

19:4-15; 19:12-1; 19:12-3 et al
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2023 **CHAPTER:** 16

NJSA: 19:4-15; 19:12-1; 19:12-3 et al Changes certain deadlines for primary election.

BILL NO: S3595 (Substituted for A5177 (2R))

SPONSOR(S) Zwicker, Andrew and others

DATE INTRODUCED: 2/13/2023

COMMITTEE: **ASSEMBLY:**

SENATE: Judiciary

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 2/27/2023

SENATE: 2/27/2023

DATE OF APPROVAL: 3/9/2023

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (S3595 Sca (1R) enacted) Yes

S3595

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A5177 (2R)

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes State & Local Government
Appropriations

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

CL/JA

P.L. 2023, CHAPTER 16, *approved March 9, 2023*
Senate, No. 3595 (*First Reprint*)

1 AN ACT concerning certain primary election deadlines and
2 amending various parts of the statutory law.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 6 of P.L.1976, c.83 (C.19:4-15) is amended to read as
8 follows:

9 6. a. No county board shall make division of an election district
10 in any year in the period commencing **[75]** 82 days before the
11 primary election for the general election, and the day of the general
12 election.

13 b. To facilitate the use of Federal decennial census populations
14 for apportionment and redistricting purposes and notwithstanding
15 the provisions of this or any other law, no election districts shall,
16 except with the prior approval of the Secretary of State, be created,
17 abolished, divided or consolidated between January 1 of any year
18 whose last digit is 7 and December 1 of any year whose last digit is
19 0.

20 (cf: P.L.2011, c.134, s.4)

21

22 2. R.S.19:12-1 is amended to read as follows:

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

33 The Secretary of State shall also not later than the **[67th]** 74th
34 day preceding the primary election for the general election in every
35 year in which electors of President and Vice-President of the United
36 States, a representative of the United States Senate, members of the
37 House of Representatives, a Governor, a Lieutenant Governor, or
38 Senator, or member or members of the General Assembly for any
39 county, or any of them, are to be elected or any public question is to
40 be submitted to the voters of the entire State, direct and cause to be
41 delivered to the clerk of the county and the county board wherein
42 any such election is to be held, a notice stating that such officer or
43 officers are to be elected and that such public question is to be

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:

¹Senate SJU committee amendments adopted February 23, 2023.

1 submitted to the voters of the entire State at the ensuing general
2 election.

3 (cf: P.L.2011, c.134, s.15)

4

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

6 19:12-3. The clerk of each county shall immediately upon the
7 receipt of the certificate from the Secretary of State setting forth
8 that a political party has been created, forward a certified copy of
9 such certificate to each municipal clerk of his county.

10 He shall also, not later than the **【57th】** 64th day preceding the
11 primary election for the general election in every year, cause a copy
12 of the notice received from the Secretary of State of the officer or
13 officers to be elected at the ensuing general election, certified under
14 his hand to be true and correct, to be delivered to the clerk of each
15 municipality in the county.

16 (cf: P.L.2011, c.134, s.16)

17

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

19 19:12-5. The clerk of every county shall, not later than the
20 **【57th】** 71st day preceding the primary election for the general
21 election, immediately preceding the expiration of the term of office
22 of all other officers who are voted for by the voters of the entire
23 county or of more than one municipality within the county, direct
24 and cause to be delivered to the clerk of each municipality and the
25 county board in counties of the first class, a notice that such officer
26 or officers, as the case may be, will be chosen at the ensuing
27 general election.¹

28 (cf: P.L.2011, c.134, s.17)

29

30 ¹5. R.S.19:14-1 is amended to read as follows:

31 19:14-1. Every county clerk shall have ready for the printer on
32 or before the **【45th】** 60th day prior to the primary election and on
33 or before the 64th day prior to the general election a copy of the
34 contents of official ballots as hereinafter required to be printed for
35 use at such election **【**, except that every county clerk shall have
36 ready for the printer on or before the 50th day prior to a federal
37 primary election or any general election in this State a copy of the
38 contents of the official ballots for use in such election**】**. The county
39 clerk shall also on or before that time place another copy of such
40 contents on file in the county clerk's office and keep the same open
41 to public inspection until the sample ballots hereinafter provided to
42 be printed shall have been distributed.

