any election to be held therein, the governing body may adopt at
8 any regular meeting an ordinance or a resolution requesting the
9 clerk of the county to print upon the official ballots to be used at the
10 next ensuing general election a certain proposition to be formulated
11 and expressed in the ordinance or resolution in concise form. Such
12 request shall be filed with the clerk of the county not later than
13 **[74]** ¹**[79]** 81¹ days previous to the election.

14 (cf: P.L.1985, c.92, s.29)

15

16 ²**[22.]** 23.² Section 2 of P.L.1967, c.101 (C.19:37-1.1) is
17 amended to read as follows:

18 2. Whenever a governing body of a municipality has adopted
19 an ordinance or resolution pursuant to section 19:37-1 of the
20 Revised Statutes, upon the presentation to the governing body of
21 such municipality of a petition signed by 10% or more of the voters
22 registered and qualified to vote at the last general election in such
23 municipality, requesting the governing body of such municipality to
24 ascertain the sentiment of the legal voters of the municipality upon
25 any question or policy pertaining to the government or internal
26 affairs thereof that is reasonably related to any proposition
27 formulated and expressed in such ordinance or resolution, such
28 governing body of the municipality shall thereupon adopt at its next
29 regular meeting following the presentation of such petition a
30 resolution requesting the clerk of the county to print upon the
31 official ballots to be used at the next ensuing general election a
32 certain proposition as formulated and expressed in the petition.
33 Such request shall be filed with the clerk of the county not later
34 than the **[60th]** ¹**[65th]** 67th¹ day previous to the election.

35 (cf: P.L.1985, c.92, s.30)

36

37 ²**[23.]** 24.² R.S.19:37-2 is amended to read as follows:

38 19:37-2. If a copy of the ordinance or resolution certified by the
39 clerk or secretary of the governing body of any such municipality
40 or county is delivered to the county clerk not less than **[60]** 65
41 days before any such general election, he shall cause it to be
42 printed on each sample ballot and official ballot to be printed for or
43 used in such municipality or county, as the case may be, at the next
44 ensuing general election.

45 (cf: P.L.1971, c.217, s.3)

1 ²[24.] 25.² Section 12 of P.L.1993, c.73 (C.19:59-8.1) is
2 amended to read as follows:

3 12. Whenever a county clerk receives a request by electronic
4 means from an overseas voter that an overseas ballot be sent to that
5 person by electronic means, the county clerk shall verify the voter's
6 eligibility to vote as an overseas voter in the State and the county
7 desired. If the overseas voter is eligible to vote therein, the county
8 clerk shall send the ballot to the voter **[as soon as practicable]** at
9 least 45 days before the day of the election and thereafter by
10 electronic means using the telephone number or electronic address
11 supplied by the voter for that purpose. If the overseas voter is not
12 eligible to vote in the State or the county desired, notice of
13 noneligibility shall be provided to the voter by electronic means as
14 soon as practicable after the receipt of the request.

15 (cf: P.L.2008, c.61, s.9)

16

17 ²[25. (New section) For the purpose of complying with the
18 federal "Uniformed and Overseas Citizens Absentee Voting Act,"
19 42 U.S.C.1973ff-1 et seq., the office of the Secretary of State shall:

20 a. be designated as the single State office responsible for
21 providing information to all overseas voters who wish to register to
22 vote or vote in any jurisdiction in the State with respect to voter
23 registration procedures and vote by mail procedures to be used by
24 overseas voters for all elections for federal offices;

25 b. work with the Election Assistance Commission and the federal
26 Department of Defense to develop standards to report data on the
27 number of overseas voter ballots transmitted and received by mail
28 or electronic means pursuant to the "Overseas Residents Absentee
29 Voting Law" P.L.1976, c.23 (C.19:59-1 et seq.) and section 7 of
30 P.L.2004, c.88 (C.19:61-7); and

31 c. provide such additional information relating to voting by
32 overseas voters from this State as the Department of Defense
33 determines is appropriate.]²

34

35 ²[26. Section 5 of P.L.2004, c.88 (C.19:61-5) is amended to
36 read as follows:

37 5. The Secretary of State shall establish a free-access system,
38 such as a toll-free telephone number, an Internet website or any
39 combination thereof, that any individual who casts a mail-in ballot
40 or an overseas ballot in a federal election may access to ascertain:
41 (1) whether an application for a mail-in ballot or an overseas ballot
42 has been approved and if not, the reason for its rejection; and (2)
43 whether the mail-in ballot or overseas ballot was received and
44 accepted for counting and, if the ballot was not counted, the reason
45 for the rejection of the ballot. The system shall at all times preserve
46 the confidentiality of each person who has requested an application
47 to vote by mail-in ballot or overseas ballot, or who has voted by

1 mail-in ballot or overseas ballot, and shall ensure that no person,
2 other than the individual who requested or cast the ballot, may
3 discover whether or not that individual's application or ballot was
4 accepted, unless so informed by the voter. This system may be the
5 same one used for provisional ballots, established pursuant to
6 section 4 of P.L.2004, c.88 (C.19:61-4).
7 (cf: P.L.2009, c.79, s.35)]²

8
9 ²26. (New section) For the purpose of complying with the
10 federal "Uniformed and Overseas Citizens Absentee Voting Act,"
11 42 U.S.C. s. 1973ff-1 et seq., the office of the Secretary of State
12 shall:

13 a. be designated as the single State office responsible for
14 providing information to all overseas voters who wish to register to
15 vote or vote in any jurisdiction in the State with respect to voter
16 registration procedures and vote by mail procedures to be used by
17 overseas voters for all elections for federal offices;

18 b. work with the federal Election Assistance Commission and
19 the federal Department of Defense to develop standards to report
20 data on the number of overseas voter ballots transmitted and
21 received by mail or electronic means pursuant to the "Overseas
22 Residents Absentee Voting Law" P.L.1976, c.23 (C.19:59-1 et seq.)
23 and section 7 of P.L.2004, c.88 (C.19:61-7); and

24 c. provide such additional information relating to voting by
25 overseas voters from this State as the Department of Defense
26 determines is necessary.²

27
28 ²27. Section 4 of P.L.1995, c.278 (C.19:60-4) is amended to
29 read as follows:

30 4. The secretary of each board of education [, not later than 10
31 o'clock a.m. of the 17th day preceding the annual school election or
32 a special school election,] shall ³[, as soon as possible after any
33 question is approved by the board,] , not later than 10 o'clock a.m.
34 of the 18th day preceding the annual school election or a special
35 school election,³ make and certify and forward to the clerk of the
36 county in which the school district is located a statement
37 designating [any] the public question to be voted upon by the
38 voters of the district which may be required pursuant to the
39 provisions of P.L.1995, c.278 (C.19:60-1 et al.) or Title 18A of the
40 New Jersey Statutes.²

41 (cf: PL.1995, c.278, s.4)

42
43 ²28. Section 5 of P.L.2004, c.88 (C.19:61-5) is amended to read
44 as follows:

45 5. The Secretary of State shall establish a free-access system,
46 such as a toll-free telephone number, an Internet website or any
47 combination thereof, that any individual who casts a mail-in ballot

1 or an overseas ballot in a federal election may access to ascertain:
2 (1) whether an application for a mail-in ballot or an overseas ballot
3 has been approved and if not, the reason for its rejection; and (2)
4 whether the mail-in ballot or overseas ballot was received and
5 accepted for counting and, if the ballot was not counted, the reason
6 for the rejection of the ballot. The system shall at all times preserve
7 the confidentiality of each person who has requested an application
8 to vote by mail-in ballot or overseas ballot, or who has voted by
9 mail-in ballot or overseas ballot, and shall ensure that no person,
10 other than the individual who requested or cast the ballot, may
11 discover whether or not that individual's application or ballot was
12 received and accepted, unless so informed by the voter. This
13 system may be the same one used for provisional ballots,
14 established pursuant to section 4 of P.L.2004, c.88 (C.19:61-4).²
15 (cf: P.L.2009, c.79, s.35)

16
17 ²[27.] 29.² Section 2 of P.L.2005, c.148 (C.19:62-2) is amended
18 to read as follows:

19 2. If an election by mail is authorized pursuant to section 1 of
20 this act, P.L.2005, c.148 (C.19:62-1), the county clerk shall:

21 a. publish, in advance of the election and pursuant to rules and
22 regulations promulgated by the Secretary of State, official notice
23 that the election shall be conducted by mail together with such other
24 information regarding the conduct of the election as shall be
25 deemed necessary by the Secretary of State;

26 b. mail a ballot, including an outer envelope and an inner
27 envelope substantially similar to the envelopes provided for mail-in
28 ballots pursuant to sections 12 and 13 of P.L.2009, c.79 (C.19:63-
29 12 and C.19:63-13), not sooner than the 20th day prior to the day of
30 the election nor later than the 14th day prior to the day of the
31 election, to each person registered to vote in the municipality at that
32 election;

33 c. designate the county clerk's office or the municipal clerk's
34 office as the places to obtain a replacement ballot pursuant to
35 section 5 of P.L.2005, c.148 (C.19:62-5);

36 d. designate, after consultation with the county board of
37 elections and pursuant to criteria established by the Secretary of
38 State, places within the county or municipality that shall be
39 available for the deposit of voted ballots for the election;

40 e. make a provisional ballot available at the office of the
41 county clerk and the office of the municipal clerk so that each
42 person who has been a resident of the county or municipality in
43 which the person seeks to register and vote at least 21 days prior to
44 the day of the election and has moved to a location within the
45 municipality after that 21st day and prior to the day of the election
46 may vote;

47 f. suspend distribution to each registered voter in the
48 municipality of samples of the official ballot of any election, but

1 distribute to each registered voter in the municipality with each
2 ballot a copy of the voter information notice provided for in section
3 1 of P.L.2005, c.149 (C.19:12-7.1) as modified and supplemented
4 by the Secretary of State as deemed appropriate for use in
5 municipalities conducting elections by mail, and such instruction
6 about the completion of the ballot as deemed necessary by the
7 Secretary of State;

8 g. make certain that all qualified voters in the municipality
9 requesting a mail-in ballot between the ~~40th~~ 45th day and the
10 21st day prior to the day of an election receive such ballot after the
11 20th day prior to the day of an election and voters requesting a
12 ballot on or before the seventh day prior to the date of the election
13 shall receive a ballot authorized pursuant to this section; and

14 h. establish, after consultation with the county board of
15 elections and in accordance with rules and regulations adopted by
16 the Secretary of State, the time by which all ballots must be
17 received by the board on the day of an election to be considered
18 valid and counted.

19 (cf: P.L.2009, c.79, s.36)

20

21 ²[28. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to
22 read as follows:

23 6. a. The county clerk, in the case of any Statewide election,
24 countywide election, or school election in a regional or other school
25 district comprising more than one municipality; the municipal clerk,
26 in the case of any municipal election or school election in a school
27 district comprising a single municipality; and the commissioners or
28 other governing or administrative body of the district, in the case of
29 any election to be held in any fire district or other special district,
30 other than a municipality, created for specified public purposes
31 within one or more municipalities, shall publish the following
32 notice in substantially the following form:

33 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

34 If you are a qualified and registered voter of the State who wants
35 to vote by mail in the..... (school, municipal, primary,
36 presidential primary, general, or other) election to be held
37 on..... (date of election) complete the application form
38 below and send to the undersigned, or write or apply in person to
39 the undersigned at once requesting that a mail-in ballot be
40 forwarded to you. The request must state your home address and
41 the address to which the ballot should be sent. The request must be
42 dated and signed with your signature.

43 If any person has assisted you to complete the mail-in ballot
44 application, the name, address and signature of the assistor must be
45 provided on the application, and you must sign and date the
46 application for it to be valid and processed. No person shall serve
47 as an authorized messenger for more than 10 qualified voters in an
48 election. No person who is a candidate in the election for which the

1 voter requests a mail-in ballot may provide any assistance in the
2 completion of the ballot or may serve as an authorized messenger or
3 bearer.

4 No mail-in ballot will be provided to any applicant who submits
5 a request therefor by mail unless the request is received at least
6 seven days before the election and contains the requested
7 information. A voter may, however, request an application in
8 person from the county clerk up to 3 p.m. of the day before the
9 election.

10 Voters who want to vote only by mail in all future general
11 elections in which they are eligible to vote, and who state that on
12 their application shall, after their initial request and without further
13 action on their part, be provided a mail-in ballot by the county clerk
14 until the voter requests that the voter no longer be sent such a
15 ballot. A voter's failure to vote in the fourth general election
16 following the general election at which the voter last voted may
17 result in the suspension of that voter's ability to receive a mail-in
18 ballot for all future general elections unless a new application is
19 completed and filed with the county clerk.

20 Voters also have the option of indicating on their mail-in ballot
21 applications that they would prefer to receive mail-in ballots for
22 each election that takes place during the remainder of this calendar
23 year. Voters who exercise this option will be furnished with mail-in
24 ballots for each election that takes place during the remainder of
25 this calendar year, without further action on their part.

26 Application forms may be obtained by applying to the
27 undersigned either in writing or by telephone, or the application
28 form provided below may be completed and forwarded to the
29 undersigned.

30 Dated.....
31

32 (signature and title of county clerk)

33

34 (address of county clerk)

35

36 (telephone no. of county clerk)

37 b. (1) The Secretary of State shall be responsible for providing
38 all information regarding overseas **【federal election voter】** ballots
39 to each overseas voter eligible for such a ballot pursuant to
40 P.L.1976, c.23 (C.19:59-1 et seq.). The secretary shall also make
41 available valid overseas **【federal election】** voter registration and
42 ballot applications to any voter who is a member of the armed
43 forces of the United States and who is a permanent resident of this
44 State, or who is an overseas **【federal election】** voter who wishes to
45 register to vote or to vote in any jurisdiction in this State. The
46 secretary shall provide such public notice as may be deemed
47 necessary to inform members of the armed forces of the United
48 States and overseas federal election voters how to obtain valid

1 overseas **[federal election]** voter registration and ballot
2 applications.

3 (2) The Secretary of State shall undertake a program to inform
4 voters in this State about their eligibility to vote by mail pursuant to
5 this act. Dissemination of this information shall be included in the
6 standard notices required by this section and other provisions of
7 current law, including but not limited to the notice requirements of
8 R.S.19:12-7, and shall be effectuated by such means as the secretary
9 deems appropriate and to the extent that funds for such
10 dissemination are appropriated including, but not limited to, by
11 means of Statewide or local electronic media, public service
12 announcements broadcast by such media, notices on the Internet site
13 of the Department of State or any other department or agency of the
14 Executive Branch of State government or its political subdivisions
15 deemed appropriate by the secretary, and special mailings or notices
16 in newspapers or other publications circulating in the counties or
17 municipalities of this State.

18 c. The mail-in ballot materials shall contain a notice that any
19 person voting by mail-in ballot who has registered by mail after
20 January 1, 2003, who did not provide personal identification
21 information when registering and is voting for the first time in his
22 or her current county of residence following registration shall
23 include copies of the required identification information with the
24 mail-in ballot, and that failure to include such information shall
25 result in the rejection of the ballot.

26 d. The notice provided for in subsection a. of this section shall
27 be published before the **[50th]** 55th day immediately preceding the
28 holding of any election.

29 Notices relating to any Statewide or countywide election shall be
30 published in at least two newspapers published in each county. All
31 officials charged with the duty of publishing such notices shall
32 publish the same in at least one newspaper published in each
33 municipality or district in which the election is to be held, or if no
34 newspaper is published in the municipality or district, then in a
35 newspaper published in the county and circulating in the
36 municipality or district. All such notices shall be display
37 advertisements.

38 (cf: P.L.2009, c.79, s.6)]²

39

40 ²30. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read
41 as follows:

42 6. a. The county clerk, in the case of any Statewide election,
43 countywide election, or school election in a regional or other school
44 district comprising more than one municipality; the municipal clerk,
45 in the case of any municipal election or school election in a school
46 district comprising a single municipality; and the commissioners or
47 other governing or administrative body of the district, in the case of
48 any election to be held in any fire district or other special district,

1 other than a municipality, created for specified public purposes
2 within one or more municipalities, shall publish the following
3 notice in substantially the following form:

4 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

5 If you are a qualified and registered voter of the State who wants
6 to vote by mail in the..... (school, municipal, primary,
7 presidential primary, general, or other) election to be held
8 on..... (date of election) complete the application form
9 below and send to the undersigned, or write or apply in person to
10 the undersigned at once requesting that a mail-in ballot be
11 forwarded to you. The request must state your home address and
12 the address to which the ballot should be sent. The request must be
13 dated and signed with your signature.

14 If any person has assisted you to complete the mail-in ballot
15 application, the name, address and signature of the assistor must be
16 provided on the application, and you must sign and date the
17 application for it to be valid and processed. No person shall serve
18 as an authorized messenger for more than 10 qualified voters in an
19 election. No person who is a candidate in the election for which the
20 voter requests a mail-in ballot may provide any assistance in the
21 completion of the ballot or may serve as an authorized messenger or
22 bearer.

23 No mail-in ballot will be provided to any applicant who submits
24 a request therefor by mail unless the request is received at least
25 seven days before the election and contains the requested
26 information. A voter may, however, request an application in
27 person from the county clerk up to 3 p.m. of the day before the
28 election.

29 Voters who want to vote only by mail in all future general
30 elections in which they are eligible to vote, and who state that on
31 their application shall, after their initial request and without further
32 action on their part, be provided a mail-in ballot by the county clerk
33 until the voter requests that the voter no longer be sent such a
34 ballot. A voter's failure to vote in the fourth general election
35 following the general election at which the voter last voted may
36 result in the suspension of that voter's ability to receive a mail-in
37 ballot for all future general elections unless a new application is
38 completed and filed with the county clerk.

39 Voters also have the option of indicating on their mail-in ballot
40 applications that they would prefer to receive mail-in ballots for
41 each election that takes place during the remainder of this calendar
42 year. Voters who exercise this option will be furnished with mail-in
43 ballots for each election that takes place during the remainder of
44 this calendar year, without further action on their part.

45 Application forms may be obtained by applying to the
46 undersigned either in writing or by telephone, or the application
47 form provided below may be completed and forwarded to the
48 undersigned.

1 Dated.....
2
3 (signature and title of county clerk)
4
5 (address of county clerk)
6
7 (telephone no. of county clerk)

8 b. (1) The Secretary of State shall be responsible for providing
9 all information regarding overseas **[federal election voter]** ballots
10 to each overseas voter eligible for such a ballot pursuant to
11 P.L.1976, c.23 (C.19:59-1 et seq.). The secretary shall also make
12 available valid overseas **[federal election]** voter registration and
13 ballot applications to any voter who is a member of the armed
14 forces of the United States and who is a permanent resident of this
15 State, or who is an overseas **[federal election]** voter who wishes to
16 register to vote or to vote in any jurisdiction in this State. The
17 secretary shall provide such public notice as may be deemed
18 necessary to inform members of the armed forces of the United
19 States and overseas **[federal election]** voters how to obtain valid
20 overseas **[federal election]** voter registration and ballot
21 applications.

22 (2) The Secretary of State shall undertake a program to inform
23 voters in this State about their eligibility to vote by mail pursuant to
24 this act. Dissemination of this information shall be included in the
25 standard notices required by this section and other provisions of
26 current law, including but not limited to the notice requirements of
27 R.S.19:12-7, and shall be effectuated by such means as the secretary
28 deems appropriate and to the extent that funds for such
29 dissemination are appropriated including, but not limited to, by
30 means of Statewide or local electronic media, public service
31 announcements broadcast by such media, notices on the Internet site
32 of the Department of State or any other department or agency of the
33 Executive Branch of State government or its political subdivisions
34 deemed appropriate by the secretary, and special mailings or notices
35 in newspapers or other publications circulating in the counties or
36 municipalities of this State.

37 c. The mail-in ballot materials shall contain a notice that any
38 person voting by mail-in ballot who has registered by mail after
39 January 1, 2003, who did not provide personal identification
40 information when registering and is voting for the first time in his
41 or her current county of residence following registration shall
42 include copies of the required identification information with the
43 mail-in ballot, and that failure to include such information shall
44 result in the rejection of the ballot.

45 d. The notice provided for in subsection a. of this section shall
46 be published before the **[50th]** 55th day immediately preceding the
47 holding of any election.

1 Notices relating to any Statewide or countywide election shall be
2 published in at least two newspapers published in each county. All
3 officials charged with the duty of publishing such notices shall
4 publish the same in at least one newspaper published in each
5 municipality or district in which the election is to be held, or if no
6 newspaper is published in the municipality or district, then in a
7 newspaper published in the county and circulating in the
8 municipality or district. All such notices shall be display
9 advertisements.²
10 (cf: P.L.2009, c.79, s.6)

11
12 ²[29.]31.² Section 9 of P.L.2009, c.79 (C.19:63-9) is amended
13 to read as follows:

14 9. a. Starting on or before the ~~[40th]~~ 45th day before the day
15 an election is held, each county clerk shall forward mail-in ballots
16 by first-class postage or hand delivery to each mail-in voter whose
17 request therefor has been approved. Mail-in ballots that have been
18 approved before the ~~[40th]~~ 45th day before an election shall be
19 forwarded or delivered ³[no later than the third business day
20 following]³ ~~[that 40th]~~ ³[the day of approval] at least 45 days
21 before the day of the election³. Hand delivery of a mail-in ballot
22 shall be made by the county clerk or the clerk's designee only to the
23 voter, or the voter's authorized messenger, who must appear in
24 person. No person shall serve as an authorized messenger for more
25 than 10 qualified voters in an election. Ballots that have not been
26 hand delivered shall be addressed to the voter at the forwarding
27 address given in the application.