43 **【**Nothing in this section, as amended by P.L.2022, c.70, shall be
44 construed to hinder, limit, or interfere with the ability of a county
45 clerk to comply with the federal "Uniformed and Overseas Citizens
46 Absentee Voting Act" (52 U.S.C. s.20301 et seq.).**】**¹

47 (cf: P.L.2022, c.70, s.1)

1 ¹**[4.] 6.**¹ R.S.19:12-6 is amended to read as follows:

2 19:12-6. All municipal clerks, not later than the **[57th]** 71st day
3 preceding the primary election for the general election, shall make
4 and certify under their hands and seals of office and forward to the
5 clerk of the county in which the municipality is located a statement
6 designating the public offices to be filled at such election, and the
7 number of persons to be voted for each office. In counties of the
8 first class such statement shall also be forwarded to the county
9 board.
10 (cf: P.L.2011, c.134, s.18)

11
12 ¹**[5.] 7.**¹ R.S.19:23-1 is amended to read as follows:

13 19:23-1. The chairman of the State committee of a political
14 party shall, on or before March 1 in the year when a Governor is to
15 be elected, notify in writing the chairman of each county committee
16 of such party of the number of male or female members or members
17 with less than one full vote to be elected from the county at the
18 ensuing primary election for the general election, and each such
19 chairman shall, **[on or before April 1 of such year]** not later than
20 the 74th day preceding the primary election for the general election,
21 send a copy of such notice to the county clerk.

22 The chairman of each county committee shall also, **[on or before**
23 **April 1 in each year]** not later than the 74th day preceding the
24 primary election for the general election, file with the clerks of the
25 several municipalities the number of committeemen to be elected at
26 the ensuing primary for the general election to the county
27 committee.
28 (cf: P.L.2011, c.134, s.23)

29
30 ¹**[6.] 8.**¹ R.S.19:23-12 is amended to read as follows:

31 19:23-12. The signers to petitions for "Choice for President,"
32 delegates and alternates to national conventions, for Governor,
33 United States Senator, member of the House of Representatives,
34 State Senator, member of the General Assembly and any county
35 office may name three persons in their petition as a committee on
36 vacancies.

37 This committee shall have power in case of death or resignation
38 or otherwise of the person indorsed as a candidate in said petition to
39 fill such vacancy by filing with the Secretary of State in the case of
40 officers to be voted for by the voters of the entire State or a portion
41 thereof involving more than one county thereof or any
42 congressional district, and with the county clerk in the case of
43 officers to be voted for by the voters of the entire county or any
44 county election district, a certificate of nomination to fill the
45 vacancy.

46 Such certificate shall set forth the cause of the vacancy, the name
47 of the person nominated and that the person is a member of the

1 same political party as the candidate for whom the person is
2 substituted, the office for which the person is nominated, the name
3 of the person for whom the new nominee is to be substituted, the
4 fact that the committee is authorized to fill vacancies and such
5 further information as is required to be given in any original
6 petition of nomination.