28 b. (1) Whenever the clerk forwards a mail-in ballot by mail to a
29 mail-in voter between the ~~[40th]~~ 45th day and the 13th day before
30 the day of an election, the ballot shall be transmitted within three
31 business days of the receipt of the application.

32 (2) Whenever the clerk forwards a mail-in ballot by mail to a
33 mail-in voter between the 12th day and the seventh day before the
34 day of an election, the ballot shall be transmitted within two
35 business days of the receipt of the application.

36 The provisions of this subsection shall not apply to ³: (a) annual
37 school elections and special school elections in those school
38 districts holding such elections, pursuant to P.L.1995, c.278
39 (C.19:60-1 et seq.); (b)³ any municipality in which elections are
40 conducted by mail, pursuant to P.L.2005, c.148 (C.19:62-1 et seq.)
41 ³; (c) annual elections for members of the boards of fire district
42 commissions, pursuant to N.J.S.40A:14-72; and (d) the vote on any
43 public question submitted to the voters of a local unit to increase
44 the amount to be raised by taxation by more than the allowable
45 adjusted tax levy, pursuant to section 11 of P.L.2007, c.62 (40A:4-
46 45.46)³.

1 c. ²[Whenever a mail-in ballot is mailed to a voter for use in
2 any annual school or regional school district election pursuant to an
3 application therefor, and thereafter a special district school election
4 is called pursuant to section 2 of P.L.1995, c.278 (C.19:60-2), the
5 county clerk shall cause the mail-in ballot used in the election to be
6 mailed to the voter without any further application for any such
7 ballot] Deleted by amendment, P.L. , c. (pending before the
8 Legislature as this bill).²
9 (cf: P.L.2009, c.79, s.9)

10
11 ²[30. Section 4 of P.L.1981, c.379 (C.40:45-8) is amended to
12 read as follows:

13 4. On or before the [57th] 62nd day prior to a regular
14 municipal election, the names of candidates for all elective offices
15 shall be filed with the municipal clerk, in the following manner and
16 form and subject to the following conditions:

17 a. The petition of nomination shall consist of individual
18 certificates, equal in number to at least 1%, but in no event less than
19 25, of the registered voters of the municipality or the ward, as the
20 case may be, and shall read substantially as follows:

21 "I, the undersigned, a registered voter of the municipality of
22, residing at certify that I do
23 hereby join in a petition of the nomination of
24 whose residence is at for the office
25 of mayor (or councilman-at-large, or ward councilman of the
26 ward, or commissioner, or village trustee, as the case may
27 be) to be voted for at the election to be held in the municipality on
28 the, 20....., and I further certify that I know this candidate
29 to be a registered voter, for the period required by law, of the
30 municipality (and the ward, in the case of ward councilman) and a
31 person of good moral character, and qualified, in my judgment, to
32 perform the duties of the office, and I further certify that I have not
33 signed more petitions or certificates of nomination than there are
34 places to be filled for the above office.

35 Signed"

36 Any such petition of nomination which is provided to candidates
37 by the municipal clerk shall contain the following notice: "Notice:
38 All candidates are required by law to comply with the provisions of
39 the 'New Jersey Campaign Contributions and Expenditures
40 Reporting Act.' For further information, please call (insert phone
41 number of the Election Law Enforcement Commission)."

42 b. Each petition signature shall be on a separate sheet of paper
43 and shall bear the name and address of the petitioner. The
44 candidate for office and his campaign manager shall make an oath
45 before an officer competent to administer oaths that the statements
46 made therein are true, and that each signature to the papers
47 appended thereto is the genuine signature of the person whose name

1 it purports to be, to their best knowledge and belief. The oath,
2 signed by the candidate, shall constitute his acceptance of
3 nomination and shall be annexed to the petition, together with the
4 oath of his campaign manager, at the time the petition is submitted.

5 c. The municipal clerk shall immediately provide the Election
6 Law Enforcement Commission with official certification of the
7 filing or withdrawal of a petition of nomination.

8 (cf: P.L.2009, c.196, s.6)]²

9

10 ²[31. Section 5 of P.L.1981, c.379 (C.40:45-9) is amended to
11 read as follows:

12 5. a. The municipal clerk shall furnish, upon request, a
13 reasonable number of forms of individual certificates of
14 nomination.

15 b. Each certificate shall contain the name of one candidate, and
16 no more. Each signer must not, at the time of signing the
17 certificate, have signed more certificates for candidates for that
18 office than there are places to be filled for the office. Where ward
19 councilmen are to be elected, no petitioner shall sign more than one
20 certificate for ward council, and the candidate named in the petition
21 shall reside in the same ward as the signer. All certificates not
22 complying substantially with this act shall be rejected.

23 c. When a petition of nomination is presented for filing to the
24 municipal clerk, he shall examine it and ascertain whether or not it
25 conforms to the provisions of this act and, where applicable, the
26 provisions of the general election laws. If it does not conform, he
27 shall retain the petition and notify the person nominated of the
28 defect, by written notice delivered to him personally or by certified
29 mail to his place of residence stated in the petition.

30 d. Where the nominating petition, or any affidavit or affidavits
31 thereto is found defective, the candidate named therein may file
32 such amendment or amendments as may be necessary to eliminate
33 the defect, whether of matters of substance or form, and when so
34 amended the effect shall be as if the petition had been originally
35 filed in the amended form. After the last day for the filing of the
36 original petition, no amendment may be made for the purpose of
37 adding the name of any person who did not sign the original
38 petition, nor shall any amendment be made at any time for the
39 purpose of changing the name of the candidate or the office for
40 which he was to be nominated. No amendment to a nominating
41 petition shall be made and filed less than [48] 53 days before the
42 election.

43 (cf: P.L.1985, c.92, s.35)]²

44

45 ²32. Section 4 of P.L.1981, c.379 (C.40:45-8) is amended to
46 read as follows:

1 4. On or before the ~~57th~~ 64th day prior to a regular
2 municipal election, the names of candidates for all elective offices
3 shall be filed with the municipal clerk, in the following manner and
4 form and subject to the following conditions:

5 a. The petition of nomination shall consist of individual
6 certificates, equal in number to at least 1%, but in no event less than
7 25, of the registered voters of the municipality or the ward, as the
8 case may be, and shall read substantially as follows:

9 "I, the undersigned, a registered voter of the municipality of
10, residing at certify that I do
11 hereby join in a petition of the nomination of
12 whose residence is at for the office
13 of mayor (or councilman-at-large, or ward councilman of the
14 ward, or commissioner, or village trustee, as the case may
15 be) to be voted for at the election to be held in the municipality on
16 the, 20....., and I further certify that I know this candidate
17 to be a registered voter, for the period required by law, of the
18 municipality (and the ward, in the case of ward councilman) and a
19 person of good moral character, and qualified, in my judgment, to
20 perform the duties of the office, and I further certify that I have not
21 signed more petitions or certificates of nomination than there are
22 places to be filled for the above office.

23 Signed "

24 Any such petition of nomination which is provided to candidates
25 by the municipal clerk shall contain the following notice: "Notice:
26 All candidates are required by law to comply with the provisions of
27 the 'New Jersey Campaign Contributions and Expenditures
28 Reporting Act.' For further information, please call (insert phone
29 number of the Election Law Enforcement Commission)."

30 b. Each petition signature shall be on a separate sheet of paper
31 and shall bear the name and address of the petitioner. The
32 candidate for office and his campaign manager shall make an oath
33 before an officer competent to administer oaths that the statements
34 made therein are true, and that each signature to the papers
35 appended thereto is the genuine signature of the person whose name
36 it purports to be, to their best knowledge and belief. The oath,
37 signed by the candidate, shall constitute his acceptance of
38 nomination and shall be annexed to the petition, together with the
39 oath of his campaign manager, at the time the petition is submitted.

40 c. The municipal clerk shall immediately provide the Election
41 Law Enforcement Commission with official certification of the
42 filing or withdrawal of a petition of nomination.

43 d. A candidate shall be permitted to sign or circulate, or both
44 sign and circulate, the petition required to nominate that candidate
45 for elective public office in any municipality holding regular
46 municipal elections.²

47 (cf: P.L.2010, c.68, s.6)

1 ²33. Section 5 of P.L.1981, c.379 (C.40:45-9) is amended to
2 read as follows:

3 5. a. The municipal clerk shall furnish, upon request, a
4 reasonable number of forms of individual certificates of
5 nomination.

6 b. Each certificate shall contain the name of one candidate, and
7 no more. Each signer must not, at the time of signing the
8 certificate, have signed more certificates for candidates for that
9 office than there are places to be filled for the office. Where ward
10 councilmen are to be elected, no petitioner shall sign more than one
11 certificate for ward council, and the candidate named in the petition
12 shall reside in the same ward as the signer. All certificates not
13 complying substantially with this act shall be rejected.

14 c. When a petition of nomination is presented for filing to the
15 municipal clerk, he shall examine it and ascertain whether or not it
16 conforms to the provisions of this act and, where applicable, the
17 provisions of the general election laws. If it does not conform, he
18 shall retain the petition and notify the person nominated of the
19 defect, by written notice delivered to him personally or by certified
20 mail to his place of residence stated in the petition.

21 d. Where the nominating petition, or any affidavit or affidavits
22 thereto is found defective, the candidate named therein may file
23 such amendment or amendments as may be necessary to eliminate
24 the defect, whether of matters of substance or form, and when so
25 amended the effect shall be as if the petition had been originally
26 filed in the amended form. After the last day for the filing of the
27 original petition, no amendment may be made for the purpose of
28 adding the name of any person who did not sign the original
29 petition, nor shall any amendment be made at any time for the
30 purpose of changing the name of the candidate or the office for
31 which he was to be nominated. No amendment to a nominating
32 petition shall be made and filed less than **[48]** 61 days before the
33 election.²

34 (cf: P.L.1985, c.92, s.35)

35

36 ²34. Section 11 of P.L.2007, c.62 (C.40A:4-45.46) is amended
37 to read as follows:

38 11. a. (Deleted by amendment, P.L.2009, c.44)

39 b. (1) The governing body of a local unit may request approval,
40 through a public question submitted to the legal voters residing in
41 its territory to increase the amount to be raised by taxation by more
42 than the allowable adjusted tax levy. Approval shall be by an
43 affirmative vote of in excess of 50 percent of the people voting on
44 the question at the election. The local unit budget proposing the
45 increase shall be introduced and approved in the manner otherwise
46 provided for budgets of that local unit at least 20 days prior to the
47 date on which the referendum is to be held, and shall be published
48 in the manner otherwise provided for budgets of the local unit at

1 least 12 days prior to the referendum date, unless otherwise directed
2 by the Director of the Division of Local Government Services in the
3 Department of Community Affairs.

4 (2) The public question to be submitted to the voters at the
5 referendum shall state only the amount by which the adjusted tax
6 levy shall be increased by more than the otherwise allowable
7 adjusted tax levy, and the percentage rate of increase which that
8 amount represents over the allowable adjusted tax levy. The public
9 question shall include an accompanying explanatory statement that
10 identifies the changes in appropriations or revenues that warranted
11 the governing body's decision to ask the public question; or, in the
12 alternative and subject to the approval of the Director of the
13 Division of Local Government Services in the Department of
14 Community Affairs, a clear and concise narrative explanation of the
15 circumstances for the increased adjusted tax levy being proposed.

16 (3) Unless otherwise provided pursuant to section 1 of P.L.1989,
17 c.31 (C.40A:4-5.1), a referendum conducted pursuant to this
18 subsection shall be held:

19 (a) for calendar year budgets only on the fourth Tuesday in
20 January and the second Tuesday in March other than in a year when
21 a presidential primary election occurs, in which case no such
22 election on that date may be called; and

23 (b) for fiscal year budgets, only the last Tuesday in September,
24 or the second Tuesday in December [; provided, however, that no
25 referendum shall be held on the same day as a referendum to exceed
26 the school district levy cap].

27 (4) Any decision of the voters rejecting an increase to the tax
28 levy cap under this subsection shall be final and conclusive, and no
29 appeal or review shall be taken therefrom and no waiver application
30 shall be made to the Local Finance Board.

31 (5) The director is authorized to act as necessary in order to
32 consolidate ballot questions and procedures when a governing body
33 elects to hold a referendum under both this section and section 9 of
34 P.L.1983, c.49 (C.40A:4-45.16).

35 c. (Deleted by amendment, P.L.2010, c.44)

36 d. The adjusted tax levy shall be increased or decreased
37 accordingly whenever the responsibility and associated cost of an
38 activity performed by a local unit is transferred to or from a local
39 unit, other government entity, or other service provider.²

40 (cf: P.L.2010, c.44, s.10)

41

42 ²35. Section 12 of P.L.2007, c.62 (C.40A:4-45.47) is amended
43 to read as follows:

44 12. a. The Director of the Division of Local Government
45 Services in the Department of Community Affairs shall take such
46 action as is deemed necessary and consistent with the intent of
47 sections 9 through 11 of P.L.2007, c.62 (C.40A:4-45.44 through
48 C.40A:4-45.46) to implement its provisions.

1 b. The **[director]** Director of the Division of Elections in the
2 Department of State, in consultation with the Commissioner of
3 Education [regarding referendum dates] and the Director of the
4 Division of Local Government Services in the Department of
5 Community Affairs, shall [promulgate rules and regulations]
6 determine the hours and locations of polling places, and other
7 matters related to the referenda, to effectuate the purposes of
8 subsection b. of section 11 of P.L.2007, c.62 (C.40A:4-45.46).²
9 (cf: P.L.2007, c.62, s.12)

10
11 ²36. (New section) a. If in the year in which the Apportionment
12 Commission establishes new legislative districts the production and
13 transmission of mail-in ballots for the primary or general election
14 cannot be accomplished starting on or before the 45th day before
15 the day of either election pursuant to section 9 of P.L.2009, c.79
16 (C.19:63-9), the Secretary of State shall undertake such actions as
17 the secretary deems necessary to ensure that the ballots are
18 produced and transmitted to mail-in voters as soon as possible after
19 the 45th day before the election.

20 b. If a member of the Senate or General Assembly who is a
21 member of a political party vacates the office prior to the expiration
22 of the term thereof and a vacancy is created after the 70th day
23 before the day of a general election, and due to the timing of the
24 vacancy the production and transmission of mail-in ballots for the
25 general election cannot be accomplished starting on or before the
26 45th day before the day of the election pursuant to section 9 of
27 P.L.2009, c.79 (C.19:63-9), the Secretary of State shall undertake
28 such actions as the secretary deems necessary to ensure that the
29 ballots are produced and transmitted to mail-in voters as soon as
30 possible after the 45th day before the election.²

31
32 ³37. R.S.19:3-26 is amended to read as follows:

33 19:3-26. If a vacancy shall happen in the representation of this
34 state in the United States senate, it shall be filled at the general
35 election next succeeding the happening thereof, unless such
36 vacancy shall happen within **[thirty]** 70 days next preceding such
37 election, in which case it shall be filled by election at the second
38 succeeding general election, unless the governor of this state shall
39 deem it advisable to call a special election therefor, which he is
40 authorized hereby to do.

41 The governor of this state may make a temporary appointment of
42 a senator of the United States from this state whenever a vacancy
43 shall occur by reason of any cause other than the expiration of the
44 term; and such appointee shall serve as such senator until a special
45 election or general election shall have been held pursuant to law
46 and the board of state canvassers can deliver to his successor a

1 certificate of election.³

2 (cf: R.S.19:3-26)

3

4 ³38. R.S.19:3-29 is amended to read as follows:

5 19:3-29. A vacancy happening in a public office other than that
6 of United States Senator, Member of Congress, State Senator, or
7 member of the House of Assembly, shall be filled at the general
8 election next succeeding the happening thereof, unless such
9 vacancy shall happen within **[thirty-seven]** 70 days next preceding
10 such election, in which case it shall be filled at the second
11 succeeding general election.³

12 (cf: P.L.1951, c.119, s.2)

13

14 ³39. R.S.19:12-1 is amended to read as follows:

15 19:12-1. The Secretary of State shall within thirty days after the
16 completion of the canvass by the board of State canvassers, certify
17 to each county clerk and county board the fact that at the next
18 preceding general election held for the election of all of the
19 members of the General Assembly ten per centum (10%) of the total
20 vote cast in the State for members of the General Assembly had
21 been cast for candidates having the same designation, thereby
22 creating, within the meaning of this Title, a political party, to be
23 known and recognized as such under the same designation as used
24 by the candidates for whom the required number of votes were cast.

25 The Secretary of State shall also not later than the **[sixtieth]** 67th
26 day preceding the presidential primary election in each presidential
27 year in which electors of President and Vice-President of the United
28 States are to be selected, and not later than the **[sixtieth]** 67th day
29 preceding the primary election for the general election in which a
30 representative of the United States Senate, members of the House of
31 Representatives, a Governor, a Lieutenant Governor, or Senator, or
32 member or members of the General Assembly for any county, or
33 any of them, are to be elected or any public question is to be
34 submitted to the voters of the entire State, direct and cause to be
35 delivered to the clerk of the county and the county board wherein
36 any such election is to be held, a notice stating that such officer or
37 officers are to be elected and that such public question is to be
38 submitted to the voters of the entire State at the ensuing general
39 election.³

40 (cf: P.L.2009, c.66, s.2)

41

42 ³40. R.S.19:12-3 is amended to read as follows:.

43 19:12-3. The clerk of each county shall immediately upon the
44 receipt of the certificate from the **[Attorney General]** Secretary of
45 State setting forth that a political party has been created, forward a
46 certified copy of such certificate to each municipal clerk of his
47 county.

1 He shall also, not later than the ~~【fiftieth】~~ 57th day preceding the
2 presidential primary election in each presidential year and the
3 primary election for the general election in every other year, cause a
4 copy of the notice received from the ~~【Attorney General】~~ Secretary
5 of State of the officer or officers to be elected at the ensuing general
6 election, certified under his hand to be true and correct, to be
7 delivered to the clerk of each municipality in the county.³

8 (cf: P.L.2005, c.136, s.16)

9
10 ³41. R.S.19:12-5 is amended to read as follows:

11 19:12-5. The clerk of every county shall, not later than the
12 ~~【fiftieth】~~ 57th day preceding the presidential primary election in
13 each presidential year and the primary election for the general
14 election in every other year, immediately preceding the expiration
15 of the term of office of all other officers who are voted for by the
16 voters of the entire county or of more than one municipality within
17 the county, direct and cause to be delivered to the clerk of each
18 municipality and the county board in counties of the first class, a
19 notice that such officer or officers, as the case may be, will be
20 chosen at the ensuing general election.³

21 (cf: P.L.2005, c.136, s.17)

22
23 ³42. R.S.19:12-6 is amended to read as follows:

24 19:12-6. All municipal clerks, not later than the ~~【fiftieth】~~ 57th
25 day preceding the presidential primary election in each presidential
26 year and the primary election for the general election in every other
27 year, shall make and certify under their hands and seals of office
28 and forward to the clerk of the county in which the municipality is
29 located a statement designating the public offices to be filled at
30 such election, and the number of persons to be voted for each
31 office. In counties of the first class such statement shall also be
32 forwarded to the county board.³

33 (cf: P.L.2005, c.136, s.18)

34
35 ²~~【32.】~~³~~【37.】~~² This ~~43. Sections 34 and 35 of this~~³ act shall take
36 effect ¹~~【immediately】~~ ³immediately and the remainder of this act
37 shall take effect³ on July 1 next following the date of enactment¹.

SENATE, No. 923

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JANUARY 19, 2010

Sponsored by:

Senator JIM WHELAN

District 2 (Atlantic)

Senator KEVIN J. O'TOOLE

District 40 (Bergen, Essex and Passaic)

Co-Sponsored by:

Senators Gordon and Oroho

SYNOPSIS

Changes date by which mail-in ballots are transmitted to mail-in and overseas voters from the 40th to the 45th day before an election.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/23/2010)

1 AN ACT concerning the timing of the distribution of vote by mail
2 ballots, and amending various parts of the statutory law and
3 supplementing P.L.1976, C.23.

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

7
8 1. R.S.19:13-19 is amended to read as follows:

9 19:13-19. If the candidate vacating the nomination was
10 nominated directly by petition his successor shall be nominated in
11 the same manner by direct petition, which new petition of
12 nomination must be filed with the Secretary of State or county
13 clerk, as the case may require, not later than **[54]** 59 days before
14 the day of election whereat such candidate is to be voted for.
15 (cf: P.L.1985, c.92, s.13)

16
17 2. R.S.19:13-20 is amended to read as follows:

18 19:13-20. In the event of a vacancy, howsoever caused, among
19 candidates nominated at a primary election for the general election,
20 which vacancy shall occur not later than the **[51st]** 56th day before
21 the general election, or in the event of inability to select a candidate
22 because of a tie vote at such primary, a candidate shall be selected
23 in the following manner:

24 a. (1) In the case of an office to be filled by the voters of the
25 entire State, the candidate shall be selected by the State committee
26 of the political party wherein such vacancy has occurred.

27 (2) In the case of an office to be filled by the voters of a single
28 and entire county, the candidate shall be selected by the county
29 committee in such county of the political party wherein such
30 vacancy has occurred.

31 (3) In the case of an office to be filled by the voters of a portion
32 of the State comprising all or part of two or more counties, the
33 candidate shall be selected by those members of the county
34 committees of the party wherein the vacancy has occurred who
35 represent those portions of the respective counties which are
36 comprised in the district from which the candidate is to be elected.

37 (4) In the case of an office to be filled by the voters of a portion
38 of a single county, the candidate shall be selected by those members
39 of the county committee of the party wherein the vacancy has
40 occurred who represent those portions of the county which are
41 comprised in the district from which the candidate is to be elected.

42 At any meeting held for the selection of a candidate under this
43 subsection, a majority of the persons eligible to vote thereat shall be
44 required to be present for the conduct of any business, and no
45 person shall be entitled to vote at that meeting who is appointed to

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

Matter underlined thus is new matter.

1 the State committee or county committee after the seventh day
2 preceding the date of the meeting.

3 Within 20 days after the meeting of each county committee that
4 is held on the first Tuesday following the primary election at which
5 committee members are elected, the municipal clerk shall certify to
6 the county clerk an official list of the duly elected county
7 committee members and an official list of the municipal committee
8 chairs. The county party chairperson shall have a continuing duty
9 to report to the county clerk any vacancies, resignations, and
10 committee positions filled pursuant to R.S.19:5-2 or 19:5-3. A
11 report of a resignation shall be accompanied by a notarized letter of
12 resignation signed by the resigning committee member or, if the
13 resigning committee member fails to provide such a letter, by a
14 notarized letter stating that the resignation has occurred signed by
15 the chair of the relevant municipal committee who shall also
16 provide a copy thereof to the resigning member. Notice of
17 vacancies in the membership of a county committee that are filled
18 pursuant to R.S.19:5-2 or 19:5-3 shall be accompanied by a
19 certificate of acceptance signed by the newly selected member. The
20 official list of the county committee members and of the municipal
21 committee chairs maintained by the county clerk shall be deemed to
22 be a government record and only those county committee members
23 listed thereon seven days prior to a selection to fill a vacancy and
24 otherwise qualified to vote on the vacancy shall be entitled to vote
25 on filling a vacancy pursuant to this section.

26 In addition, every person appointed to the county committee
27 shall file with the county clerk a certificate of acceptance which
28 shall be preserved by the county clerk as a government record.

29 In the case of a meeting held to select a candidate for other than
30 a Statewide office, the chairperson of the meeting shall be chosen
31 by majority vote of the persons present and entitled to vote thereat.
32 The chairperson so chosen may propose rules to govern the
33 determination of credentials and the procedures under which the
34 meeting shall be conducted, and those rules shall be adopted upon a
35 majority vote of the persons entitled to vote upon the selection. If a
36 majority vote is not obtained for those rules, the delegates shall
37 determine credentials and conduct the business of the meeting under
38 such other rules as may be adopted by a majority vote. All
39 contested votes taken at the selection meeting, as referenced in
40 subsections a. and b. of this section, shall be by secret ballot in a
41 location or manner that protects the anonymity of the person's vote.

42 b. (1) Whenever in accordance with subsection a. of this section
43 members of two or more county committees are empowered to
44 select a candidate to fill a vacancy, it shall be the responsibility of
45 the chairpersons of said county committees, acting jointly not later
46 in any case than the seventh day following the occurrence of the
47 vacancy, to give notice to each of the members of their respective
48 committees, as certified by the county clerk, who are so empowered

1 of the date, time and place of the meeting at which the selection will
2 be made, that meeting to be held at least one day following the date
3 on which the notice is given.

4 (2) Whenever in accordance with the provisions of subsection a.
5 of this section members of a county committee are empowered to
6 select a candidate to fill a vacancy, it shall be the responsibility of
7 the chairperson of such county committee, not later in any case than
8 the seventh day following the occurrence of the vacancy, to give
9 notice to each of the members of the committee, as certified by the
10 county clerk, who are so empowered of the date, time and place of
11 the meeting at which the selection will be made, that meeting to be
12 held at least one day following the date on which the notice is
13 given.

14 (3) A county committee chairperson or chairpersons who call a
15 meeting pursuant to paragraph (1) or (2) of this subsection shall not
16 be entitled to vote upon the selection of a candidate at such meeting
17 unless he or she or they are so entitled pursuant to subsection a.

18 (4) Whenever in accordance with the provisions of subsection a.
19 of this section the State committee of a political party is empowered
20 to select a candidate to fill a vacancy, it shall be the responsibility
21 of the chairperson of that State committee to give notice to each of
22 the members of the committee of the date, time and place of the
23 meeting at which the selection will be made, that meeting to be held
24 at least one day following the date on which the notice is given.

25 c. Whenever a selection is to be made pursuant to this section
26 to fill a vacancy resulting from inability to select a candidate
27 because of a tie vote at a primary election for the general election,
28 the selection shall be made from among those who have thus
29 received the same number of votes at the primary.

30 d. A selection made pursuant to this section shall be made not
31 later than the ~~48th~~ 53rd day preceding the date of the general
32 election, and a statement of such selection shall be filed with the
33 Secretary of State or the appropriate county clerk, as the case may
34 be, not later than that day, and in the following manner:

35 (1) A selection made by a State committee of a political party
36 shall be certified to the Secretary of State by the State chairperson
37 of the political party.

38 (2) A selection made by a county committee of a political party,
39 or a portion of the members thereof, shall be certified to the county
40 clerk of the county by the county chairperson of such political
41 party; except that when such selection is of a candidate for the
42 Senate or General Assembly or the United States House of
43 Representatives the county chairperson shall certify the selection to
44 the State chairperson of such political party, who shall certify the
45 same to the Secretary of State.

46 (3) A selection made by members of two or more county
47 committees of a political party acting jointly shall be certified by
48 the chairpersons of said committees, acting jointly, to the State

1 chairperson of such political party, who shall certify the same to the
2 Secretary of State.

3 e. A statement filed pursuant to subsection d. of this section
4 shall state the residence and post office address of the person so
5 selected, and shall certify that the person so selected is qualified
6 under the laws of this State to be a candidate for such office, and is
7 a member of the political party filling the vacancy. Accompanying
8 the statement, the person endorsed therein shall file a certificate
9 stating that he or she is qualified under the laws of this State to be a
10 candidate for the office mentioned in the statement, that he or she
11 consents to stand as a candidate at the ensuing general election and
12 that he or she is a member of the political party named in said
13 statement, and further that he or she is not a member of, or
14 identified with, any other political party or any political
15 organization espousing the cause of candidates of any other
16 political party, to which shall be annexed the oath of allegiance
17 prescribed in R.S.41:1-1 duly taken and subscribed by him or her
18 before an officer authorized to take oaths in this State. The person
19 so selected shall be the candidate of the party for such office at the
20 ensuing general election. Each candidate for the office of Governor
21 or the office of member of the Senate or General Assembly filing a
22 certification shall annex thereto a statement signed by the candidate
23 that he or she:

24 (1) has not been convicted of any offense graded by Title 2C of
25 the New Jersey Statutes as a crime of the first, second, third or
26 fourth degree, or any offense in any other jurisdiction which, if
27 committed in this State, would constitute such a crime; or

28 (2) has been so convicted, in which case, the candidate shall
29 disclose on the statement the crime for which convicted, the date
30 and place of the conviction and the penalties imposed for the
31 conviction. Such a candidate may, as an alternative, submit with
32 the statement a copy of an official document that provides such
33 information. If the candidate has been convicted of more than one
34 criminal offense, such information about each conviction shall be
35 provided. Records expunged pursuant to chapter 52 of Title 2C of
36 the New Jersey Statutes shall not be subject to disclosure.

37 (cf: P.L.2009, c.135, s.5)

38

39 3. R.S.19:13-21 is amended to read as follows:

40 19:13-21. If the nomination vacated is that of a candidate for
41 elector of the President and Vice-President of the United States, the
42 vacancy shall be filled by the committee to whom power shall have
43 been delegated to fill vacancies if such there be, otherwise by the
44 State committee of the political party which nominated the elector
45 whose nomination is vacated. The chairman and secretary of the
46 vacancy committee or State committee shall file with the Secretary
47 of State on or before the **[48th]** 53rd day prior to the general
48 election a certificate of nomination for filling the vacancy. This

1 certificate shall be made and filed in the same manner and form as
2 heretofore provided for filling vacancies among candidates
3 nominated at the primary and there shall be annexed thereto the
4 oath of allegiance prescribed in section 41:1-1 of the Revised
5 Statutes duly taken and subscribed by the person so nominated
6 before an officer authorized to take oaths in this State.
7 (cf: P.L.1985, c.92, s.15)

8

9 4. R.S.19:14-1 is amended to read as follows:

10 19:14-1. Every county clerk shall have ready for the printer on
11 or before the ~~43rd~~ 48th day prior to the general election a copy of
12 the contents of official ballots as hereinafter required to be printed
13 for use at such election. He shall also on or before that time place
14 another copy of such contents on file in his office and keep the
15 same open to public inspection until the sample ballots hereinafter
16 provided to be printed shall have been distributed.
17 (cf: P.L.1985, c.92, s.16)

18

19 5. R.S.19:23-12 is amended to read as follows:

20 19:23-12. The signers to petitions for "Choice for President,"
21 delegates and alternates to national conventions, for Governor,
22 United States Senator, member of the House of Representatives,
23 State Senator, member of the General Assembly and any county
24 office may name three persons in their petition as a committee on
25 vacancies.

26 This committee shall have power in case of death or resignation
27 or otherwise of the person indorsed as a candidate in said petition to
28 fill such vacancy by filing with the ~~Attorney General~~ Secretary of
29 State in the case of officers to be voted for by the voters of the
30 entire State or a portion thereof involving more than one county
31 thereof or any congressional district, and with the county clerk in
32 the case of officers to be voted for by the voters of the entire county
33 or any county election district, a certificate of nomination to fill the
34 vacancy.

35 Such certificate shall set forth the cause of the vacancy, the name
36 of the person nominated and that he is a member of the same
37 political party as the candidate for whom he is substituted, the
38 office for which he is nominated, the name of the person for whom
39 the new nominee is to be substituted, the fact that the committee is
40 authorized to fill vacancies and such further information as is
41 required to be given in any original petition of nomination.

42 The certificate so made shall be executed and sworn to by the
43 members of such committee, and shall upon being filed at least
44 ~~48~~ 53 days before election have the same force and effect as the
45 original petition of nomination for the primary election for the
46 general election and there shall be annexed thereto the oath of
47 allegiance prescribed in R.S. 41:1-1 duly taken and subscribed by
48 the person so nominated before an officer authorized to take oaths

1 in this State. The name of the candidate submitted shall be
2 immediately certified to the proper municipal clerks. In addition, a
3 person so nominated for the office of Governor or the office of
4 member of the Senate or General Assembly shall annex to the
5 certificate a statement signed by the candidate that he or she:

6 a. has not been convicted of any offense graded by Title 2C of
7 the New Jersey Statutes as a crime of the first, second, third or
8 fourth degree, or any offense in any other jurisdiction which, if
9 committed in this State, would constitute such a crime; or

10 b. has been so convicted, in which case, the candidate shall
11 disclose on the statement the crime for which convicted, the date
12 and place of the conviction and the penalties imposed for the
13 conviction. Such a candidate may, as an alternative, submit with
14 the statement a copy of an official document that provides such
15 information. If the candidate has been convicted of more than one
16 criminal offense, such information about each conviction shall be
17 provided. Records expunged pursuant to chapter 52 of Title 2C of
18 the New Jersey Statutes shall not be subject to disclosure.

19 (cf: P.L.2004, c.26, s.3)

20
21 6. R.S.19:23-14 is amended to read as follows:

22 19:23-14. Petitions addressed to the **【Attorney General】**
23 Secretary of State, the county clerks, or the municipal clerks shall
24 be filed with such officers, respectively, before 4:00 p.m. of the
25 **【57th】 62nd** day next preceding the day of the holding of the
26 primary election for the general election.

27 Not later than the close of business of the **【48th】 53rd** day
28 preceding the primary election for the general election, the
29 municipal clerk shall certify to the county clerk the full and correct
30 names and addresses of all candidates for nomination for public and
31 party office and the name of the political party of which such
32 persons are candidates together with their slogan and designation.
33 The county clerk shall transmit this information to the Election Law
34 Enforcement Commission in the form and manner prescribed by the
35 commission and shall notify the commission immediately upon the
36 withdrawal of a petition of nomination.

37 (cf: P.L.2001, c.211, s.1)

38
39 7. R.S.19:23-21 is amended to read as follows:

40 19:23-21. The Secretary of State shall certify the names of the
41 persons indorsed in the petitions filed in his office to the clerks of
42 counties concerned thereby not later than the **【48th】 53rd** day prior
43 to the holding of the primary election, specifying in such certificate
44 the political parties to which the persons so nominated in the
45 petitions belong. In the case of candidates for offices other than
46 federal office, the Secretary of State shall also transmit this
47 information to the Election Law Enforcement Commission in the
48 form and manner prescribed by the commission and shall notify the

1 commission immediately upon the withdrawal of a petition of
2 nomination.

3 (cf: P.L.1985, c.92, s.19)

4

5 8. R.S.19:23-22 is amended to read as follows:

6 19:23-22. The county clerk shall certify all of the persons so
7 certified to him by the Secretary of State and in addition the names
8 of all persons indorsed in petitions filed in his office to the clerk of
9 each municipality concerned thereby in his respective county not
10 later than the close of business of the **[47th]** 52nd day prior to the
11 time fixed by law for the holding of the primary election, specifying
12 in such certificate the political party to which the person or persons
13 so nominated belong. The county clerk shall also transmit this
14 information with respect to persons, other than candidates for
15 federal office, indorsed in petitions filed in his office to the Election
16 Law Enforcement Commission in the form and manner prescribed
17 by the commission and shall notify the commission immediately
18 upon the withdrawal of a petition of nomination filed in his office.

19 (cf: P.L.1985, c.92, s.20)

20

21 9. R.S.19:23-24 is amended to read as follows:

22 19:23-24. The position which the candidates and bracketed
23 groups of names of candidates for the primary for the general
24 election shall have upon the ballots used for the primary election for
25 the general election, in the case of candidates for nomination for
26 members of the United States Senate, Governor, members of the
27 House of Representatives, members of the State Senate, members of
28 the General Assembly, candidates for party positions, and county
29 offices or party positions which are to be voted for by the voters of
30 the entire county or a portion thereof greater than a single
31 municipality, including a congressional district which is wholly
32 within a single municipality, shall be determined by the county
33 clerks in their respective counties; and, excepting in counties where
34 R.S.19:49-2 applies, the position on the ballot used for the primary
35 election for the general election in the case of candidates for
36 nomination for office or party position wherein the candidates for
37 office or party position to be filled are to be voted for by the voters
38 of a municipality only, or a subdivision thereof (excepting in the
39 case of members of the House of Representatives) shall be
40 determined by the municipal clerk in such municipalities, in the
41 following manner: The county clerk, or his deputy, or the
42 municipal clerk or his deputy, as the case may be, shall at his office
43 on the **[47th]** 52nd day prior to the primary election for the general
44 election at three o'clock in the afternoon draw from the box, as
45 hereinafter described, each card separately without knowledge on
46 his part as to which card he is drawing. Any legal voter of the
47 county or municipality, as the case may be, shall have the privilege
48 of witnessing such drawing. The person making the drawing shall

1 make public announcement at the drawing of each name, the order
2 in which same is drawn, and the office for which the drawing is
3 made. When there is to be but one person nominated for the office,
4 the names of the several candidates who have filed petitions for
5 such office shall be written upon cards (one name on a card) of the
6 same size, substance and thickness. The cards shall be deposited in
7 a box with an aperture in the cover of sufficient size to admit a
8 man's hand. The box shall be well shaken and turned over to
9 thoroughly mix the cards, and the cards shall then be withdrawn one
10 at a time. The first name drawn shall have first place, the second
11 name drawn, second place, and so on; the order of the withdrawal of
12 the cards from the box determining the order of arrangement in
13 which the names shall appear upon the primary election ballot.
14 Where there is more than one person to be nominated to an office
15 where petitions have designated that certain candidates shall be
16 bracketed, the position of such bracketed names on the ballot (each
17 bracket to be treated as a single name), together with individuals
18 who have filed petitions for nomination for such office, shall be
19 determined as above described. Where there is more than one
20 person to be nominated for an office and there are more candidates
21 who have filed petitions than there are persons to be nominated, the
22 order of the printing of such names upon the primary election
23 ballots shall be determined as above described.

24 The county clerk in certifying to the municipal clerk the offices
25 to be filled and the names of candidates to be printed upon the
26 ballots used for the primary election for the general election, shall
27 certify them in the order as drawn in accordance with the above
28 described procedure, and the municipal clerk shall print the names
29 upon the ballots as so certified and in addition shall print the names
30 of such candidates as have filed petitions with him in the order as
31 determined as a result of the drawing as above described.
32 Candidates for the office of the county executive in counties that
33 have adopted the county executive plan of the "Optional County
34 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall precede
35 the candidates for other county offices for which there are
36 candidates on the ballot used for the primary election for the
37 general election.

38 (cf: P.L.2005, c.136, s.26)

39

40 10. R.S.19:23-45 is amended to read as follows:

41 19:23-45. No voter shall be allowed to vote at any primary
42 election unless his name appears in the signature copy register.

43 A voter who votes in a primary election of a political party or
44 who signs and files with the municipal clerk or the county
45 commissioner of registration a declaration that he desires to vote in
46 any primary election of a political party, or who indicates on a voter
47 registration form the voter's choice of political party affiliation and
48 submits the form to the commissioner of registration of the county

1 wherein the voter resides, to the employees or agents of a public
2 agency, as defined in subsection a. of section 15 of P.L.1974, c.30
3 (C.19:31-6.3), or a voter registration agency, as defined in
4 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), or to
5 the **【Attorney General】** Secretary of State, shall be deemed to be a
6 member of that party until the voter signs and files with the
7 municipal clerk or the commissioner of registration a declaration
8 that he desires to vote in a primary election of another political
9 party at which time he shall be deemed to be a member of such
10 other political party. The **【Attorney General】** Secretary of State
11 shall cause to be prepared political party affiliation declaration
12 forms and shall provide such forms to the commissioners of
13 registration of the several counties and to the clerks of the
14 municipalities within such counties.

15 No voter, except a newly registered voter at the first primary at
16 which he is eligible to vote, or a voter who has not previously voted
17 in a primary election, may vote in a primary election of a political
18 party unless he was deemed to be a member of that party on the
19 **【50th】** 55th day next preceding such primary election.

20 A member of the county committee of a political party and a
21 public official or public employee holding any office or public
22 employment to which he has been elected or appointed as a member
23 of a political party shall be deemed a member of such political
24 party.

25 A voter may declare the voter's party affiliation or change the
26 voter's party affiliation, or declare that the voter is unaffiliated with
27 any party regardless of any previously declared party affiliation, by
28 so indicating on a political party declaration form filed with the
29 municipal clerk or the county commissioner of registration. A voter
30 may also indicate that the voter wishes to declare a political party
31 affiliation or that the voter does not want to declare a political party
32 affiliation on a voter registration form filed at the time of initial
33 registration.

34 Any person voting in the primary ballot box of any political
35 party in any primary election in contravention of the election law
36 shall be guilty of a disorderly persons offense, and any person who
37 aids or assists any such person in such violation by means of public
38 proclamation or order, or by means of any public or private
39 direction or suggestions, or by means of any help or assistance or
40 cooperation, shall likewise be guilty of a disorderly persons offense.
41 (cf: P.L.2005, c.154, s.6)

42

43 11. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to
44 read as follows:

45 2. a. The county commissioner of registration in each of the
46 several counties shall cause a notice to be published in each
47 municipality of their respective counties in a newspaper or
48 newspapers circulating therein. The notice to be so published shall

1 be published once during each of the two calendar weeks next
2 preceding the week in which the **[50th]** 55th day next preceding
3 any primary election of a political party occurs.