7 The certificate so made shall be executed and sworn to by the
8 members of such committee, and shall upon being filed at least
9 **[56]** 62 days before election have the same force and effect as the
10 original petition of nomination for the primary election for the
11 general election and there shall be annexed thereto the oath of
12 allegiance prescribed in R.S.41:1-1 duly taken and subscribed by
13 the person so nominated before an officer authorized to take oaths
14 in this State. The name of the candidate submitted shall be
15 immediately certified to the proper municipal clerks. In addition, a
16 person so nominated for the office of Governor or the office of
17 member of the Senate or General Assembly shall annex to the
18 certificate a statement signed by the candidate that the candidate:

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

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

32 (cf: P.L.2022, c.7, s.2)

33

34 ¹**[7.]** 9.¹ R.S.19:23-21 is amended to read as follows:

35 19:23-21. The Secretary of State shall certify the names of the
36 persons indorsed in the petitions filed in the secretary's office to the
37 clerks of counties concerned thereby not later than noon of the
38 **[54th]** 61st day prior to the holding of the primary election,
39 specifying in such certificate the political parties to which the
40 persons so nominated in the petitions belong. In the case of
41 candidates for offices other than federal office, the Secretary of
42 State shall also transmit this information to the Election Law
43 Enforcement Commission in the form and manner prescribed by the
44 commission and shall notify the commission immediately upon the
45 withdrawal of a petition of nomination.

46 (cf: P.L.2022, c.7, s.5)

1 ¹**[8.] 10.** R.S.19:23-22 is amended to read as follows:

2 19:23-22. The county clerk shall certify all of the persons so
3 certified to the clerk by the Secretary of State and in addition the
4 names of all persons indorsed in petitions filed in the clerk's office
5 to the clerk of each municipality concerned thereby in the clerk's
6 respective county not later than the close of business of the **[54th]**
7 60th day prior to the time fixed by law for the holding of the
8 primary election, specifying in such certificate the political party to
9 which the person or persons so nominated belong. The county clerk
10 shall also transmit this information with respect to persons, other
11 than candidates for federal office, indorsed in petitions filed in the
12 clerk's office to the Election Law Enforcement Commission in the
13 form and manner prescribed by the commission and shall notify the
14 commission immediately upon the withdrawal of a petition of
15 nomination filed in the clerk's office.

16 (cf: P.L.2022, c.7, s.6)

17

18 ¹**[9.] 11.** R.S.19:23-24 is amended to read as follows:

19 19:23-24. The position which the candidates and bracketed groups
20 of names of candidates for the primary for the general election shall
21 have upon the ballots used for the primary election for the general
22 election, in the case of candidates for nomination for members of the
23 United States Senate, Governor, members of the House of
24 Representatives, members of the State Senate, members of the General
25 Assembly, choice for President, delegates and alternates-at-large to the
26 national conventions of political parties, district delegates and
27 alternates to conventions of political parties, candidates for party
28 positions, and county offices or party positions which are to be voted
29 for by the voters of the entire county or a portion thereof greater than a
30 single municipality, including a congressional district which is wholly
31 within a single municipality, shall be determined by the county clerks
32 in their respective counties; and, excepting in counties where
33 R.S.19:49-2 applies, the position on the ballot used for the primary
34 election for the general election in the case of candidates for
35 nomination for office or party position wherein the candidates for
36 office or party position to be filled are to be voted for by the voters of
37 a municipality only, or a subdivision thereof (excepting in the case of
38 members of the House of Representatives) shall be determined by the
39 municipal clerk in such municipalities, in the following manner: The
40 county clerk, or the county clerk's deputy, or the municipal clerk or the
41 municipal clerk's deputy, as the case may be, shall at the clerk's office
42 on the **[54th]** ¹**[60th]** 61st day prior to the primary election for the
43 general election at three o'clock in the afternoon draw from the box, as
44 hereinafter described, each card separately without knowledge on the
45 clerk's part as to which card the clerk is drawing. Any legal voter of
46 the county or municipality, as the case may be, shall have the privilege
47 of witnessing such drawing. The person making the drawing shall
48 make public announcement at the drawing of each name, the order in

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

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

35 (cf: P.L.2022, c.7, s.7)

36

37 ¹**[10.] 12.**¹ R.S.19:27-11 is amended to read as follows:

38 19:27-11. In the event of any vacancy in any county or
39 municipal office, except for the office of a member of the board of
40 **[chosen freeholders]** county commissioners, which vacancy shall
41 occur after the **[70th]** 77th day preceding the primary election for
42 the general election and on or before the **[70th]** ¹**[77th]** 70th¹ day
43 preceding the general election, each political party may select a
44 candidate for the office in question in the manner prescribed in
45 R.S.19:13-20 for selecting candidates to fill vacancies among
46 candidates nominated at primary elections for the general elections.
47 A statement of such selection shall be filed with the county clerk

1 not later than the close of business of the ¹~~55th~~ 68th¹ day
2 preceding the date of the general election.