4 b. The notice required to be published by the preceding
5 paragraph shall inform the reader thereof that no voter, except a
6 newly registered voter at the first primary at which he is eligible to
7 vote, or a voter who has not previously voted in a primary election
8 may vote in a primary election of a political party unless he was
9 deemed to be a member of that party on the **[50th]** 55th day next
10 preceding such primary election. It shall further inform the reader
11 thereof that a voter who votes in any primary election of a political
12 party, or who signs and files with the municipal clerk or the county
13 commissioner of registration a declaration that he desires to vote in
14 a primary election of a political party, or who indicates on a voter
15 registration form the voter's choice of political party affiliation and
16 submits the form to the commissioner of registration of the county
17 wherein the voter resides, to the employees or agents of a public
18 agency, as defined in subsection a. of section 15 of P.L.1974, c.30
19 (C.19:31-6.3), or a voter registration agency, as defined in
20 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11) or to
21 the **[Attorney General]** Secretary of State, shall be deemed to be a
22 member of that party until the voter signs and files with the
23 municipal clerk or the commissioner of registration a declaration
24 that he desires to vote in a primary election of another political
25 party, at which time he shall be deemed to be a member of such
26 other political party, or that the voter chooses not to be affiliated
27 with any political party. The notice shall also state the time and
28 location where a person may obtain political party affiliation
29 declaration forms or voter registration forms.

30 (cf: P.L.2005, c.153, s.2)

31

32 12. R.S.19:24-4 is amended to read as follows:

33 19:24-4. Not less than 100 members of each such political party
34 may file with the **[Attorney General]** Secretary of State at least
35 **[57]** 62 days prior to the presidential primary election in any year
36 of a national convention a petition requesting that the name of a
37 person therein indorsed shall be printed on the presidential primary
38 ticket of such political party as candidate for the position of
39 delegate-at-large or alternate-at-large, to be chosen by the party
40 voters throughout the State to the national convention of that party,
41 or as a delegate or alternate to be chosen to that convention by the
42 voters of any congressional district.

43 The signers to the petition for any delegate-at-large or alternate-
44 at-large shall be legal voters resident in the State; and the signers
45 for any delegate or alternate from any Congressional district shall
46 be voters of such district.

1 The **[Attorney General]** Secretary of State shall not later than
2 the **[48th]** 53rd day preceding the presidential primary election
3 certify to each county clerk and county board such nominations for
4 delegates and alternates-at-large and the nominations for delegate or
5 alternate for any Congressional district.

6 (cf: P.L.2005, c.136, s.36)

7
8 13. Section 1 of P.L.1952, c.2 (C.19:25-3) is amended to read as
9 follows:

10 1. Not less than **[one thousand]** 1,000 voters of any political
11 party may file a petition with the **[Attorney General]** Secretary of
12 State on or before the **[57th]** 62nd day before a presidential
13 primary election, requesting that the name of the person indorsed
14 therein as a candidate of such party for the office of President of the
15 United States shall be printed upon the official presidential primary
16 ballot of that party for the then ensuing election for delegates and
17 alternates to the national convention of such party.

18 The petition shall be prepared and filed in the form and manner
19 herein required for the indorsement of candidates to be voted for at
20 the primary election for the general election, except that the
21 candidate shall not be permitted to have a designation or slogan
22 following his name, and that it shall not be necessary to have the
23 consent of such candidate for President indorsed on the petition.

24 (cf: P.L.2005, c.136, s.37)

25
26 14. Section 2 of P.L.1952, c.2 (C.19:25-4) is amended to read as
27 follows:

28 2. The **[Attorney General]** Secretary of State shall certify the
29 names so indorsed to the county clerk of each county not later than
30 the **[48th]** 53rd day before such presidential primary election, but if
31 any person so indorsed shall on or before such date decline in
32 writing, filed in the office of the **[Attorney General]** Secretary of
33 State, to have his name printed upon the presidential primary
34 election ballot as a candidate for President, the **[Attorney General]**
35 Secretary of State shall not so certify such name.

36 (cf: P.L.2005, c.136, s.38)

37
38 15. R.S.19:27-6 is amended to read as follows:

39 19:27-6. In the case of a vacancy in the representation of this
40 State in the United States Senate or House of Representatives, the
41 writ may designate the next general election day for the election,
42 but if a special day is designated, it shall specify the cause and
43 purpose of such election, the name of the officer in whose office the
44 vacancy has occurred, the day on which a special primary election
45 shall be held, which shall be not less than **[65]** 70 days nor more
46 than **[71]** 76 days following the date of such proclamation, and the
47 day on which the special election shall be held, which shall be not

1 less than **[46]** 51 nor more than **[52]** 57 days following the day of
2 the special primary election. The writ shall also specify the day or
3 days when the district boards shall meet for the purpose of making,
4 revising or correcting the registers of voters to be used at such
5 special election.

6 If the vacancy happens in the representation of this State in the
7 United States Senate the election shall take place at the general
8 election next succeeding the happening thereof, unless the vacancy
9 shall happen within **[64]** 69 days next preceding the primary
10 election prior to the general election, in which case it shall be filled
11 by election at the second succeeding election, unless the Governor
12 shall deem it advisable to call a special election therefor, which he
13 is authorized hereby to do.

14 If the vacancy happens in the representation of this State in the
15 House of Representatives in any year, not later than the **[65th]** 70th
16 day prior to the day for holding the next primary election for the
17 general election, the Governor shall issue a writ of election to fill
18 such vacancy, designating in said writ the next general election day
19 as the day on which the election shall be held to fill such vacancy.
20 The nomination of candidates to fill such vacancy shall be made in
21 the same manner as the nomination of other candidates at the said
22 primary election for the general election.

23 (cf: P.L.1985, c.92, s.25)

24

25 16. Section 1 of P.L.1945, c.206 (C.19:27-10.1) is amended to
26 read as follows:

27 1. When a vacancy, howsoever caused, happens in the
28 representation of this State in the House of Representatives in any
29 year later than the **[64th]** 69th day prior to the day for holding the
30 primary election for the general election but before the **[52nd]**
31 57nd day preceding the day of the general election, and the
32 unexpired term to be filled exceeds **[1]** one year, the Governor, in
33 issuing a writ of election to fill such vacancy, may designate in said
34 writ the next general election day as the day on which the election
35 shall be held to fill such vacancy and that no primary election shall
36 be held for nomination of candidates to fill such vacancy.

37 In such case, each political party shall select its candidate to fill
38 such vacancy in the same manner prescribed in R.S. 19:13-20 for
39 selecting candidates to fill vacancies arising among candidates
40 nominated at primary elections, except that the time for making
41 such selection and filing the statement thereof shall be within 10
42 days following the issuance of the writ of election.

43 In such case, petitions of nomination of other candidates shall be
44 filed in the office of the Secretary of State within 10 days of the
45 date of such proclamation.

46 The Secretary of State on the eleventh day following the date of
47 such proclamation shall certify to the clerk and county board of

1 each county affected by the vacancy, a statement of all candidates
2 selected and nominated for the office so vacated.

3 The election to fill such vacancy shall in all other respects be
4 conducted as though it were being conducted to fill the office upon
5 the expiration of the term of the incumbent.

6 (cf: P.L.1985, c.92, s.27)

7

8 17. R.S.19:27-11 is amended to read as follows:

9 19:27-11. In the event of any vacancy in any county or
10 municipal office, except for the office of a member of the board of
11 chosen freeholders, which vacancy shall occur after the 11th day
12 preceding the last day for filing petitions for nominations for the
13 primary election for the general election and on or before the **[51st]**
14 56th day preceding the general election, each political party may
15 select a candidate for the office in question in the manner
16 prescribed in R.S.19:13-20 for selecting candidates to fill vacancies
17 among candidates nominated at primary elections to the general
18 elections. A statement of such selection shall be filed with the
19 county clerk not later than the close of business of the **[48th]** 53rd
20 day preceding the date of the general election.

21 Besides the selection of candidates by each political party as
22 before provided, candidates may also be nominated by petition in a
23 similar manner as herein provided for direct nomination by petition
24 for the general election but the petition shall be filed with the
25 county clerk at least **[48]** 53 days prior to such general election.

26 When the vacancy occurs in a county office the county clerk
27 shall forthwith give notice thereof to the chairman of the county
28 committee of each political party and in counties of the first class to
29 the county board, and in case the vacancy occurs in a municipal
30 office the municipal clerk shall forthwith give notice thereof to the
31 county clerk, the chairman of the county committee of each political
32 party and in counties of the first class the county board.

33 The county clerk shall print on the ballots for the territory
34 affected, in the personal choice column, the title of office and leave
35 a proper space under such title of office; and print the title of office
36 and the names of such persons as have been duly nominated, in
37 their proper columns.

38 (cf: P.L.2005, c.136, s.40)

39

40 18. Section 7 of P.L.1988, c.126 (C.19:27-11.1) is amended to
41 read as follows:

42 7. When any vacancy happens in the Legislature otherwise than
43 by expiration of term, it shall be filled by election for the unexpired
44 term only at the next general election occurring not less than **[51]**
45 56 days after the occurrence of the vacancy, except that no such
46 vacancy shall be filled at the general election which immediately
47 precedes the expiration of the term in which the vacancy occurs. In
48 the event a vacancy eligible to be filled by election hereunder

1 occurs on or before the sixth day preceding the last day for filing
2 petitions for nomination for the primary election, such petitions
3 may be prepared and filed for nomination in that primary election in
4 the manner provided by article 3 of chapter 23 of this Title. In the
5 event the vacancy occurs after that sixth day preceding the last day
6 for filing petitions for nomination for the primary election for the
7 general election, a political party may select a candidate for the
8 office in question in the manner prescribed in subsections a. and b.
9 of R.S.19:13-20 for selecting candidates to fill vacancies among
10 candidates nominated at primary elections for the general elections.
11 A statement of such selection under R.S.19:13-20 shall be filed with
12 the **【Attorney General】** Secretary of State not later than the **【48th】**
13 53rd day preceding the date of the general election.

14 Besides the selection of candidates by each political party,
15 candidates may also be nominated by petition in a manner similar to
16 direct nomination by petition for the general election; but if the
17 candidate of any party to fill the vacancy will be chosen at a
18 primary election, such petition shall be filed with the **【Attorney**
19 **General】** Secretary of State at least **【55】** 60 days prior to the
20 primary election; and if no candidate of any party will be chosen at
21 a primary election, such petition shall be filed with the **【Attorney**
22 **General】** Secretary of State not later than 12 o'clock noon of the
23 day on which the first selection meeting by any party is held under
24 this section to select a nominee to fill the vacancy.

25 When the vacancy occurs in the Senate or General Assembly, the
26 county clerk of each county which is comprised in whole or part in
27 the Senate or General Assembly district shall forthwith give notice
28 thereof to the chairman of the county committee of each political
29 party and in counties of the first class to the county board.

30 The county clerk shall print on the ballots for the territory
31 affected, in the personal choice column, the title of office and leave
32 a proper space under such title of office; and print the title of office
33 and the names of such persons as have been duly nominated, in
34 their proper columns.

35 (cf: P.L.2005, c.136, s.41)

36
37 19. Section 8 of P.L.1988, c.126 (C.19:27-11.2) is amended to
38 read as follows:

39 8. In the case of a vacancy occurring with respect to a member
40 of the Senate or General Assembly who was elected as the
41 candidate of a political party which at the last preceding general
42 election held for all members of the General Assembly received the
43 largest number of votes or the next largest number of votes in the
44 State for members of the General Assembly, for the interim period
45 pending the election and qualification of a permanent successor to
46 fill the vacancy, or for the interim period constituting the remainder
47 of the term in the case of a vacancy occurring which cannot be

1 filled pursuant to section 7 of this amendatory and supplementary
2 act at a general election, the vacancy shall be filled within **[35]** 40
3 days by a member of the political party of which the person who
4 vacated the office was the candidate at the time of his election
5 thereto. The interim successor shall be selected by the appropriate
6 political party's county committee or committees in the same
7 manner prescribed in subsections a. and b. of R.S. 19:13-20 for
8 selecting candidates to fill vacancies among candidates nominated
9 at primary elections, and a statement of the selection of that
10 successor shall be certified to and filed with the Secretary of State
11 in the same manner prescribed by subsection d. of that section for
12 certifying statements concerning the selection of such candidates.

13 The Secretary of State shall thereupon issue to the interim
14 successor a certificate of selection based upon that filed statement
15 of selection, and shall sign his name and affix the seal of the State
16 thereto, and shall without delay deliver that statement to the person
17 so selected. The Secretary of State shall also prepare a certified
18 statement of selection, similar in form to the certificate but
19 addressed to the presiding officer of the house of the Legislature in
20 which the vacancy occurred, and shall sign the statement, affix the
21 seal of the State thereto, and promptly deliver the same to the
22 President of the Senate or Speaker of the General Assembly as
23 appropriate.

24 (cf: P.L.1988, c. 126, s. 8)

25

26 20. Section 13 of P.L.1995, c.105 (C.19:27A-13) is amended to
27 read as follows:

28 13 a. (1) If the recall election official determines that a petition
29 contains the required number of signatures and otherwise complies
30 with the provisions of this act and if the official sought to be
31 recalled makes no timely challenge to that determination, or if the
32 official makes such a challenge but the original determination is
33 confirmed by the recall election official or the court, the recall
34 election official shall forthwith issue a certificate as to the
35 sufficiency of the petition to the recall committee. A copy of the
36 certificate shall be served by the recall election official on the
37 elected official sought to be recalled by personal service or certified
38 mail. If, within five business days of service of the certification, the
39 official has not resigned from office, the recall election official
40 shall order and fix the holding of a recall election on the date
41 indicated in the certificate.

42 (2) In the case of an office which is ordinarily filled at the
43 general election, a recall election shall be held at the next general
44 election occurring at least **[55]** 60 days following the fifth business
45 day after service of the certification, unless it was indicated in the
46 notice of intention that the recall election shall be held at a special
47 election in which case the recall election official shall order and fix
48 the date for holding the recall election to be the next Tuesday

1 occurring during the period beginning with the 55th day and ending
2 on the 61st day following the fifth business day after service of the
3 certification of the petition or, if that Tuesday falls on, or during the
4 28-day period before or after, a day on which any general, primary,
5 nonpartisan municipal, school district or other recall election is to
6 be held or shall have been held within all or any part of the
7 jurisdiction, then the first Tuesday thereafter which does not fall
8 within such period. In the case of an office which is ordinarily
9 filled at an election other than the general election, a recall election
10 shall be held at the next general election or the next regular election
11 for that office occurring at least ~~55~~ 60 days following the fifth
12 business day after service of the certification, unless it was
13 indicated in the notice of intention that the recall election shall be
14 held at a special election in which case the recall election official
15 shall order and fix the date for holding the recall election to be the
16 next Tuesday occurring during the period beginning with the ~~55th~~
17 ~~60th~~ day and ending on the ~~61st~~ 66th day following the fifth
18 business day after service of the certification of the petition or, if
19 that Tuesday falls on, or during the 28-day period before or after, a
20 day on which any general, primary, nonpartisan municipal, school
21 district or other recall election is to be held or shall have been held
22 within all or any part of the jurisdiction, then the first Tuesday
23 thereafter which does not fall within such period. A recall election
24 to be held at a special election shall not be scheduled on the same
25 day as a primary election. The date for a recall election shall not be
26 fixed, and no recall election shall be held, after the date occurring
27 six months prior to the general election or regular election for the
28 office, as appropriate, in the final year of an official's term.

29 (3) A vacancy in an elective office resulting from the
30 resignation of an elective official sought to be recalled prior to the
31 expiration of the five-day period shall be filled in the manner
32 provided by law for filling vacancies in that office.

33 b. The certificate issued by the recall election official shall
34 contain:

35 (1) the name and office of the official sought to be recalled;

36 (2) the number of signatures required by law to cause a recall
37 election to be held for that office;

38 (3) a statement to the effect that a valid recall petition,
39 determined to contain the required number of signatures, has been
40 filed with the recall election official and that a recall election will
41 be held; and

42 (4) the date and time when the election will be held if the official
43 does not resign.

44 c. The recall election official shall transmit a copy of the
45 certificate to the officer or public body designated by law to be
46 responsible for publishing notice of any other election to be held in
47 the jurisdiction on the same day as the recall election, and that
48 officer or body shall cause notice of the recall election, including all

1 of the information contained in the certificate as prescribed by
2 subsection b. of this section, to be printed in a newspaper published
3 in the jurisdiction of the official sought to be recalled or, if none
4 exists, in a newspaper generally circulated in the jurisdiction. The
5 notice of the recall election shall appear on the same schedule
6 applicable to the notice of such other election. In the event that the
7 recall election is to be held as a special election, the recall election
8 official shall transmit a copy of the certificate to the county board
9 or boards of elections, and the county board or boards shall cause
10 notice of the recall election to be printed, in the manner
11 hereinbefore prescribed, once during the 30 days next preceding the
12 day fixed for the closing of the registration books for the recall
13 election and once during the calendar week next preceding the week
14 in which the recall election is held.
15 (cf: P.L.1995, c.105, s.13)

16

17 21. R.S.19:37-1 is amended to read as follows:

18 19:37-1. When the governing body of any municipality or of any
19 county desires to ascertain the sentiment of the legal voters of the
20 municipality or county upon any question or policy pertaining to the
21 government or internal affairs thereof, and there is no other statute
22 by which the sentiment can be ascertained by the submission of
23 such question to a vote of the electors in the municipality or county
24 at any election to be held therein, the governing body may adopt at
25 any regular meeting an ordinance or a resolution requesting the
26 clerk of the county to print upon the official ballots to be used at the
27 next ensuing general election a certain proposition to be formulated
28 and expressed in the ordinance or resolution in concise form. Such
29 request shall be filed with the clerk of the county not later than
30 **[74]** 79 days previous to the election.

31 (cf: P.L.1985, c.92, s.29)

32

33 22. Section 2 of P.L.1967, c.101 (C.19:37-1.1) is amended to
34 read as follows:

35 2. Whenever a governing body of a municipality has adopted an
36 ordinance or resolution pursuant to section 19:37-1 of the Revised
37 Statutes, upon the presentation to the governing body of such
38 municipality of a petition signed by 10% or more of the voters
39 registered and qualified to vote at the last general election in such
40 municipality, requesting the governing body of such municipality to
41 ascertain the sentiment of the legal voters of the municipality upon
42 any question or policy pertaining to the government or internal
43 affairs thereof that is reasonably related to any proposition
44 formulated and expressed in such ordinance or resolution, such
45 governing body of the municipality shall thereupon adopt at its next
46 regular meeting following the presentation of such petition a
47 resolution requesting the clerk of the county to print upon the
48 official ballots to be used at the next ensuing general election a

1 certain proposition as formulated and expressed in the petition.
2 Such request shall be filed with the clerk of the county not later
3 than the ~~60th~~ 65th day previous to the election.

4 (cf: P.L.1985, c.92, s.30)

5

6 23. R.S.19:37-2 is amended to read as follows:

7 19:37-2. If a copy of the ordinance or resolution certified by the
8 clerk or secretary of the governing body of any such municipality
9 or county is delivered to the county clerk not less than ~~60~~ 65
10 days before any such general election, he shall cause it to be
11 printed on each sample ballot and official ballot to be printed for or
12 used in such municipality or county, as the case may be, at the next
13 ensuing general election.

14 (cf: P.L.1971, c.217, s.3)

15

16 24. Section 12 of P.L.1993, c.73 (C.19:59-8.1) is amended to
17 read as follows:

18 12. Whenever a county clerk receives a request by electronic
19 means from an overseas voter that an overseas ballot be sent to that
20 person by electronic means, the county clerk shall verify the voter's
21 eligibility to vote as an overseas voter in the State and the county
22 desired. If the overseas voter is eligible to vote therein, the county
23 clerk shall send the ballot to the voter ~~as soon as practicable~~ at
24 least 45 days before the day of the election and thereafter by
25 electronic means using the telephone number or electronic address
26 supplied by the voter for that purpose. If the overseas voter is not
27 eligible to vote in the State or the county desired, notice of
28 noneligibility shall be provided to the voter by electronic means as
29 soon as practicable after the receipt of the request.

30 (cf: P.L.2008, c.61, s.9)

31

32 25. (New section) For the purpose of complying with the federal
33 "Uniformed and Overseas Citizens Absentee Voting Act," 42
34 U.S.C.1973ff-1 et seq., the office of the Secretary of State shall:

35 a. be designated as the single State office responsible for
36 providing information to all overseas voters who wish to register to
37 vote or vote in any jurisdiction in the State with respect to voter
38 registration procedures and vote by mail procedures to be used by
39 overseas voters for all elections for federal offices;

40 b. work with the Election Assistance Commission and the federal
41 Department of Defense to develop standards to report data on the
42 number of overseas voter ballots transmitted and received by mail
43 or electronic means pursuant to the "Overseas Residents Absentee
44 Voting Law" P.L.1976, c.23 (C.19:59-1 et seq.) and section 7 of
45 P.L.2004, c.88 (C.19:61-7); and

46 c. provide such additional information relating to voting by
47 overseas voters from this State as the Department of Defense
48 determines is appropriate.