3 Besides the selection of candidates by each political party as
4 before provided, candidates may also be nominated by petition in a
5 similar manner as herein provided for direct nomination by petition
6 for the general election but the petition shall be filed with the
7 county clerk at least ¹~~64~~ 75¹ days prior to such general election.

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

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

20 (cf: P.L.2011, c.134, s.38)

21

22 ¹~~11.~~ 13.¹ This act shall take effect immediately.

23

24

25

26

27 Changes certain deadlines for primary election.

SENATE, No. 3595

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED FEBRUARY 13, 2023

Sponsored by:

Senator ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Changes certain deadlines for primary election.

CURRENT VERSION OF TEXT

As introduced.



S3595 ZWICKER

2

1 AN ACT concerning certain primary election deadlines and
2 amending various parts of the statutory law.

3

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

6

7 1. Section 6 of P.L.1976, c.83 (C.19:4-15) is amended to read as
8 follows:

9 6. a. No county board shall make division of an election district
10 in any year in the period commencing **[75]** 82 days before the
11 primary election for the general election, and the day of the general
12 election.

13 b. To facilitate the use of Federal decennial census populations
14 for apportionment and redistricting purposes and notwithstanding
15 the provisions of this or any other law, no election districts shall,
16 except with the prior approval of the Secretary of State, be created,
17 abolished, divided or consolidated between January 1 of any year
18 whose last digit is 7 and December 1 of any year whose last digit is
19 0.

20 (cf: P.L.2011, c.134, s.4)

21

22 2. R.S.19:12-1 is amended to read as follows:

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

33 The Secretary of State shall also not later than the **[67th]** 74th
34 day preceding the primary election for the general election in every
35 year in which electors of President and Vice-President of the United
36 States, a representative of the United States Senate, members of the
37 House of Representatives, a Governor, a Lieutenant Governor, or
38 Senator, or member or members of the General Assembly for any
39 county, or any of them, are to be elected or any public question is to
40 be submitted to the voters of the entire State, direct and cause to be
41 delivered to the clerk of the county and the county board wherein
42 any such election is to be held, a notice stating that such officer or
43 officers are to be elected and that such public question is to be
44 submitted to the voters of the entire State at the ensuing general
45 election.

46 (cf: P.L.2011, c.134, s.15)

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.

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

2 19:12-3. The clerk of each county shall immediately upon the
3 receipt of the certificate from the Secretary of State setting forth
4 that a political party has been created, forward a certified copy of
5 such certificate to each municipal clerk of his county.

6 He shall also, not later than the **【57th】** 64th day preceding the
7 primary election for the general election in every year, cause a copy
8 of the notice received from the Secretary of State of the officer or
9 officers to be elected at the ensuing general election, certified under
10 his hand to be true and correct, to be delivered to the clerk of each
11 municipality in the county.

12 (cf: P.L.2011, c.134, s.16)

13

14 4. R.S.19:12-6 is amended to read as follows:

15 19:12-6. All municipal clerks, not later than the **【57th】** 71st day
16 preceding the primary election for the general election, shall make
17 and certify under their hands and seals of office and forward to the
18 clerk of the county in which the municipality is located a statement
19 designating the public offices to be filled at such election, and the
20 number of persons to be voted for each office. In counties of the
21 first class such statement shall also be forwarded to the county
22 board.