1 26. Section 5 of P.L.2004, c.88 (C.19:61-5) is amended to read
2 as follows:

3 5. The Secretary of State shall establish a free-access system,
4 such as a toll-free telephone number, an Internet website or any
5 combination thereof, that any individual who casts a mail-in ballot
6 or an overseas ballot in a federal election may access to ascertain:
7 (1) whether an application for a mail-in ballot or an overseas ballot
8 has been approved and if not, the reason for its rejection; and (2)
9 whether the mail-in ballot or overseas ballot was received and
10 accepted for counting and, if the ballot was not counted, the reason
11 for the rejection of the ballot. The system shall at all times preserve
12 the confidentiality of each person who has requested an application
13 to vote by mail-in ballot or overseas ballot, or who has voted by
14 mail-in ballot or overseas ballot, and shall ensure that no person,
15 other than the individual who requested or cast the ballot, may
16 discover whether or not that individual's application or ballot was
17 accepted, unless so informed by the voter. This system may be the
18 same one used for provisional ballots, established pursuant to
19 section 4 of P.L.2004, c.88 (C.19:61-4).
20 (cf: P.L.2009, c.79, s.35)

21
22 27. Section 2 of P.L.2005, c.148 (C.19:62-2) is amended to read
23 as follows:

24 2. If an election by mail is authorized pursuant to section 1 of
25 this act, P.L.2005, c.148 (C.19:62-1), the county clerk shall:

26 a. publish, in advance of the election and pursuant to rules and
27 regulations promulgated by the Secretary of State, official notice
28 that the election shall be conducted by mail together with such other
29 information regarding the conduct of the election as shall be
30 deemed necessary by the Secretary of State;

31 b. mail a ballot, including an outer envelope and an inner
32 envelope substantially similar to the envelopes provided for mail-in
33 ballots pursuant to sections 12 and 13 of P.L.2009, c.79 (C.19:63-
34 12 and C.19:63-13), not sooner than the 20th day prior to the day of
35 the election nor later than the 14th day prior to the day of the
36 election, to each person registered to vote in the municipality at that
37 election;

38 c. designate the county clerk's office or the municipal clerk's
39 office as the places to obtain a replacement ballot pursuant to
40 section 5 of P.L.2005, c.148 (C.19:62-5);

41 d. designate, after consultation with the county board of
42 elections and pursuant to criteria established by the Secretary of
43 State, places within the county or municipality that shall be
44 available for the deposit of voted ballots for the election;

45 e. make a provisional ballot available at the office of the
46 county clerk and the office of the municipal clerk so that each
47 person who has been a resident of the county or municipality in
48 which the person seeks to register and vote at least 21 days prior to

1 the day of the election and has moved to a location within the
2 municipality after that 21st day and prior to the day of the election
3 may vote;

4 f. suspend distribution to each registered voter in the
5 municipality of samples of the official ballot of any election, but
6 distribute to each registered voter in the municipality with each
7 ballot a copy of the voter information notice provided for in section
8 1 of P.L.2005, c.149 (C.19:12-7.1) as modified and supplemented
9 by the Secretary of State as deemed appropriate for use in
10 municipalities conducting elections by mail, and such instruction
11 about the completion of the ballot as deemed necessary by the
12 Secretary of State;

13 g. make certain that all qualified voters in the municipality
14 requesting a mail-in ballot between the ~~40th~~ 45th day and the
15 21st day prior to the day of an election receive such ballot after the
16 20th day prior to the day of an election and voters requesting a
17 ballot on or before the seventh day prior to the date of the election
18 shall receive a ballot authorized pursuant to this section; and

19 h. establish, after consultation with the county board of
20 elections and in accordance with rules and regulations adopted by
21 the Secretary of State, the time by which all ballots must be
22 received by the board on the day of an election to be considered
23 valid and counted.

24 (cf: P.L.2009, c.79, s.36)

25

26 28. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read
27 as follows:

28 6. a. The county clerk, in the case of any Statewide election,
29 countywide election, or school election in a regional or other school
30 district comprising more than one municipality; the municipal clerk,
31 in the case of any municipal election or school election in a school
32 district comprising a single municipality; and the commissioners or
33 other governing or administrative body of the district, in the case of
34 any election to be held in any fire district or other special district,
35 other than a municipality, created for specified public purposes
36 within one or more municipalities, shall publish the following
37 notice in substantially the following form:

38 **NOTICE TO PERSONS WANTING MAIL-IN BALLOTS**

39 If you are a qualified and registered voter of the State who wants
40 to vote by mail in the..... (school, municipal, primary,
41 presidential primary, general, or other) election to be held
42 on..... (date of election) complete the application form
43 below and send to the undersigned, or write or apply in person to
44 the undersigned at once requesting that a mail-in ballot be
45 forwarded to you. The request must state your home address and
46 the address to which the ballot should be sent. The request must be
47 dated and signed with your signature.

1 If any person has assisted you to complete the mail-in ballot
 2 application, the name, address and signature of the assistor must be
 3 provided on the application, and you must sign and date the
 4 application for it to be valid and processed. No person shall serve
 5 as an authorized messenger for more than 10 qualified voters in an
 6 election. No person who is a candidate in the election for which the
 7 voter requests a mail-in ballot may provide any assistance in the
 8 completion of the ballot or may serve as an authorized messenger or
 9 bearer.

10 No mail-in ballot will be provided to any applicant who submits
 11 a request therefor by mail unless the request is received at least
 12 seven days before the election and contains the requested
 13 information. A voter may, however, request an application in
 14 person from the county clerk up to 3 p.m. of the day before the
 15 election.

16 Voters who want to vote only by mail in all future general
 17 elections in which they are eligible to vote, and who state that on
 18 their application shall, after their initial request and without further
 19 action on their part, be provided a mail-in ballot by the county clerk
 20 until the voter requests that the voter no longer be sent such a
 21 ballot. A voter's failure to vote in the fourth general election
 22 following the general election at which the voter last voted may
 23 result in the suspension of that voter's ability to receive a mail-in
 24 ballot for all future general elections unless a new application is
 25 completed and filed with the county clerk.

26 Voters also have the option of indicating on their mail-in ballot
 27 applications that they would prefer to receive mail-in ballots for
 28 each election that takes place during the remainder of this calendar
 29 year. Voters who exercise this option will be furnished with mail-in
 30 ballots for each election that takes place during the remainder of
 31 this calendar year, without further action on their part.

32 Application forms may be obtained by applying to the
 33 undersigned either in writing or by telephone, or the application
 34 form provided below may be completed and forwarded to the
 35 undersigned.

36 Dated.....
 37
 38 (signature and title of county clerk)
 39
 40 (address of county clerk)
 41
 42 (telephone no. of county clerk)

43 b. (1) The Secretary of State shall be responsible for providing
 44 all information regarding overseas **【federal election voter】** ballots
 45 to each overseas voter eligible for such a ballot pursuant to
 46 P.L.1976, c.23 (C.19:59-1 et seq.). The secretary shall also make
 47 available valid overseas **【federal election】** voter registration and
 48 ballot applications to any voter who is a member of the armed

1 forces of the United States and who is a permanent resident of this
2 State, or who is an overseas [federal election] voter who wishes to
3 register to vote or to vote in any jurisdiction in this State. The
4 secretary shall provide such public notice as may be deemed
5 necessary to inform members of the armed forces of the United
6 States and overseas federal election voters how to obtain valid
7 overseas [federal election] voter registration and ballot
8 applications.

9 (2) The Secretary of State shall undertake a program to inform
10 voters in this State about their eligibility to vote by mail pursuant to
11 this act. Dissemination of this information shall be included in the
12 standard notices required by this section and other provisions of
13 current law, including but not limited to the notice requirements of
14 R.S.19:12-7, and shall be effectuated by such means as the secretary
15 deems appropriate and to the extent that funds for such
16 dissemination are appropriated including, but not limited to, by
17 means of Statewide or local electronic media, public service
18 announcements broadcast by such media, notices on the Internet site
19 of the Department of State or any other department or agency of the
20 Executive Branch of State government or its political subdivisions
21 deemed appropriate by the secretary, and special mailings or notices
22 in newspapers or other publications circulating in the counties or
23 municipalities of this State.

24 c. The mail-in ballot materials shall contain a notice that any
25 person voting by mail-in ballot who has registered by mail after
26 January 1, 2003, who did not provide personal identification
27 information when registering and is voting for the first time in his
28 or her current county of residence following registration shall
29 include copies of the required identification information with the
30 mail-in ballot, and that failure to include such information shall
31 result in the rejection of the ballot.

32 d. The notice provided for in subsection a. of this section shall
33 be published before the [50th] 55th day immediately preceding the
34 holding of any election.

35 Notices relating to any Statewide or countywide election shall be
36 published in at least two newspapers published in each county. All
37 officials charged with the duty of publishing such notices shall
38 publish the same in at least one newspaper published in each
39 municipality or district in which the election is to be held, or if no
40 newspaper is published in the municipality or district, then in a
41 newspaper published in the county and circulating in the
42 municipality or district. All such notices shall be display
43 advertisements.

44 (cf: P.L.2009, c.79, s.6)

45

46 29. Section 9 of P.L.2009, c.79 (C.19:63-9) is amended to read
47 as follows:

1 9. a. Starting on or before the ~~40th~~ 45th day before the day an
2 election is held, each county clerk shall forward mail-in ballots by
3 first-class postage or hand delivery to each mail-in voter whose
4 request therefor has been approved. Mail-in ballots that have been
5 approved before the ~~40th~~ 45th day before an election shall be
6 forwarded or delivered no later than the third business day
7 following ~~that 40th~~ the day of approval. Hand delivery of a mail-
8 in ballot shall be made by the county clerk or the clerk's designee
9 only to the voter, or the voter's authorized messenger, who must
10 appear in person. No person shall serve as an authorized messenger
11 for more than 10 qualified voters in an election. Ballots that have
12 not been hand delivered shall be addressed to the voter at the
13 forwarding address given in the application.

14 b. (1) Whenever the clerk forwards a mail-in ballot by mail to a
15 mail-in voter between the ~~40th~~ 45th day and the 13th day before
16 the day of an election, the ballot shall be transmitted within three
17 business days of the receipt of the application.

18 (2) Whenever the clerk forwards a mail-in ballot by mail to a
19 mail-in voter between the 12th day and the seventh day before the
20 day of an election, the ballot shall be transmitted within two
21 business days of the receipt of the application.

22 The provisions of this subsection shall not apply to any
23 municipality in which elections are conducted by mail, pursuant to
24 P.L.2005, c.148 (C.19:62-1 et seq.).

25 c. Whenever a mail-in ballot is mailed to a voter for use in any
26 annual school or regional school district election pursuant to an
27 application therefor, and thereafter a special district school election
28 is called pursuant to section 2 of P.L.1995, c.278 (C.19:60-2), the
29 county clerk shall cause the mail-in ballot used in the election to be
30 mailed to the voter without any further application for any such
31 ballot.

32 (cf: P.L.2009, c.79, s.9)

33

34 30. Section 4 of P.L.1981, c.379 (C.40:45-8) is amended to read
35 as follows:

36 4. On or before the ~~57th~~ 62nd day prior to a regular municipal
37 election, the names of candidates for all elective offices shall be
38 filed with the municipal clerk, in the following manner and form
39 and subject to the following conditions:

40 a. The petition of nomination shall consist of individual
41 certificates, equal in number to at least 1%, but in no event less than
42 25, of the registered voters of the municipality or the ward, as the
43 case may be, and shall read substantially as follows:

44 "I, the undersigned, a registered voter of the municipality of
45, residing at certify that I do
46 hereby join in a petition of the nomination of
47 whose residence is at for the office

1 of mayor (or councilman-at-large, or ward councilman of the
2 ward, or commissioner, or village trustee, as the case may
3 be) to be voted for at the election to be held in the municipality on
4 the, 20....., and I further certify that I know this candidate
5 to be a registered voter, for the period required by law, of the
6 municipality (and the ward, in the case of ward councilman) and a
7 person of good moral character, and qualified, in my judgment, to
8 perform the duties of the office, and I further certify that I have not
9 signed more petitions or certificates of nomination than there are
10 places to be filled for the above office.

11 Signed"

12 Any such petition of nomination which is provided to candidates
13 by the municipal clerk shall contain the following notice: "Notice:
14 All candidates are required by law to comply with the provisions of
15 the 'New Jersey Campaign Contributions and Expenditures
16 Reporting Act.' For further information, please call (insert phone
17 number of the Election Law Enforcement Commission)."

18 b. Each petition signature shall be on a separate sheet of paper
19 and shall bear the name and address of the petitioner. The
20 candidate for office and his campaign manager shall make an oath
21 before an officer competent to administer oaths that the statements
22 made therein are true, and that each signature to the papers
23 appended thereto is the genuine signature of the person whose name
24 it purports to be, to their best knowledge and belief. The oath,
25 signed by the candidate, shall constitute his acceptance of
26 nomination and shall be annexed to the petition, together with the
27 oath of his campaign manager, at the time the petition is submitted.

28 c. The municipal clerk shall immediately provide the Election
29 Law Enforcement Commission with official certification of the
30 filing or withdrawal of a petition of nomination.

31 (cf: P.L.2009, c.196, s.6)

32

33 31. Section 5 of P.L.1981, c.379 (C.40:45-9) is amended to read
34 as follows:

35 5. a. The municipal clerk shall furnish, upon request, a
36 reasonable number of forms of individual certificates of
37 nomination.

38 b. Each certificate shall contain the name of one candidate, and
39 no more. Each signer must not, at the time of signing the
40 certificate, have signed more certificates for candidates for that
41 office than there are places to be filled for the office. Where ward
42 councilmen are to be elected, no petitioner shall sign more than one
43 certificate for ward council, and the candidate named in the petition
44 shall reside in the same ward as the signer. All certificates not
45 complying substantially with this act shall be rejected.

46 c. When a petition of nomination is presented for filing to the
47 municipal clerk, he shall examine it and ascertain whether or not it
48 conforms to the provisions of this act and, where applicable, the

1 provisions of the general election laws. If it does not conform, he
2 shall retain the petition and notify the person nominated of the
3 defect, by written notice delivered to him personally or by certified
4 mail to his place of residence stated in the petition.

5 d. Where the nominating petition, or any affidavit or affidavits
6 thereto is found defective, the candidate named therein may file
7 such amendment or amendments as may be necessary to eliminate
8 the defect, whether of matters of substance or form, and when so
9 amended the effect shall be as if the petition had been originally
10 filed in the amended form. After the last day for the filing of the
11 original petition, no amendment may be made for the purpose of
12 adding the name of any person who did not sign the original
13 petition, nor shall any amendment be made at any time for the
14 purpose of changing the name of the candidate or the office for
15 which he was to be nominated. No amendment to a nominating
16 petition shall be made and filed less than ~~48~~ 53 days before the
17 election.

18 (cf: P.L.1985, c.92, s.35)

19

20 32. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 The purpose of this bill is to change the date by which mail-in
26 ballots must be transmitted to mail-in voters and overseas voters
27 from starting on the 40th day before the day of an election to
28 starting on or before the 45th day before the day of an election.

29 This change in current law has been necessitated by the federal
30 government's enactment of the "Military and Overseas Voter
31 Empowerment (MOVE) Act," on October 28, 2009. That law
32 requires, in part, that a validly requested ballot must be sent by mail
33 or by electronic means to a military or overseas voter starting on or
34 before the 45th day before the day of the federal election for which
35 it is requested.

36 To effectuate the provisions of the MOVE act, the bill:

37 1) designates the office of the Secretary of State as the single
38 State office responsible for providing information regarding voter
39 registration procedures and vote by mail procedures to be used by
40 overseas voters;

41 2) requires the secretary to work with the federal Elections
42 Assistance Commission and the federal Department of Defense to
43 develop standards to report data on the number of overseas voter
44 ballots transmitted by mail or electronic means; and

45 3) amends N.J.S.A.19:61-5, which establishes a free-access
46 system whereby a mail-in voter can check whether their request for
47 a mail-in ballot has been accepted, to permit overseas voters to use
48 the system to check on the status of their request for a ballot.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE, No. 923

STATE OF NEW JERSEY

DATED: FEBRUARY 1, 2010

The Senate State Government, Wagering, Tourism & Historic Preservation Committee reports favorably Senate Bill No. 923.

The purpose of this bill is to change the date by which mail-in ballots must be transmitted to mail-in voters and overseas voters from starting on the 40th day before the day of an election to starting on or before the 45th day before the day of an election.

This change in current law has been necessitated by the federal government's enactment of the "Military and Overseas Voter Empowerment (MOVE) Act," on October 28, 2009. That law requires, in part, that a validly requested ballot must be sent by mail or by electronic means to a military or overseas voter starting on or before the 45th day before the day of the federal election for which it is requested.

To effectuate the provisions of the MOVE act, the bill:

1) designates the office of the Secretary of State as the single State office responsible for providing information regarding voter registration procedures and vote by mail procedures to be used by overseas voters;

2) requires the secretary to work with the federal Elections Assistance Commission and the federal Department of Defense to develop standards to report data on the number of overseas voter ballots transmitted by mail or electronic means; and

3) amends N.J.S.A.19:61-5, which establishes a free-access system whereby a mail-in voter can check whether their request for a mail-in ballot has been accepted, to permit overseas voters to use the system to check on the status of their request for a ballot.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 923

STATE OF NEW JERSEY

DATED: MAY 13, 2010

The Assembly State Government Committee reports favorably Senate, No. 923.

The purpose of this bill is to change the date by which mail-in ballots must be transmitted to mail-in voters and overseas voters from starting on the 40th day before the day of an election to starting on or before the 45th day before the day of an election.

This change in current law has been necessitated by the federal government's enactment of the "Military and Overseas Voter Empowerment (MOVE) Act," on October 28, 2009. That law requires, in part, that a validly requested ballot must be sent by mail or by electronic means to a military or overseas voter starting on or before the 45th day before the day of the federal election for which it is requested.

To effectuate the provisions of the MOVE act, the bill:

1) designates the office of the Secretary of State as the single State office responsible for providing information regarding voter registration procedures and vote by mail procedures to be used by overseas voters;

2) requires the secretary to work with the federal Elections Assistance Commission and the federal Department of Defense to develop standards to report data on the number of overseas voter ballots transmitted by mail or electronic means; and

3) amends N.J.S.A.19:61-5, which establishes a free-access system whereby a mail-in voter can check whether their request for a mail-in ballot has been accepted, to permit overseas voters to use the system to check on the status of their request for a ballot.

Senate Bill No. 923 is identical to Assembly Bill No. 2545 of 2010.

STATEMENT TO

SENATE, No. 923

with Assembly Floor Amendments
(Proposed by Assemblywoman QUIJANO)

ADOPTED: MAY 20, 2010

These Assembly amendments change certain deadlines for election-related activities so that they do not fall on a Saturday or Sunday, or conflict with another deadline or activity.

Specifically, the amendments provide that the deadline for: 1) filling an independent candidacy vacancy is changed from the 59th to the 60th day before the day of the general election; 2) filing nominating petitions is changed from the 62nd to the 71st day before the primary election; 3) drawing for ballot position is changed from 52nd to 56th day before an election; 4) filling a vacancy among candidates submitting nominating petitions is changed from the 53rd to the 57th day before an election; 5) certifying the candidates who will appear on the ballot is changed from the 53 to the 57th day before an election; 6) requiring the official to be received by the printer thereof is changed from the 48th to the 50th day before an election; 7) the submission of county and municipal questions is changed from the 79th to the 81st day before an election; and 8) the submission of public questions proposed by the electorate and adopted by local or county government is changed from the 65th to the 67th day before an election.

The amendments also change the enactment date of the bill from immediately to the July 1 next following the date of enactment.

STATEMENT TO
[First Reprint]
SENATE, No. 923

with Assembly Floor Amendments
(Proposed by Assemblywoman QUIJANO)

ADOPTED: JANUARY 10, 2011

These Assembly amendments make various changes to the schedule for producing and distributing vote by mail ballots, including changing the date by which mail-in ballots must be transmitted to mail-in voters and overseas voters, from starting on the 40th day before the day of an election to starting on the 45th day before an election. These changes are necessitated by the federal government's enactment of the "Military and Overseas Voter Empowerment (MOVE) Act," on October 28, 2009.

In addition, the amendments also provide that:

1) the Secretary of a board of education is, as soon as possible after a public question is approved by the board, to forward the question to the county clerk, instead of forwarding the question not later than 10 a.m. of the 17th day preceding the day of the annual school election;

2) if in the year in which the Apportionment Commission establishes new legislative districts the production and transmission of mail-in ballots for the primary or general election cannot be accomplished starting on or before the 45th day before the day of either election, the Secretary of State is authorized to undertake such actions as the secretary deems necessary to ensure that the ballots are produced and transmitted to mail-in voters as soon as possible after the 45th day before the election; and

3) if a legislative vacancy occurs after the 70th day before the day of a general election and, due to the timing of the vacancy, the production and transmission of mail-in ballots for the general election cannot be accomplished starting on or before the 45th day before the day of the election, the Secretary of State is authorized to undertake such actions as the secretary deems necessary to insure that the ballots are produced and transmitted to mail-in voters as soon as possible after the 45th day deadline.