23 (cf: P.L.2011, c.134, s.18)

24

25 5. R.S.19:23-1 is amended to read as follows:

26 19:23-1. The chairman of the State committee of a political
27 party shall, on or before March 1 in the year when a Governor is to
28 be elected, notify in writing the chairman of each county committee
29 of such party of the number of male or female members or members
30 with less than one full vote to be elected from the county at the
31 ensuing primary election for the general election, and each such
32 chairman shall, **【on or before April 1 of such year】** not later than
33 the 74th day preceding the primary election for the general election,
34 send a copy of such notice to the county clerk.

35 The chairman of each county committee shall also, **【on or before**
36 **April 1 in each year】** not later than the 74th day preceding the
37 primary election for the general election, file with the clerks of the
38 several municipalities the number of committeemen to be elected at
39 the ensuing primary for the general election to the county
40 committee.

41 (cf: P.L.2011, c.134, s.23)

42

43 6. 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,
47 State Senator, member of the General Assembly and any county

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4

1 office may name three persons in their petition as a committee on
2 vacancies.

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

12 Such certificate shall set forth the cause of the vacancy, the name
13 of the person nominated and that the person is a member of the
14 same political party as the candidate for whom the person is
15 substituted, the office for which the person is nominated, the name
16 of the person for whom the new nominee is to be substituted, the
17 fact that the committee is authorized to fill vacancies and such
18 further information as is required to be given in any original
19 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 **[56]** 62 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 the candidate:

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.

45 (cf: P.L.2022, c.7, s.2)

46

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

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1 19:23-21. The Secretary of State shall certify the names of the
2 persons indorsed in the petitions filed in the secretary's office to the
3 clerks of counties concerned thereby not later than noon of the
4 **[54th]** 61st day prior to the holding of the primary election,
5 specifying in such certificate the political parties to which the
6 persons so nominated in the petitions belong. In the case of
7 candidates for offices other than federal office, the Secretary of
8 State shall also transmit this information to the Election Law
9 Enforcement Commission in the form and manner prescribed by the
10 commission and shall notify the commission immediately upon the
11 withdrawal of a petition of nomination.

12 (cf: P.L.2022, c.7, s.5)

13

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

15 19:23-22. The county clerk shall certify all of the persons so
16 certified to the clerk by the Secretary of State and in addition the
17 names of all persons indorsed in petitions filed in the clerk's office
18 to the clerk of each municipality concerned thereby in the clerk's
19 respective county not later than the close of business of the **[54th]**
20 60th day prior to the time fixed by law for the holding of the
21 primary election, specifying in such certificate the political party to
22 which the person or persons so nominated belong. The county clerk
23 shall also transmit this information with respect to persons, other
24 than candidates for federal office, indorsed in petitions filed in the
25 clerk's office to the Election Law Enforcement Commission in the
26 form and manner prescribed by the commission and shall notify the
27 commission immediately upon the withdrawal of a petition of
28 nomination filed in the clerk's office.

29 (cf: P.L.2022, c.7, s.6)

30

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

32 19:23-24. The position which the candidates and bracketed
33 groups of names of candidates for the primary for the general
34 election shall have upon the ballots used for the primary election for
35 the general election, in the case of candidates for nomination for
36 members of the United States Senate, Governor, members of the
37 House of Representatives, members of the State Senate, members of
38 the General Assembly, choice for President, delegates and
39 alternates-at-large to the national conventions of political parties,
40 district delegates and alternates to conventions of political parties,
41 candidates for party positions, and county offices or party positions
42 which are to be voted for by the voters of the entire county or a
43 portion thereof greater than a single municipality, including a
44 congressional district which is wholly within a single municipality,
45 shall be determined by the county clerks in their respective
46 counties; and, excepting in counties where R.S.19:49-2 applies, the
47 position on the ballot used for the primary election for the general
48 election in the case of candidates for nomination for office or party

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6

1 position wherein the candidates for office or party position to be
2 filled are to be voted for by the voters of a municipality only, or a
3 subdivision thereof (excepting in the case of members of the House
4 of Representatives) shall be determined by the municipal clerk in
5 such municipalities, in the following manner: The county clerk, or
6 the county clerk's deputy, or the municipal clerk or the municipal
7 clerk's deputy, as the case may be, shall at the clerk's office on the
8 **【54th】 60th** day prior to the primary election for the general
9 election at three o'clock in the afternoon draw from the box, as
10 hereinafter described, each card separately without knowledge on
11 the clerk's part as to which card the clerk is drawing. Any legal
12 voter of the county or municipality, as the case may be, shall have
13 the privilege of witnessing such drawing. The person making the
14 drawing shall make public announcement at the drawing of each
15 name, the order in which same is drawn, and the office for which
16 the drawing is made. When there is to be but one person nominated
17 for the office, the names of the several candidates who have filed
18 petitions for such office shall be written upon cards (one name on a
19 card) of the same size, substance and thickness. The cards shall be
20 deposited in a box with an aperture in the cover of sufficient size to
21 admit a man's hand. The box shall be well shaken and turned over
22 to thoroughly mix the cards, and the cards shall then be withdrawn
23 one at a time. The first name drawn shall have first place, the
24 second name drawn, second place, and so on; the order of the
25 withdrawal of the cards from the box determining the order of
26 arrangement in which the names shall appear upon the primary
27 election ballot. Where there is more than one person to be
28 nominated to an office where petitions have designated that certain
29 candidates shall be bracketed, the position of such bracketed names
30 on the ballot (each bracket to be treated as a single name), together
31 with individuals who have filed petitions for nomination for such
32 office, shall be determined as above described. Where there is more
33 than one person to be nominated for an office and there are more
34 candidates who have filed petitions than there are persons to be
35 nominated, the order of the printing of such names upon the primary
36 election ballots shall be determined as above described.

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

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7

1 candidates on the ballot used for the primary election for the
2 general election.

3 (cf: P.L.2022, c.7, s.7)

4

5 10. R.S.19:27-11 is amended to read as follows:

6 19:27-11. In the event of any vacancy in any county or
7 municipal office, except for the office of a member of the board of
8 **【chosen freeholders】** county commissioners, which vacancy shall
9 occur after the **【70th】** 77th day preceding the primary election for
10 the general election and on or before the **【70th】** 77th day preceding
11 the general election, each political party may select a candidate for
12 the office in question in the manner prescribed in R.S.19:13-20 for
13 selecting candidates to fill vacancies among candidates nominated
14 at primary elections for the general elections. A statement of such
15 selection shall be filed with the county clerk not later than the close
16 of business of the 55th day preceding the date of the general
17 election.

18 Besides the selection of candidates by each political party as
19 before provided, candidates may also be nominated by petition in a
20 similar manner as herein provided for direct nomination by petition
21 for the general election but the petition shall be filed with the
22 county clerk at least 64 days prior to such general election.

23 When the vacancy occurs in a county office the county clerk
24 shall forthwith give notice thereof to the chairman of the county
25 committee of each political party and in counties of the first class to
26 the county board, and in case the vacancy occurs in a municipal
27 office the municipal clerk shall forthwith give notice thereof to the
28 county clerk, the chairman of the county committee of each political
29 party and in counties of the first class 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.2011, c.134, s.38)

36

37 11. This act shall take effect immediately.