Finally, the amendments delete the prohibition on having a referendum to exceed the municipal levy cap occur in a local unit on the same day as a referendum to exceed the school levy cap in that unit. Under the amendments, the Director of the Division of Elections, together with the Commissioner of Education and the Director of the Division of Local Government Services in the Department of Community Affairs, are to determine the hours and locations of polling places and other matters related to the referenda.

STATEMENT TO
[Second Reprint]
SENATE, No. 923

with Assembly Floor Amendments
(Proposed by Assemblywoman QUIJANO)

ADOPTED: FEBRUARY 17, 2011

These Assembly amendments: 1) move the deadline by which a vacancy can be filled at the next succeeding general election, from the 30th to the 70th day before that election for a vacancy in the office of United States Senate for this State, and from the 37th to the 70th day before the general election for a public office other than a member of Congress or member of the Legislature; 2) move by seven days the notice requirements provided by the Secretary of State, the county clerks and the municipal clerks of the public offices to be contested in the ensuing primary election; 3) move the deadline for the filing of petitions of nomination from the 67th day to the 64th day before the day of the primary election; 4) require that a secretary of a board of education must provide the statement of the public question to be voted on in the school district not later than 10 o'clock a.m. of the 18th day preceding a school election or a special school election, instead of as soon as possible after any question is approved by the board; 5) provide that school elections, elections for members of the boards of fire district commissions, and the vote on any public question submitted to the voters of a local unit to increase the amount to be raised by taxation by more than the allowable adjusted tax levy, be exempt from the requirement that mail-in ballots be sent to voters requesting and approved to use such ballots starting on or before the 45th day before the day an election is held and the requirement that mail-in ballots that have been approved before the 45th day before an election be forwarded or delivered at least 45 days before the day of the election; and 6) change the effective date of the bill, so that the sections concerned with municipal cap waiver elections would take effect immediately and the remainder of the bill would take effect on the July 1 next following the date of enactment.

ASSEMBLY, No. 2545

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MARCH 16, 2010

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblywoman CAROLINE CASAGRANDE

District 12 (Mercer and Monmouth)

Assemblywoman DAWN MARIE ADDIEGO

District 8 (Burlington)

Co-Sponsored by:

Assemblymen Gusciora, Connors and Conaway

SYNOPSIS

Changes date by which mail-in ballots are transmitted to mail-in and overseas voters from the 40th to the 45th day before an election.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/14/2010)

1 AN ACT concerning the timing of the distribution of vote by mail
2 ballots, and amending various parts of the statutory law and
3 supplementing P.L.1976, C.23.

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

7
8 1. R.S.19:13-19 is amended to read as follows:

9 19:13-19. If the candidate vacating the nomination was
10 nominated directly by petition his successor shall be nominated in
11 the same manner by direct petition, which new petition of
12 nomination must be filed with the Secretary of State or county
13 clerk, as the case may require, not later than **[54]** 59 days before
14 the day of election whereat such candidate is to be voted for.
15 (cf: P.L.1985, c.92, s.13)

16
17 2. R.S.19:13-20 is amended to read as follows:

18 19:13-20. In the event of a vacancy, howsoever caused, among
19 candidates nominated at a primary election for the general election,
20 which vacancy shall occur not later than the **[51st]** 56th day before
21 the general election, or in the event of inability to select a candidate
22 because of a tie vote at such primary, a candidate shall be selected
23 in the following manner:

24 a. (1) In the case of an office to be filled by the voters of the
25 entire State, the candidate shall be selected by the State committee
26 of the political party wherein such vacancy has occurred.

27 (2) In the case of an office to be filled by the voters of a single
28 and entire county, the candidate shall be selected by the county
29 committee in such county of the political party wherein such
30 vacancy has occurred.

31 (3) In the case of an office to be filled by the voters of a portion
32 of the State comprising all or part of two or more counties, the
33 candidate shall be selected by those members of the county
34 committees of the party wherein the vacancy has occurred who
35 represent those portions of the respective counties which are
36 comprised in the district from which the candidate is to be elected.

37 (4) In the case of an office to be filled by the voters of a portion
38 of a single county, the candidate shall be selected by those members
39 of the county committee of the party wherein the vacancy has
40 occurred who represent those portions of the county which are
41 comprised in the district from which the candidate is to be elected.

42 At any meeting held for the selection of a candidate under this
43 subsection, a majority of the persons eligible to vote thereat shall be
44 required to be present for the conduct of any business, and no
45 person shall be entitled to vote at that meeting who is appointed to

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

Matter underlined thus is new matter.

1 the State committee or county committee after the seventh day
2 preceding the date of the meeting.

3 Within 20 days after the meeting of each county committee that
4 is held on the first Tuesday following the primary election at which
5 committee members are elected, the municipal clerk shall certify to
6 the county clerk an official list of the duly elected county
7 committee members and an official list of the municipal committee
8 chairs. The county party chairperson shall have a continuing duty
9 to report to the county clerk any vacancies, resignations, and
10 committee positions filled pursuant to R.S.19:5-2 or 19:5-3. A
11 report of a resignation shall be accompanied by a notarized letter of
12 resignation signed by the resigning committee member or, if the
13 resigning committee member fails to provide such a letter, by a
14 notarized letter stating that the resignation has occurred signed by
15 the chair of the relevant municipal committee who shall also
16 provide a copy thereof to the resigning member. Notice of
17 vacancies in the membership of a county committee that are filled
18 pursuant to R.S.19:5-2 or 19:5-3 shall be accompanied by a
19 certificate of acceptance signed by the newly selected member. The
20 official list of the county committee members and of the municipal
21 committee chairs maintained by the county clerk shall be deemed to
22 be a government record and only those county committee members
23 listed thereon seven days prior to a selection to fill a vacancy and
24 otherwise qualified to vote on the vacancy shall be entitled to vote
25 on filling a vacancy pursuant to this section.

26 In addition, every person appointed to the county committee
27 shall file with the county clerk a certificate of acceptance which
28 shall be preserved by the county clerk as a government record.

29 In the case of a meeting held to select a candidate for other than
30 a Statewide office, the chairperson of the meeting shall be chosen
31 by majority vote of the persons present and entitled to vote thereat.
32 The chairperson so chosen may propose rules to govern the
33 determination of credentials and the procedures under which the
34 meeting shall be conducted, and those rules shall be adopted upon a
35 majority vote of the persons entitled to vote upon the selection. If a
36 majority vote is not obtained for those rules, the delegates shall
37 determine credentials and conduct the business of the meeting under
38 such other rules as may be adopted by a majority vote. All
39 contested votes taken at the selection meeting, as referenced in
40 subsections a. and b. of this section, shall be by secret ballot in a
41 location or manner that protects the anonymity of the person's vote.

42 b. (1) Whenever in accordance with subsection a. of this
43 section members of two or more county committees are empowered
44 to select a candidate to fill a vacancy, it shall be the responsibility
45 of the chairpersons of said county committees, acting jointly not
46 later in any case than the seventh day following the occurrence of
47 the vacancy, to give notice to each of the members of their
48 respective committees, as certified by the county clerk, who are so

1 empowered of the date, time and place of the meeting at which the
2 selection will be made, that meeting to be held at least one day
3 following the date on which the notice is given.

4 (2) Whenever in accordance with the provisions of subsection a.
5 of this section members of a county committee are empowered to
6 select a candidate to fill a vacancy, it shall be the responsibility of
7 the chairperson of such county committee, not later in any case than
8 the seventh day following the occurrence of the vacancy, to give
9 notice to each of the members of the committee, as certified by the
10 county clerk, who are so empowered of the date, time and place of
11 the meeting at which the selection will be made, that meeting to be
12 held at least one day following the date on which the notice is
13 given.

14 (3) A county committee chairperson or chairpersons who call a
15 meeting pursuant to paragraph (1) or (2) of this subsection shall not
16 be entitled to vote upon the selection of a candidate at such meeting
17 unless he or she or they are so entitled pursuant to subsection a.

18 (4) Whenever in accordance with the provisions of subsection a.
19 of this section the State committee of a political party is empowered
20 to select a candidate to fill a vacancy, it shall be the responsibility
21 of the chairperson of that State committee to give notice to each of
22 the members of the committee of the date, time and place of the
23 meeting at which the selection will be made, that meeting to be held
24 at least one day following the date on which the notice is given.

25 c. Whenever a selection is to be made pursuant to this section
26 to fill a vacancy resulting from inability to select a candidate
27 because of a tie vote at a primary election for the general election,
28 the selection shall be made from among those who have thus
29 received the same number of votes at the primary.

30 d. A selection made pursuant to this section shall be made not
31 later than the ~~48th~~ 53rd day preceding the date of the general
32 election, and a statement of such selection shall be filed with the
33 Secretary of State or the appropriate county clerk, as the case may
34 be, not later than that day, and in the following manner:

35 (1) A selection made by a State committee of a political party
36 shall be certified to the Secretary of State by the State chairperson
37 of the political party.

38 (2) A selection made by a county committee of a political party,
39 or a portion of the members thereof, shall be certified to the county
40 clerk of the county by the county chairperson of such political
41 party; except that when such selection is of a candidate for the
42 Senate or General Assembly or the United States House of
43 Representatives the county chairperson shall certify the selection to
44 the State chairperson of such political party, who shall certify the
45 same to the Secretary of State.

46 (3) A selection made by members of two or more county
47 committees of a political party acting jointly shall be certified by
48 the chairpersons of said committees, acting jointly, to the State

1 chairperson of such political party, who shall certify the same to the
2 Secretary of State.

3 e. A statement filed pursuant to subsection d. of this section
4 shall state the residence and post office address of the person so
5 selected, and shall certify that the person so selected is qualified
6 under the laws of this State to be a candidate for such office, and is
7 a member of the political party filling the vacancy. Accompanying
8 the statement, the person endorsed therein shall file a certificate
9 stating that he or she is qualified under the laws of this State to be a
10 candidate for the office mentioned in the statement, that he or she
11 consents to stand as a candidate at the ensuing general election and
12 that he or she is a member of the political party named in said
13 statement, and further that he or she is not a member of, or
14 identified with, any other political party or any political
15 organization espousing the cause of candidates of any other
16 political party, to which shall be annexed the oath of allegiance
17 prescribed in R.S.41:1-1 duly taken and subscribed by him or her
18 before an officer authorized to take oaths in this State. The person
19 so selected shall be the candidate of the party for such office at the
20 ensuing general election. Each candidate for the office of Governor
21 or the office of member of the Senate or General Assembly filing a
22 certification shall annex thereto a statement signed by the candidate
23 that he or she:

24 (1) has not been convicted of any offense graded by Title 2C of
25 the New Jersey Statutes as a crime of the first, second, third or
26 fourth degree, or any offense in any other jurisdiction which, if
27 committed in this State, would constitute such a crime; or

28 (2) has been so convicted, in which case, the candidate shall
29 disclose on the statement the crime for which convicted, the date
30 and place of the conviction and the penalties imposed for the
31 conviction. Such a candidate may, as an alternative, submit with
32 the statement a copy of an official document that provides such
33 information. If the candidate has been convicted of more than one
34 criminal offense, such information about each conviction shall be
35 provided. Records expunged pursuant to chapter 52 of Title 2C of
36 the New Jersey Statutes shall not be subject to disclosure.

37 (cf: P.L.2009, c.135, s.5)

38

39 3. R.S.19:13-21 is amended to read as follows:

40 19:13-21. If the nomination vacated is that of a candidate for
41 elector of the President and Vice-President of the United States, the
42 vacancy shall be filled by the committee to whom power shall have
43 been delegated to fill vacancies if such there be, otherwise by the
44 State committee of the political party which nominated the elector
45 whose nomination is vacated. The chairman and secretary of the
46 vacancy committee or State committee shall file with the Secretary
47 of State on or before the **[48th]** 53rd day prior to the general
48 election a certificate of nomination for filling the vacancy. This

1 certificate shall be made and filed in the same manner and form as
2 heretofore provided for filling vacancies among candidates
3 nominated at the primary and there shall be annexed thereto the
4 oath of allegiance prescribed in section 41:1-1 of the Revised
5 Statutes duly taken and subscribed by the person so nominated
6 before an officer authorized to take oaths in this State.
7 (cf: P.L.1985, c.92, s.15)

8

9 4. R.S.19:14-1 is amended to read as follows:

10 19:14-1. Every county clerk shall have ready for the printer on
11 or before the ~~43rd~~ 48th day prior to the general election a copy of
12 the contents of official ballots as hereinafter required to be printed
13 for use at such election. He shall also on or before that time place
14 another copy of such contents on file in his office and keep the
15 same open to public inspection until the sample ballots hereinafter
16 provided to be printed shall have been distributed.
17 (cf: P.L.1985, c.92, s.16)

18

19 5. R.S.19:23-12 is amended to read as follows:

20 19:23-12. The signers to petitions for "Choice for President,"
21 delegates and alternates to national conventions, for Governor,
22 United States Senator, member of the House of Representatives,
23 State Senator, member of the General Assembly and any county
24 office may name three persons in their petition as a committee on
25 vacancies.

26 This committee shall have power in case of death or resignation
27 or otherwise of the person indorsed as a candidate in said petition to
28 fill such vacancy by filing with the ~~Attorney General~~ Secretary of
29 State in the case of officers to be voted for by the voters of the
30 entire State or a portion thereof involving more than one county
31 thereof or any congressional district, and with the county clerk in
32 the case of officers to be voted for by the voters of the entire county
33 or any county election district, a certificate of nomination to fill the
34 vacancy.

35 Such certificate shall set forth the cause of the vacancy, the name
36 of the person nominated and that he is a member of the same
37 political party as the candidate for whom he is substituted, the
38 office for which he is nominated, the name of the person for whom
39 the new nominee is to be substituted, the fact that the committee is
40 authorized to fill vacancies and such further information as is
41 required to be given in any original petition of nomination.

42 The certificate so made shall be executed and sworn to by the
43 members of such committee, and shall upon being filed at least
44 ~~48~~ 53 days before election have the same force and effect as the
45 original petition of nomination for the primary election for the
46 general election and there shall be annexed thereto the oath of
47 allegiance prescribed in R.S. 41:1-1 duly taken and subscribed by
48 the person so nominated before an officer authorized to take oaths

1 in this State. The name of the candidate submitted shall be
2 immediately certified to the proper municipal clerks. In addition, a
3 person so nominated for the office of Governor or the office of
4 member of the Senate or General Assembly shall annex to the
5 certificate a statement signed by the candidate that he or she:

6 a. has not been convicted of any offense graded by Title 2C of
7 the New Jersey Statutes as a crime of the first, second, third or
8 fourth degree, or any offense in any other jurisdiction which, if
9 committed in this State, would constitute such a crime; or

10 b. has been so convicted, in which case, the candidate shall
11 disclose on the statement the crime for which convicted, the date
12 and place of the conviction and the penalties imposed for the
13 conviction. Such a candidate may, as an alternative, submit with
14 the statement a copy of an official document that provides such
15 information. If the candidate has been convicted of more than one
16 criminal offense, such information about each conviction shall be
17 provided. Records expunged pursuant to chapter 52 of Title 2C of
18 the New Jersey Statutes shall not be subject to disclosure.

19 (cf: P.L.2004, c.26, s.3)

20

21 6. R.S.19:23-14 is amended to read as follows:

22 19:23-14. Petitions addressed to the **【Attorney General】**
23 Secretary of State, the county clerks, or the municipal clerks shall
24 be filed with such officers, respectively, before 4:00 p.m. of the
25 **【57th】 62nd** day next preceding the day of the holding of the
26 primary election for the general election.

27 Not later than the close of business of the **【48th】 53rd** day
28 preceding the primary election for the general election, the
29 municipal clerk shall certify to the county clerk the full and correct
30 names and addresses of all candidates for nomination for public and
31 party office and the name of the political party of which such
32 persons are candidates together with their slogan and designation.
33 The county clerk shall transmit this information to the Election Law
34 Enforcement Commission in the form and manner prescribed by the
35 commission and shall notify the commission immediately upon the
36 withdrawal of a petition of nomination.

37 (cf: P.L.2001, c.211, s.1)

38

39 7. R.S.19:23-21 is amended to read as follows:

40 19:23-21. The Secretary of State shall certify the names of the
41 persons indorsed in the petitions filed in his office to the clerks of
42 counties concerned thereby not later than the **【48th】 53rd** day prior
43 to the holding of the primary election, specifying in such certificate
44 the political parties to which the persons so nominated in the
45 petitions belong. In the case of candidates for offices other than
46 federal office, the Secretary of State shall also transmit this
47 information to the Election Law Enforcement Commission in the
48 form and manner prescribed by the commission and shall notify the

1 commission immediately upon the withdrawal of a petition of
2 nomination.

3 (cf: P.L.1985, c.92, s.19)

4

5 8. R.S.19:23-22 is amended to read as follows:

6 19:23-22. The county clerk shall certify all of the persons so
7 certified to him by the Secretary of State and in addition the names
8 of all persons indorsed in petitions filed in his office to the clerk of
9 each municipality concerned thereby in his respective county not
10 later than the close of business of the **[47th]** 52nd day prior to the
11 time fixed by law for the holding of the primary election, specifying
12 in such certificate the political party to which the person or persons
13 so nominated belong. The county clerk shall also transmit this
14 information with respect to persons, other than candidates for
15 federal office, indorsed in petitions filed in his office to the Election
16 Law Enforcement Commission in the form and manner prescribed
17 by the commission and shall notify the commission immediately
18 upon the withdrawal of a petition of nomination filed in his office.

19 (cf: P.L.1985, c.92, s.20)

20

21 9. R.S.19:23-24 is amended to read as follows:

22 19:23-24. The position which the candidates and bracketed
23 groups of names of candidates for the primary for the general
24 election shall have upon the ballots used for the primary election for
25 the general election, in the case of candidates for nomination for
26 members of the United States Senate, Governor, members of the
27 House of Representatives, members of the State Senate, members of
28 the General Assembly, candidates for party positions, and county
29 offices or party positions which are to be voted for by the voters of
30 the entire county or a portion thereof greater than a single
31 municipality, including a congressional district which is wholly
32 within a single municipality, shall be determined by the county
33 clerks in their respective counties; and, excepting in counties where
34 R.S.19:49-2 applies, the position on the ballot used for the primary
35 election for the general election in the case of candidates for
36 nomination for office or party position wherein the candidates for
37 office or party position to be filled are to be voted for by the voters
38 of a municipality only, or a subdivision thereof (excepting in the
39 case of members of the House of Representatives) shall be
40 determined by the municipal clerk in such municipalities, in the
41 following manner: The county clerk, or his deputy, or the
42 municipal clerk or his deputy, as the case may be, shall at his office
43 on the **[47th]** 52nd day prior to the primary election for the general
44 election at three o'clock in the afternoon draw from the box, as
45 hereinafter described, each card separately without knowledge on
46 his part as to which card he is drawing. Any legal voter of the
47 county or municipality, as the case may be, shall have the privilege
48 of witnessing such drawing. The person making the drawing shall

1 make public announcement at the drawing of each name, the order
2 in which same is drawn, and the office for which the drawing is
3 made. When there is to be but one person nominated for the office,
4 the names of the several candidates who have filed petitions for
5 such office shall be written upon cards (one name on a card) of the
6 same size, substance and thickness. The cards shall be deposited in
7 a box with an aperture in the cover of sufficient size to admit a
8 man's hand. The box shall be well shaken and turned over to
9 thoroughly mix the cards, and the cards shall then be withdrawn one
10 at a time. The first name drawn shall have first place, the second
11 name drawn, second place, and so on; the order of the withdrawal of
12 the cards from the box determining the order of arrangement in
13 which the names shall appear upon the primary election ballot.
14 Where there is more than one person to be nominated to an office
15 where petitions have designated that certain candidates shall be
16 bracketed, the position of such bracketed names on the ballot (each
17 bracket to be treated as a single name), together with individuals
18 who have filed petitions for nomination for such office, shall be
19 determined as above described. Where there is more than one
20 person to be nominated for an office and there are more candidates
21 who have filed petitions than there are persons to be nominated, the
22 order of the printing of such names upon the primary election
23 ballots shall be determined as above described.

24 The county clerk in certifying to the municipal clerk the offices
25 to be filled and the names of candidates to be printed upon the
26 ballots used for the primary election for the general election, shall
27 certify them in the order as drawn in accordance with the above
28 described procedure, and the municipal clerk shall print the names
29 upon the ballots as so certified and in addition shall print the names
30 of such candidates as have filed petitions with him in the order as
31 determined as a result of the drawing as above described.
32 Candidates for the office of the county executive in counties that
33 have adopted the county executive plan of the "Optional County
34 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall precede
35 the candidates for other county offices for which there are
36 candidates on the ballot used for the primary election for the
37 general election.

38 (cf: P.L.2005, c.136, s.26)

39

40 10. R.S.19:23-45 is amended to read as follows:

41 19:23-45. No voter shall be allowed to vote at any primary
42 election unless his name appears in the signature copy register.