38

39

40

STATEMENT

41

42 This bill changes the dates of certain primary election deadlines.

43 Under current law, the deadline for creating, abolishing,
44 dividing, or consolidating an election district by county board of
45 elections is 75 days before the primary election. Additionally, the
46 deadline for the Secretary of State to submit notification to the
47 county clerks and the county boards of elections of the available
48 offices and public questions for the upcoming general election is 67

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8

1 days before the primary election. Additionally, the deadline for
2 county clerks to send notice to municipal clerks of federal, state,
3 and county offices to be elected at the general election is 57 days
4 before the primary election. Additionally, the deadline for
5 municipal clerks to send notice to county clerks of the public
6 offices to be elected at the general election is 57 days before the
7 primary election. Additionally, the deadline for the State
8 committee to notify county committees, and the county committees
9 to notify municipal clerks, of the number of county committee seats
10 to be filled at the primary election is currently April 1 of each year.
11 Additionally, the deadline for filing a certificate to fill a vacancy of
12 a primary election candidate by the appointed vacancy committee is
13 56 days before the primary election. Additionally, the deadline for
14 the certification of nominees by the Secretary of State, the certification
15 of nominees by the county clerks, and the drawing of ballot positions
16 is 54 days before the primary election. Finally, the deadline for
17 filling vacancies in county or municipal offices is 70 days before
18 the primary election.

19 This bill would change the deadline for creating, abolishing,
20 dividing, or consolidating an election district by county board of
21 elections from 75 to 82 days before the primary election. This bill
22 would also change the deadline for the Secretary of State to submit
23 notification to the county clerks and the county boards of elections
24 of the available offices and public questions for the upcoming
25 general election from 67 to 74 days before the primary election.
26 This bill would also change the deadline for county clerks to send
27 notice to municipal clerks of federal, state, and county offices to be
28 elected at general election from 57 to 64 days before the primary
29 election. This bill would also change the deadline for municipal
30 clerks to send notice to county clerks of the public offices to be
31 elected at the general election from 57 to 71 days before the
32 primary election. This bill would also change the deadline for the
33 State committee to notify county committees, and the county
34 committees to notify municipal clerks, of the number of county
35 committee seats to be filled at the primary election from April 1 of
36 each year to 74 days before the primary election. This bill would
37 also change the deadline for filing a certificate to fill a vacancy
38 from 56 to 62 days before the primary election. This bill would
39 also change the deadline for the certification of nominees by the
40 Secretary of State from 54 to 61 days before the primary election.
41 This bill would also change the deadline for the certification of
42 nominees by county clerks from 54 to 60 days before the primary
43 election. This bill would also change the deadline for the drawing
44 of ballot positions from 54 to 60 days before the primary election.
45 This bill would also change the deadline for filling vacancies in
46 county or municipal offices, other than county commissioner, from
47 70 to 77 days before the primary election.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 3595

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 2023

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 3595.

As amended, this bill changes the dates of certain primary election deadlines.

Under current law, the deadline for creating, abolishing, dividing, or consolidating an election district by county boards of elections is 75 days before the primary election. This bill would change the deadline for creating, abolishing, dividing, or consolidating an election district by county boards of elections to 82 days before the primary election.

The deadline for the Secretary of State to submit notification to the county clerks and the county boards of elections of the available offices and public questions for the upcoming general election is 67 days before the primary election. This bill would change the deadline for the Secretary of State to submit notification to the county clerks and the county boards of elections of the available offices and public questions for the upcoming general election to 74 days before the primary election.

The deadline for county clerks to send notice to municipal clerks of federal, state, and county offices to be elected at the general election is 57 days before the primary election. This bill would change the deadline for county clerks to send notice to municipal clerks of federal, state, and county offices to be elected at general election to 64 days before the primary election.

The deadline for the clerk of every county to deliver to the clerk of each municipality and to the county board in counties of the first class, a notice that each officer who is voted for by the voters of the entire county or of voters of more than one municipality within the county, will be chosen at the ensuing general election is not later than the 57th day prior to the election. This bill would change the deadline for the clerk of every county to deliver to the clerk of each municipality and to the county board in counties of the first class, a notice that each officer who is voted for by the voters of the entire county or of voters of more than one municipality within the county, will be chosen at the ensuing general election to that no later than the 71st day preceding the primary election for the general election.