43 A voter who votes in a primary election of a political party or
44 who signs and files with the municipal clerk or the county
45 commissioner of registration a declaration that he desires to vote in
46 any primary election of a political party, or who indicates on a voter
47 registration form the voter's choice of political party affiliation and
48 submits the form to the commissioner of registration of the county

1 wherein the voter resides, to the employees or agents of a public
2 agency, as defined in subsection a. of section 15 of P.L.1974, c.30
3 (C.19:31-6.3), or a voter registration agency, as defined in
4 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), or to
5 the **【Attorney General】** Secretary of State, shall be deemed to be a
6 member of that party until the voter signs and files with the
7 municipal clerk or the commissioner of registration a declaration
8 that he desires to vote in a primary election of another political
9 party at which time he shall be deemed to be a member of such
10 other political party. The **【Attorney General】** Secretary of State
11 shall cause to be prepared political party affiliation declaration
12 forms and shall provide such forms to the commissioners of
13 registration of the several counties and to the clerks of the
14 municipalities within such counties.

15 No voter, except a newly registered voter at the first primary at
16 which he is eligible to vote, or a voter who has not previously voted
17 in a primary election, may vote in a primary election of a political
18 party unless he was deemed to be a member of that party on the
19 **【50th】** 55th day next preceding such primary election.

20 A member of the county committee of a political party and a
21 public official or public employee holding any office or public
22 employment to which he has been elected or appointed as a member
23 of a political party shall be deemed a member of such political
24 party.

25 A voter may declare the voter's party affiliation or change the
26 voter's party affiliation, or declare that the voter is unaffiliated with
27 any party regardless of any previously declared party affiliation, by
28 so indicating on a political party declaration form filed with the
29 municipal clerk or the county commissioner of registration. A voter
30 may also indicate that the voter wishes to declare a political party
31 affiliation or that the voter does not want to declare a political party
32 affiliation on a voter registration form filed at the time of initial
33 registration.

34 Any person voting in the primary ballot box of any political
35 party in any primary election in contravention of the election law
36 shall be guilty of a disorderly persons offense, and any person who
37 aids or assists any such person in such violation by means of public
38 proclamation or order, or by means of any public or private
39 direction or suggestions, or by means of any help or assistance or
40 cooperation, shall likewise be guilty of a disorderly persons offense.
41 (cf: P.L.2005, c.154, s.6)

42

43 11. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to
44 read as follows:

45 2. a. The county commissioner of registration in each of the
46 several counties shall cause a notice to be published in each
47 municipality of their respective counties in a newspaper or
48 newspapers circulating therein. The notice to be so published shall

1 be published once during each of the two calendar weeks next
2 preceding the week in which the ~~50th~~ 55th day next preceding
3 any primary election of a political party occurs.

4 b. The notice required to be published by the preceding
5 paragraph shall inform the reader thereof that no voter, except a
6 newly registered voter at the first primary at which he is eligible to
7 vote, or a voter who has not previously voted in a primary election
8 may vote in a primary election of a political party unless he was
9 deemed to be a member of that party on the ~~50th~~ 55th day next
10 preceding such primary election. It shall further inform the reader
11 thereof that a voter who votes in any primary election of a political
12 party, or who signs and files with the municipal clerk or the county
13 commissioner of registration a declaration that he desires to vote in
14 a primary election of a political party, or who indicates on a voter
15 registration form the voter's choice of political party affiliation and
16 submits the form to the commissioner of registration of the county
17 wherein the voter resides, to the employees or agents of a public
18 agency, as defined in subsection a. of section 15 of P.L.1974, c.30
19 (C.19:31-6.3), or a voter registration agency, as defined in
20 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11) or to
21 the ~~Attorney General~~ Secretary of State, shall be deemed to be a
22 member of that party until the voter signs and files with the
23 municipal clerk or the commissioner of registration a declaration
24 that he desires to vote in a primary election of another political
25 party, at which time he shall be deemed to be a member of such
26 other political party, or that the voter chooses not to be affiliated
27 with any political party. The notice shall also state the time and
28 location where a person may obtain political party affiliation
29 declaration forms or voter registration forms.

30 (cf: P.L.2005, c.153, s.2)

31

32 12. R.S.19:24-4 is amended to read as follows:

33 19:24-4. Not less than 100 members of each such political party
34 may file with the ~~Attorney General~~ Secretary of State at least
35 ~~57~~ 62 days prior to the presidential primary election in any year
36 of a national convention a petition requesting that the name of a
37 person therein indorsed shall be printed on the presidential primary
38 ticket of such political party as candidate for the position of
39 delegate-at-large or alternate-at-large, to be chosen by the party
40 voters throughout the State to the national convention of that party,
41 or as a delegate or alternate to be chosen to that convention by the
42 voters of any congressional district.

43 The signers to the petition for any delegate-at-large or alternate-
44 at-large shall be legal voters resident in the State; and the signers
45 for any delegate or alternate from any Congressional district shall
46 be voters of such district.

1 The **【Attorney General】** Secretary of State shall not later than
2 the **【48th】** 53rd day preceding the presidential primary election
3 certify to each county clerk and county board such nominations for
4 delegates and alternates-at-large and the nominations for delegate or
5 alternate for any Congressional district.

6 (cf: P.L.2005, c.136, s.36)

7
8 13. Section 1 of P.L.1952, c.2 (C.19:25-3) is amended to read as
9 follows:

10 1. Not less than **【one thousand】** 1,000 voters of any political
11 party may file a petition with the **【Attorney General】** Secretary of
12 State on or before the **【57th】** 62nd day before a presidential
13 primary election, requesting that the name of the person indorsed
14 therein as a candidate of such party for the office of President of the
15 United States shall be printed upon the official presidential primary
16 ballot of that party for the then ensuing election for delegates and
17 alternates to the national convention of such party.

18 The petition shall be prepared and filed in the form and manner
19 herein required for the indorsement of candidates to be voted for at
20 the primary election for the general election, except that the
21 candidate shall not be permitted to have a designation or slogan
22 following his name, and that it shall not be necessary to have the
23 consent of such candidate for President indorsed on the petition.

24 (cf: P.L.2005, c.136, s.37)

25
26 14. Section 2 of P.L.1952, c.2 (C.19:25-4) is amended to read as
27 follows:

28 2. The **【Attorney General】** Secretary of State shall certify the
29 names so indorsed to the county clerk of each county not later than
30 the **【48th】** 53rd day before such presidential primary election, but if
31 any person so indorsed shall on or before such date decline in
32 writing, filed in the office of the **【Attorney General】** Secretary of
33 State, to have his name printed upon the presidential primary
34 election ballot as a candidate for President, the **【Attorney General】**
35 Secretary of State shall not so certify such name.

36 (cf: P.L.2005, c.136, s.38)

37
38 15. R.S.19:27-6 is amended to read as follows:

39 19:27-6. In the case of a vacancy in the representation of this
40 State in the United States Senate or House of Representatives, the
41 writ may designate the next general election day for the election,
42 but if a special day is designated, it shall specify the cause and
43 purpose of such election, the name of the officer in whose office the
44 vacancy has occurred, the day on which a special primary election
45 shall be held, which shall be not less than **【65】** 70 days nor more
46 than **【71】** 76 days following the date of such proclamation, and the
47 day on which the special election shall be held, which shall be not

1 less than **[46]** 51 nor more than **[52]** 57 days following the day of
2 the special primary election. The writ shall also specify the day or
3 days when the district boards shall meet for the purpose of making,
4 revising or correcting the registers of voters to be used at such
5 special election.

6 If the vacancy happens in the representation of this State in the
7 United States Senate the election shall take place at the general
8 election next succeeding the happening thereof, unless the vacancy
9 shall happen within **[64]** 69 days next preceding the primary
10 election prior to the general election, in which case it shall be filled
11 by election at the second succeeding election, unless the Governor
12 shall deem it advisable to call a special election therefor, which he
13 is authorized hereby to do.

14 If the vacancy happens in the representation of this State in the
15 House of Representatives in any year, not later than the **[65th]** 70th
16 day prior to the day for holding the next primary election for the
17 general election, the Governor shall issue a writ of election to fill
18 such vacancy, designating in said writ the next general election day
19 as the day on which the election shall be held to fill such vacancy.
20 The nomination of candidates to fill such vacancy shall be made in
21 the same manner as the nomination of other candidates at the said
22 primary election for the general election.

23 (cf: P.L.1985, c.92, s.25)

24

25 16. Section 1 of P.L.1945, c.206 (C.19:27-10.1) is amended to
26 read as follows:

27 1. When a vacancy, howsoever caused, happens in the
28 representation of this State in the House of Representatives in any
29 year later than the **[64th]** 69th day prior to the day for holding the
30 primary election for the general election but before the **[52nd]**
31 57nd day preceding the day of the general election, and the
32 unexpired term to be filled exceeds **[1]** one year, the Governor, in
33 issuing a writ of election to fill such vacancy, may designate in said
34 writ the next general election day as the day on which the election
35 shall be held to fill such vacancy and that no primary election shall
36 be held for nomination of candidates to fill such vacancy.

37 In such case, each political party shall select its candidate to fill
38 such vacancy in the same manner prescribed in R.S. 19:13-20 for
39 selecting candidates to fill vacancies arising among candidates
40 nominated at primary elections, except that the time for making
41 such selection and filing the statement thereof shall be within 10
42 days following the issuance of the writ of election.

43 In such case, petitions of nomination of other candidates shall be
44 filed in the office of the Secretary of State within 10 days of the
45 date of such proclamation.

46 The Secretary of State on the eleventh day following the date of
47 such proclamation shall certify to the clerk and county board of

1 each county affected by the vacancy, a statement of all candidates
2 selected and nominated for the office so vacated.

3 The election to fill such vacancy shall in all other respects be
4 conducted as though it were being conducted to fill the office upon
5 the expiration of the term of the incumbent.

6 (cf: P.L.1985, c.92, s.27)

7

8 17. R.S.19:27-11 is amended to read as follows:

9 19:27-11. In the event of any vacancy in any county or
10 municipal office, except for the office of a member of the board of
11 chosen freeholders, which vacancy shall occur after the 11th day
12 preceding the last day for filing petitions for nominations for the
13 primary election for the general election and on or before the **[51st]**
14 56th day preceding the general election, each political party may
15 select a candidate for the office in question in the manner
16 prescribed in R.S.19:13-20 for selecting candidates to fill vacancies
17 among candidates nominated at primary elections to the general
18 elections. A statement of such selection shall be filed with the
19 county clerk not later than the close of business of the **[48th]** 53rd
20 day preceding the date of the general election.

21 Besides the selection of candidates by each political party as
22 before provided, candidates may also be nominated by petition in a
23 similar manner as herein provided for direct nomination by petition
24 for the general election but the petition shall be filed with the
25 county clerk at least **[48]** 53 days prior to such general election.

26 When the vacancy occurs in a county office the county clerk
27 shall forthwith give notice thereof to the chairman of the county
28 committee of each political party and in counties of the first class to
29 the county board, and in case the vacancy occurs in a municipal
30 office the municipal clerk shall forthwith give notice thereof to the
31 county clerk, the chairman of the county committee of each political
32 party and in counties of the first class the county board.

33 The county clerk shall print on the ballots for the territory
34 affected, in the personal choice column, the title of office and leave
35 a proper space under such title of office; and print the title of office
36 and the names of such persons as have been duly nominated, in
37 their proper columns.

38 (cf: P.L.2005, c.136, s.40)

39

40 18. Section 7 of P.L.1988, c.126 (C.19:27-11.1) is amended to
41 read as follows:

42 7. When any vacancy happens in the Legislature otherwise than
43 by expiration of term, it shall be filled by election for the unexpired
44 term only at the next general election occurring not less than **[51]**
45 56 days after the occurrence of the vacancy, except that no such
46 vacancy shall be filled at the general election which immediately
47 precedes the expiration of the term in which the vacancy occurs. In
48 the event a vacancy eligible to be filled by election hereunder

1 occurs on or before the sixth day preceding the last day for filing
2 petitions for nomination for the primary election, such petitions
3 may be prepared and filed for nomination in that primary election in
4 the manner provided by article 3 of chapter 23 of this Title. In the
5 event the vacancy occurs after that sixth day preceding the last day
6 for filing petitions for nomination for the primary election for the
7 general election, a political party may select a candidate for the
8 office in question in the manner prescribed in subsections a. and b.
9 of R.S.19:13-20 for selecting candidates to fill vacancies among
10 candidates nominated at primary elections for the general elections.
11 A statement of such selection under R.S.19:13-20 shall be filed with
12 the **【Attorney General】** Secretary of State not later than the **【48th】**
13 53rd day preceding the date of the general election.

14 Besides the selection of candidates by each political party,
15 candidates may also be nominated by petition in a manner similar to
16 direct nomination by petition for the general election; but if the
17 candidate of any party to fill the vacancy will be chosen at a
18 primary election, such petition shall be filed with the **【Attorney**
19 **General】** Secretary of State at least **【55】** 60 days prior to the
20 primary election; and if no candidate of any party will be chosen at
21 a primary election, such petition shall be filed with the **【Attorney**
22 **General】** Secretary of State not later than 12 o'clock noon of the
23 day on which the first selection meeting by any party is held under
24 this section to select a nominee to fill the vacancy.

25 When the vacancy occurs in the Senate or General Assembly, the
26 county clerk of each county which is comprised in whole or part in
27 the Senate or General Assembly district shall forthwith give notice
28 thereof to the chairman of the county committee of each political
29 party and in counties of the first class to the county board.

30 The county clerk shall print on the ballots for the territory
31 affected, in the personal choice column, the title of office and leave
32 a proper space under such title of office; and print the title of office
33 and the names of such persons as have been duly nominated, in
34 their proper columns.

35 (cf: P.L.2005, c.136, s.41)

36
37 19. Section 8 of P.L.1988, c.126 (C.19:27-11.2) is amended to
38 read as follows:

39 8. In the case of a vacancy occurring with respect to a member
40 of the Senate or General Assembly who was elected as the
41 candidate of a political party which at the last preceding general
42 election held for all members of the General Assembly received the
43 largest number of votes or the next largest number of votes in the
44 State for members of the General Assembly, for the interim period
45 pending the election and qualification of a permanent successor to
46 fill the vacancy, or for the interim period constituting the remainder
47 of the term in the case of a vacancy occurring which cannot be

1 filled pursuant to section 7 of this amendatory and supplementary
2 act at a general election, the vacancy shall be filled within **[35]** 40
3 days by a member of the political party of which the person who
4 vacated the office was the candidate at the time of his election
5 thereto. The interim successor shall be selected by the appropriate
6 political party's county committee or committees in the same
7 manner prescribed in subsections a. and b. of R.S. 19:13-20 for
8 selecting candidates to fill vacancies among candidates nominated
9 at primary elections, and a statement of the selection of that
10 successor shall be certified to and filed with the Secretary of State
11 in the same manner prescribed by subsection d. of that section for
12 certifying statements concerning the selection of such candidates.

13 The Secretary of State shall thereupon issue to the interim
14 successor a certificate of selection based upon that filed statement
15 of selection, and shall sign his name and affix the seal of the State
16 thereto, and shall without delay deliver that statement to the person
17 so selected. The Secretary of State shall also prepare a certified
18 statement of selection, similar in form to the certificate but
19 addressed to the presiding officer of the house of the Legislature in
20 which the vacancy occurred, and shall sign the statement, affix the
21 seal of the State thereto, and promptly deliver the same to the
22 President of the Senate or Speaker of the General Assembly as
23 appropriate.

24 (cf: P.L.1988, c. 126, s. 8)

25

26 20. Section 13 of P.L.1995, c.105 (C.19:27A-13) is amended to
27 read as follows:

28 13. a. (1) If the recall election official determines that a
29 petition contains the required number of signatures and otherwise
30 complies with the provisions of this act and if the official sought to
31 be recalled makes no timely challenge to that determination, or if
32 the official makes such a challenge but the original determination is
33 confirmed by the recall election official or the court, the recall
34 election official shall forthwith issue a certificate as to the
35 sufficiency of the petition to the recall committee. A copy of the
36 certificate shall be served by the recall election official on the
37 elected official sought to be recalled by personal service or certified
38 mail. If, within five business days of service of the certification, the
39 official has not resigned from office, the recall election official
40 shall order and fix the holding of a recall election on the date
41 indicated in the certificate.

42 (2) In the case of an office which is ordinarily filled at the
43 general election, a recall election shall be held at the next general
44 election occurring at least **[55]** 60 days following the fifth business
45 day after service of the certification, unless it was indicated in the
46 notice of intention that the recall election shall be held at a special
47 election in which case the recall election official shall order and fix
48 the date for holding the recall election to be the next Tuesday

1 occurring during the period beginning with the 55th day and ending
2 on the 61st day following the fifth business day after service of the
3 certification of the petition or, if that Tuesday falls on, or during the
4 28-day period before or after, a day on which any general, primary,
5 nonpartisan municipal, school district or other recall election is to
6 be held or shall have been held within all or any part of the
7 jurisdiction, then the first Tuesday thereafter which does not fall
8 within such period. In the case of an office which is ordinarily
9 filled at an election other than the general election, a recall election
10 shall be held at the next general election or the next regular election
11 for that office occurring at least ~~55~~ 60 days following the fifth
12 business day after service of the certification, unless it was
13 indicated in the notice of intention that the recall election shall be
14 held at a special election in which case the recall election official
15 shall order and fix the date for holding the recall election to be the
16 next Tuesday occurring during the period beginning with the ~~55th~~
17 ~~60th~~ day and ending on the ~~61st~~ 66th day following the fifth
18 business day after service of the certification of the petition or, if
19 that Tuesday falls on, or during the 28-day period before or after, a
20 day on which any general, primary, nonpartisan municipal, school
21 district or other recall election is to be held or shall have been held
22 within all or any part of the jurisdiction, then the first Tuesday
23 thereafter which does not fall within such period. A recall election
24 to be held at a special election shall not be scheduled on the same
25 day as a primary election. The date for a recall election shall not be
26 fixed, and no recall election shall be held, after the date occurring
27 six months prior to the general election or regular election for the
28 office, as appropriate, in the final year of an official's term.

29 (3) A vacancy in an elective office resulting from the
30 resignation of an elective official sought to be recalled prior to the
31 expiration of the five-day period shall be filled in the manner
32 provided by law for filling vacancies in that office.

33 b. The certificate issued by the recall election official shall
34 contain:

35 (1) the name and office of the official sought to be recalled;

36 (2) the number of signatures required by law to cause a recall
37 election to be held for that office;

38 (3) a statement to the effect that a valid recall petition,
39 determined to contain the required number of signatures, has been
40 filed with the recall election official and that a recall election will
41 be held; and

42 (4) the date and time when the election will be held if the
43 official does not resign.

44 c. The recall election official shall transmit a copy of the
45 certificate to the officer or public body designated by law to be
46 responsible for publishing notice of any other election to be held in
47 the jurisdiction on the same day as the recall election, and that
48 officer or body shall cause notice of the recall election, including all

1 of the information contained in the certificate as prescribed by
2 subsection b. of this section, to be printed in a newspaper published
3 in the jurisdiction of the official sought to be recalled or, if none
4 exists, in a newspaper generally circulated in the jurisdiction. The
5 notice of the recall election shall appear on the same schedule
6 applicable to the notice of such other election. In the event that the
7 recall election is to be held as a special election, the recall election
8 official shall transmit a copy of the certificate to the county board
9 or boards of elections, and the county board or boards shall cause
10 notice of the recall election to be printed, in the manner
11 hereinbefore prescribed, once during the 30 days next preceding the
12 day fixed for the closing of the registration books for the recall
13 election and once during the calendar week next preceding the week
14 in which the recall election is held.

15 (cf: P.L.1995, c.105, s.13)

16

17 21. R.S.19:37-1 is amended to read as follows:

18 19:37-1. When the governing body of any municipality or of any
19 county desires to ascertain the sentiment of the legal voters of the
20 municipality or county upon any question or policy pertaining to the
21 government or internal affairs thereof, and there is no other statute
22 by which the sentiment can be ascertained by the submission of
23 such question to a vote of the electors in the municipality or county
24 at any election to be held therein, the governing body may adopt at
25 any regular meeting an ordinance or a resolution requesting the
26 clerk of the county to print upon the official ballots to be used at the
27 next ensuing general election a certain proposition to be formulated
28 and expressed in the ordinance or resolution in concise form. Such
29 request shall be filed with the clerk of the county not later than
30 **[74]** 79 days previous to the election.

31 (cf: P.L.1985, c.92, s.29)

32

33 22. Section 2 of P.L.1967, c.101 (C.19:37-1.1) is amended to
34 read as follows:

35 2. Whenever a governing body of a municipality has adopted
36 an ordinance or resolution pursuant to section 19:37-1 of the
37 Revised Statutes, upon the presentation to the governing body of
38 such municipality of a petition signed by 10% or more of the voters
39 registered and qualified to vote at the last general election in such
40 municipality, requesting the governing body of such municipality to
41 ascertain the sentiment of the legal voters of the municipality upon
42 any question or policy pertaining to the government or internal
43 affairs thereof that is reasonably related to any proposition
44 formulated and expressed in such ordinance or resolution, such
45 governing body of the municipality shall thereupon adopt at its next
46 regular meeting following the presentation of such petition a
47 resolution requesting the clerk of the county to print upon the
48 official ballots to be used at the next ensuing general election a

1 certain proposition as formulated and expressed in the petition.
2 Such request shall be filed with the clerk of the county not later
3 than the ~~60th~~ 65th day previous to the election.

4 (cf: P.L.1985, c.92, s.30)

5
6 23. R.S.19:37-2 is amended to read as follows:

7 19:37-2. If a copy of the ordinance or resolution certified by the
8 clerk or secretary of the governing body of any such municipality
9 or county is delivered to the county clerk not less than ~~60~~ 65
10 days before any such general election, he shall cause it to be
11 printed on each sample ballot and official ballot to be printed for or
12 used in such municipality or county, as the case may be, at the next
13 ensuing general election.

14 (cf: P.L.1971, c.217, s.3)

15
16 24. Section 12 of P.L.1993, c.73 (C.19:59-8.1) is amended to
17 read as follows:

18 12. Whenever a county clerk receives a request by electronic
19 means from an overseas voter that an overseas ballot be sent to that
20 person by electronic means, the county clerk shall verify the voter's
21 eligibility to vote as an overseas voter in the State and the county
22 desired. If the overseas voter is eligible to vote therein, the county
23 clerk shall send the ballot to the voter ~~as soon as practicable~~ at
24 least 45 days before the day of the election and thereafter by
25 electronic means using the telephone number or electronic address
26 supplied by the voter for that purpose. If the overseas voter is not
27 eligible to vote in the State or the county desired, notice of
28 noneligibility shall be provided to the voter by electronic means as
29 soon as practicable after the receipt of the request.

30 (cf: P.L.2008, c.61, s.9)

31
32 25. (New section) For the purpose of complying with the federal
33 "Uniformed and Overseas Citizens Absentee Voting Act," 42
34 U.S.C.1973ff-1 et seq., the office of the Secretary of State shall:

35 a. be designated as the single State office responsible for
36 providing information to all overseas voters who wish to register to
37 vote or vote in any jurisdiction in the State with respect to voter
38 registration procedures and vote by mail procedures to be used by
39 overseas voters for all elections for federal offices;

40 b. work with the Election Assistance Commission and the
41 federal Department of Defense to develop standards to report data
42 on the number of overseas voter ballots transmitted and received by
43 mail or electronic means pursuant to the "Overseas Residents
44 Absentee Voting Law" P.L.1976, c.23 (C.19:59-1 et seq.) and
45 section 7 of P.L.2004, c.88 (C.19:61-7); and

46 c. provide such additional information relating to voting by
47 overseas voters from this State as the Department of Defense
48 determines is appropriate.

1 26. Section 5 of P.L.2004, c.88 (C.19:61-5) is amended to read
2 as follows:

3 5. The Secretary of State shall establish a free-access system,
4 such as a toll-free telephone number, an Internet website or any
5 combination thereof, that any individual who casts a mail-in ballot
6 or an overseas ballot in a federal election may access to ascertain:
7 (1) whether an application for a mail-in ballot or an overseas ballot
8 has been approved and if not, the reason for its rejection; and (2)
9 whether the mail-in ballot or overseas ballot was received and
10 accepted for counting and, if the ballot was not counted, the reason
11 for the rejection of the ballot. The system shall at all times preserve
12 the confidentiality of each person who has requested an application
13 to vote by mail-in ballot or overseas ballot, or who has voted by
14 mail-in ballot or overseas ballot, and shall ensure that no person,
15 other than the individual who requested or cast the ballot, may
16 discover whether or not that individual's application or ballot was
17 accepted, unless so informed by the voter. This system may be the
18 same one used for provisional ballots, established pursuant to
19 section 4 of P.L.2004, c.88 (C.19:61-4).
20 (cf: P.L.2009, c.79, s.35)

21
22 27. Section 2 of P.L.2005, c.148 (C.19:62-2) is amended to read
23 as follows:

24 2. If an election by mail is authorized pursuant to section 1 of
25 this act, P.L.2005, c.148 (C.19:62-1), the county clerk shall:

26 a. publish, in advance of the election and pursuant to rules and
27 regulations promulgated by the Secretary of State, official notice
28 that the election shall be conducted by mail together with such other
29 information regarding the conduct of the election as shall be
30 deemed necessary by the Secretary of State;

31 b. mail a ballot, including an outer envelope and an inner
32 envelope substantially similar to the envelopes provided for mail-in
33 ballots pursuant to sections 12 and 13 of P.L.2009, c.79 (C.19:63-
34 12 and C.19:63-13), not sooner than the 20th day prior to the day of
35 the election nor later than the 14th day prior to the day of the
36 election, to each person registered to vote in the municipality at that
37 election;

38 c. designate the county clerk's office or the municipal clerk's
39 office as the places to obtain a replacement ballot pursuant to
40 section 5 of P.L.2005, c.148 (C.19:62-5);

41 d. designate, after consultation with the county board of
42 elections and pursuant to criteria established by the Secretary of
43 State, places within the county or municipality that shall be
44 available for the deposit of voted ballots for the election;

45 e. make a provisional ballot available at the office of the
46 county clerk and the office of the municipal clerk so that each
47 person who has been a resident of the county or municipality in
48 which the person seeks to register and vote at least 21 days prior to

1 the day of the election and has moved to a location within the
2 municipality after that 21st day and prior to the day of the election
3 may vote;

4 f. suspend distribution to each registered voter in the
5 municipality of samples of the official ballot of any election, but
6 distribute to each registered voter in the municipality with each
7 ballot a copy of the voter information notice provided for in section
8 1 of P.L.2005, c.149 (C.19:12-7.1) as modified and supplemented
9 by the Secretary of State as deemed appropriate for use in
10 municipalities conducting elections by mail, and such instruction
11 about the completion of the ballot as deemed necessary by the
12 Secretary of State;

13 g. make certain that all qualified voters in the municipality
14 requesting a mail-in ballot between the ~~40th~~ 45th day and the
15 21st day prior to the day of an election receive such ballot after the
16 20th day prior to the day of an election and voters requesting a
17 ballot on or before the seventh day prior to the date of the election
18 shall receive a ballot authorized pursuant to this section; and

19 h. establish, after consultation with the county board of
20 elections and in accordance with rules and regulations adopted by
21 the Secretary of State, the time by which all ballots must be
22 received by the board on the day of an election to be considered
23 valid and counted.

24 (cf: P.L.2009, c.79, s.36)

25

26 28. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read
27 as follows:

28 6. a. The county clerk, in the case of any Statewide election,
29 countywide election, or school election in a regional or other school
30 district comprising more than one municipality; the municipal clerk,
31 in the case of any municipal election or school election in a school
32 district comprising a single municipality; and the commissioners or
33 other governing or administrative body of the district, in the case of
34 any election to be held in any fire district or other special district,
35 other than a municipality, created for specified public purposes
36 within one or more municipalities, shall publish the following
37 notice in substantially the following form:

38 **NOTICE TO PERSONS WANTING MAIL-IN BALLOTS**

39 If you are a qualified and registered voter of the State who wants
40 to vote by mail in the..... (school, municipal, primary,
41 presidential primary, general, or other) election to be held
42 on..... (date of election) complete the application form
43 below and send to the undersigned, or write or apply in person to
44 the undersigned at once requesting that a mail-in ballot be
45 forwarded to you. The request must state your home address and
46 the address to which the ballot should be sent. The request must be
47 dated and signed with your signature.

1 If any person has assisted you to complete the mail-in ballot
 2 application, the name, address and signature of the assistor must be
 3 provided on the application, and you must sign and date the
 4 application for it to be valid and processed. No person shall serve
 5 as an authorized messenger for more than 10 qualified voters in an
 6 election. No person who is a candidate in the election for which the
 7 voter requests a mail-in ballot may provide any assistance in the
 8 completion of the ballot or may serve as an authorized messenger or
 9 bearer.

10 No mail-in ballot will be provided to any applicant who submits
 11 a request therefor by mail unless the request is received at least
 12 seven days before the election and contains the requested
 13 information. A voter may, however, request an application in
 14 person from the county clerk up to 3 p.m. of the day before the
 15 election.

16 Voters who want to vote only by mail in all future general
 17 elections in which they are eligible to vote, and who state that on
 18 their application shall, after their initial request and without further
 19 action on their part, be provided a mail-in ballot by the county clerk
 20 until the voter requests that the voter no longer be sent such a
 21 ballot. A voter's failure to vote in the fourth general election
 22 following the general election at which the voter last voted may
 23 result in the suspension of that voter's ability to receive a mail-in
 24 ballot for all future general elections unless a new application is
 25 completed and filed with the county clerk.

26 Voters also have the option of indicating on their mail-in ballot
 27 applications that they would prefer to receive mail-in ballots for
 28 each election that takes place during the remainder of this calendar
 29 year. Voters who exercise this option will be furnished with mail-in
 30 ballots for each election that takes place during the remainder of
 31 this calendar year, without further action on their part.

32 Application forms may be obtained by applying to the
 33 undersigned either in writing or by telephone, or the application
 34 form provided below may be completed and forwarded to the
 35 undersigned.

36 Dated.....
 37

38 (signature and title of county clerk)

39

40 (address of county clerk)

41

42 (telephone no. of county clerk)

43 b. (1) The Secretary of State shall be responsible for providing
 44 all information regarding overseas **【federal election voter】** ballots
 45 to each overseas voter eligible for such a ballot pursuant to
 46 P.L.1976, c.23 (C.19:59-1 et seq.). The secretary shall also make
 47 available valid overseas **【federal election】** voter registration and
 48 ballot applications to any voter who is a member of the armed

1 forces of the United States and who is a permanent resident of this
2 State, or who is an overseas [federal election] voter who wishes to
3 register to vote or to vote in any jurisdiction in this State. The
4 secretary shall provide such public notice as may be deemed
5 necessary to inform members of the armed forces of the United
6 States and overseas federal election voters how to obtain valid
7 overseas [federal election] voter registration and ballot
8 applications.

9 (2) The Secretary of State shall undertake a program to inform
10 voters in this State about their eligibility to vote by mail pursuant to
11 this act. Dissemination of this information shall be included in the
12 standard notices required by this section and other provisions of
13 current law, including but not limited to the notice requirements of
14 R.S.19:12-7, and shall be effectuated by such means as the secretary
15 deems appropriate and to the extent that funds for such
16 dissemination are appropriated including, but not limited to, by
17 means of Statewide or local electronic media, public service
18 announcements broadcast by such media, notices on the Internet site
19 of the Department of State or any other department or agency of the
20 Executive Branch of State government or its political subdivisions
21 deemed appropriate by the secretary, and special mailings or notices
22 in newspapers or other publications circulating in the counties or
23 municipalities of this State.

24 c. The mail-in ballot materials shall contain a notice that any
25 person voting by mail-in ballot who has registered by mail after
26 January 1, 2003, who did not provide personal identification
27 information when registering and is voting for the first time in his
28 or her current county of residence following registration shall
29 include copies of the required identification information with the
30 mail-in ballot, and that failure to include such information shall
31 result in the rejection of the ballot.

32 d. The notice provided for in subsection a. of this section shall
33 be published before the [50th] 55th day immediately preceding the
34 holding of any election.

35 Notices relating to any Statewide or countywide election shall be
36 published in at least two newspapers published in each county. All
37 officials charged with the duty of publishing such notices shall
38 publish the same in at least one newspaper published in each
39 municipality or district in which the election is to be held, or if no
40 newspaper is published in the municipality or district, then in a
41 newspaper published in the county and circulating in the
42 municipality or district. All such notices shall be display
43 advertisements.

44 (cf: P.L.2009, c.79, s.6)

45

46 29. Section 9 of P.L.2009, c.79 (C.19:63-9) is amended to read
47 as follows:

1 9. a. Starting on or before the ~~【40th】~~ 45th day before the day
2 an election is held, each county clerk shall forward mail-in ballots
3 by first-class postage or hand delivery to each mail-in voter whose
4 request therefor has been approved. Mail-in ballots that have been
5 approved before the ~~【40th】~~ 45th day before an election shall be
6 forwarded or delivered no later than the third business day
7 following ~~【that 40th】~~ the day of approval. Hand delivery of a mail-
8 in ballot shall be made by the county clerk or the clerk's designee
9 only to the voter, or the voter's authorized messenger, who must
10 appear in person. No person shall serve as an authorized messenger
11 for more than 10 qualified voters in an election. Ballots that have
12 not been hand delivered shall be addressed to the voter at the
13 forwarding address given in the application.

14 b. (1) Whenever the clerk forwards a mail-in ballot by mail to a
15 mail-in voter between the ~~【40th】~~ 45th day and the 13th day before
16 the day of an election, the ballot shall be transmitted within three
17 business days of the receipt of the application.

18 (2) Whenever the clerk forwards a mail-in ballot by mail to a
19 mail-in voter between the 12th day and the seventh day before the
20 day of an election, the ballot shall be transmitted within two
21 business days of the receipt of the application.

22 The provisions of this subsection shall not apply to any
23 municipality in which elections are conducted by mail, pursuant to
24 P.L.2005, c.148 (C.19:62-1 et seq.).

25 c. Whenever a mail-in ballot is mailed to a voter for use in any
26 annual school or regional school district election pursuant to an
27 application therefor, and thereafter a special district school election
28 is called pursuant to section 2 of P.L.1995, c.278 (C.19:60-2), the
29 county clerk shall cause the mail-in ballot used in the election to be
30 mailed to the voter without any further application for any such
31 ballot.

32 (cf: P.L.2009, c.79, s.9)

33

34 30. Section 4 of P.L.1981, c.379 (C.40:45-8) is amended to read
35 as follows:

36 4. On or before the ~~【57th】~~ 62nd day prior to a regular
37 municipal election, the names of candidates for all elective offices
38 shall be filed with the municipal clerk, in the following manner and
39 form and subject to the following conditions:

40 a. The petition of nomination shall consist of individual
41 certificates, equal in number to at least 1%, but in no event less than
42 25, of the registered voters of the municipality or the ward, as the
43 case may be, and shall read substantially as follows:

44 "I, the undersigned, a registered voter of the municipality of
45, residing at certify that I do
46 hereby join in a petition of the nomination of
47 whose residence is at for the office

1 of mayor (or councilman-at-large, or ward councilman of the
2 ward, or commissioner, or village trustee, as the case may
3 be) to be voted for at the election to be held in the municipality on
4 the, 20....., and I further certify that I know this candidate
5 to be a registered voter, for the period required by law, of the
6 municipality (and the ward, in the case of ward councilman) and a
7 person of good moral character, and qualified, in my judgment, to
8 perform the duties of the office, and I further certify that I have not
9 signed more petitions or certificates of nomination than there are
10 places to be filled for the above office.

11 Signed"

12 Any such petition of nomination which is provided to candidates
13 by the municipal clerk shall contain the following notice: "Notice:
14 All candidates are required by law to comply with the provisions of
15 the 'New Jersey Campaign Contributions and Expenditures
16 Reporting Act.' For further information, please call (insert phone
17 number of the Election Law Enforcement Commission)."

18 b. Each petition signature shall be on a separate sheet of paper
19 and shall bear the name and address of the petitioner. The
20 candidate for office and his campaign manager shall make an oath
21 before an officer competent to administer oaths that the statements
22 made therein are true, and that each signature to the papers
23 appended thereto is the genuine signature of the person whose name
24 it purports to be, to their best knowledge and belief. The oath,
25 signed by the candidate, shall constitute his acceptance of
26 nomination and shall be annexed to the petition, together with the
27 oath of his campaign manager, at the time the petition is submitted.

28 c. The municipal clerk shall immediately provide the Election
29 Law Enforcement Commission with official certification of the
30 filing or withdrawal of a petition of nomination.

31 (cf: P.L.2009, c.196, s.6)

32

33 31. Section 5 of P.L.1981, c.379 (C.40:45-9) is amended to read
34 as follows:

35 5. a. The municipal clerk shall furnish, upon request, a
36 reasonable number of forms of individual certificates of
37 nomination.

38 b. Each certificate shall contain the name of one candidate, and
39 no more. Each signer must not, at the time of signing the
40 certificate, have signed more certificates for candidates for that
41 office than there are places to be filled for the office. Where ward
42 councilmen are to be elected, no petitioner shall sign more than one
43 certificate for ward council, and the candidate named in the petition
44 shall reside in the same ward as the signer. All certificates not
45 complying substantially with this act shall be rejected.

46 c. When a petition of nomination is presented for filing to the
47 municipal clerk, he shall examine it and ascertain whether or not it
48 conforms to the provisions of this act and, where applicable, the

1 provisions of the general election laws. If it does not conform, he
2 shall retain the petition and notify the person nominated of the
3 defect, by written notice delivered to him personally or by certified
4 mail to his place of residence stated in the petition.

5 d. Where the nominating petition, or any affidavit or affidavits
6 thereto is found defective, the candidate named therein may file
7 such amendment or amendments as may be necessary to eliminate
8 the defect, whether of matters of substance or form, and when so
9 amended the effect shall be as if the petition had been originally
10 filed in the amended form. After the last day for the filing of the
11 original petition, no amendment may be made for the purpose of
12 adding the name of any person who did not sign the original
13 petition, nor shall any amendment be made at any time for the
14 purpose of changing the name of the candidate or the office for
15 which he was to be nominated. No amendment to a nominating
16 petition shall be made and filed less than ~~48~~ 53 days before the
17 election.

18 (cf: P.L.1985, c.92, s.35)

19

20 32. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 The purpose of this bill is to change the date by which mail-in
26 ballots must be transmitted to mail-in voters and overseas voters
27 from starting on the 40th day before the day of an election to
28 starting on or before the 45th day before the day of an election.

29 This change in current law has been necessitated by the federal
30 government's enactment of the "Military and Overseas Voter
31 Empowerment (MOVE) Act," on October 28, 2009. That law
32 requires, in part, that a validly requested ballot must be sent by mail
33 or by electronic means to a military or overseas voter starting on or
34 before the 45th day before the day of the federal election for which
35 it is requested.

36 To effectuate the provisions of the MOVE act, the bill:

37 1) designates the office of the Secretary of State as the single
38 State office responsible for providing information regarding voter
39 registration procedures and vote by mail procedures to be used by
40 overseas voters;

41 2) requires the secretary to work with the federal Elections
42 Assistance Commission and the federal Department of Defense to
43 develop standards to report data on the number of overseas voter
44 ballots transmitted by mail or electronic means; and

45 3) amends N.J.S.A.19:61-5, which establishes a free-access
46 system whereby a mail-in voter can check whether their request for
47 a mail-in ballot has been accepted, to permit overseas voters to use
48 the system to check on the status of their request for a ballot.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2545

STATE OF NEW JERSEY

DATED: MAY 13, 2010

The Assembly State Government Committee reports favorably Assembly, No. 2545.

The purpose of this bill is to change the date by which mail-in ballots must be transmitted to mail-in voters and overseas voters from starting on the 40th day before the day of an election to starting on or before the 45th day before the day of an election.

This change in current law has been necessitated by the federal government's enactment of the "Military and Overseas Voter Empowerment (MOVE) Act," on October 28, 2009. That law requires, in part, that a validly requested ballot must be sent by mail or by electronic means to a military or overseas voter starting on or before the 45th day before the day of the federal election for which it is requested.

To effectuate the provisions of the MOVE act, the bill:

1) designates the office of the Secretary of State as the single State office responsible for providing information regarding voter registration procedures and vote by mail procedures to be used by overseas voters;

2) requires the secretary to work with the federal Elections Assistance Commission and the federal Department of Defense to develop standards to report data on the number of overseas voter ballots transmitted by mail or electronic means; and

3) amends N.J.S.A.19:61-5, which establishes a free-access system whereby a mail-in voter can check whether their request for a mail-in ballot has been accepted, to permit overseas voters to use the system to check on the status of their request for a ballot.

Assembly Bill No. 2545 is identical to Senate Bill No. 923 of 2010.

STATEMENT TO
ASSEMBLY, No. 2545

with Assembly Floor Amendments
(Proposed by Assemblywoman QUIJANO)

ADOPTED: MAY 20, 2010

These Assembly amendments change certain deadlines for election-related activities so that they do not fall on a Saturday or Sunday, or conflict with another deadline or activity.

Specifically, the amendments provide that the deadline for: 1) filling an independent candidacy vacancy is changed from the 59th to the 60th day before the day of the general election; 2) filing nominating petitions is changed from the 62nd to the 71st day before the primary election; 3) drawing for ballot position is changed from 52nd to 56th day before an election; 4) filling a vacancy among candidates submitting nominating petitions is changed from the 53rd to the 57th day before an election; 5) certifying the candidates who will appear on the ballot is changed from the 53 to the 57th day before an election; 6) requiring the official to be received by the printer thereof is changed from the 48th to the 50th day before an election; 7) the submission of county and municipal questions is changed from the 79th to the 81st day before an election; and 8) the submission of public questions proposed by the electorate and adopted by local or county government is changed from the 65th to the 67th day before an election.

The amendments also change the enactment date of the bill from immediately to the July 1 next following the date of enactment.