The deadline for every county clerk to have ready for the printer the official ballot is on or before the 45th day prior to a non-federal primary election and on or before the 50th day prior to a federal primary election or any general election. This bill would change the deadline for the preparation of the official election ballot for printing to be on or before the 60th day before the primary election and to be on or before the 64th day before the general election.

The deadline for municipal clerks to send notice to county clerks of the public offices to be elected at the general election is 57 days before the primary election. This bill would change the deadline for municipal clerks to send notice to county clerks of the public offices to be elected at the general election to 71 days before the primary election.

The deadline for the State committee to notify county committees, and the county committees to notify municipal clerks, of the number of county committee seats to be filled at the primary election is currently April 1 of each year. This bill would change the deadline for the State committee to notify county committees, and the county committees to notify municipal clerks, of the number of county committee seats to be filled at the primary election to 74 days before the primary election.

The deadline for filing a certificate to fill a vacancy of a primary election candidate by the appointed vacancy committee is 56 days before the primary election. This bill would change the deadline for filing a certificate to fill a vacancy to 62 days before the primary election.

The deadline for the certification of nominees by the Secretary of State, the certification of nominees by the county clerks, and the drawing of ballot positions is 54 days before the primary election. This bill would change the deadline for the certification of nominees by the Secretary of State to 61 days before the primary election. Additionally, this bill would change the deadline for the certification of nominees by county clerks to 60 days before the primary election.

The deadline for the county clerk, or the county clerk's deputy, or the municipal clerk or the municipal clerk's deputy, as the case may be, to draw the ballot placement for names of candidates at the primary election for the general election is 54 days prior to the election. The bill would change the deadline for the county clerk, or the county clerk's deputy, or the municipal clerk or the municipal clerk's deputy, as the case may be, to draw the ballot placement for names of candidates at the primary election for the general election to 61 days.

The deadline for the occurrence of a vacancy for county or municipal offices, other than county commissioner, is changed to the 70th day before the general election, which is the deadline under current law.

The deadline for county or municipal offices, other than county commissioner, for the statement of selection to be filed with the county clerk is not later than the close of business on the 55th day preceding

the date of the general election. The bill changes the deadline for a political party to file a statement of selection to the 68th day preceding the date of the general election.

The deadline for county or municipal offices, other than county commissioner, for candidates who are nominated for direct nomination by petition for the general election to file with the county clerk is at least 64 days prior to the general election. The bill changes the deadline for filing a direct nomination by petition to 75 days before the general election.

COMMITTEE AMENDMENTS:

The committee amendments require that no later than the 71st day preceding the primary election for the general election, the clerk of every county deliver to the clerk of each municipality and to the county board in counties of the first class, a notice that each officer who is voted for by the voters of the entire county or of voters of more than one municipality within the county, will be chosen at the ensuing general election. Current law requires this action not later than the 57th day.

The committee amendments change the deadline for the drawing of ballot positions from 54 to 61 days, instead of 60 days.

The committee amendments change the deadline for the preparation of the official election ballot for printing to the 60th day before the primary election and the 64th day before the general election. Under current law, every county clerk is required to have ready for the printer on or before the 45th day prior to a non-federal primary election a copy of the contents of official ballots, except that every county clerk is required to have those ballots ready for the printer on or before the 50th day prior to a federal primary election or any general election.

The committee amendments change the following deadlines for filling vacancies in county or municipal offices, other than county commissioners, before the general election:

(1) The deadline for the occurrence of the vacancy is changed to the 70th day before the general election.

(2) The deadline for a political party to file a statement of selection is changed to the 68th day preceding the date of the general election.

(3) The deadline for filing a direct nomination by petition is changed to 75 days before the general election.

ASSEMBLY, No. 5177

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED FEBRUARY 9, 2023

Sponsored by:

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

SYNOPSIS

Changes certain deadlines for primary election.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain primary election deadlines and
2 amending various parts of the statutory law.

3

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

6

7 1. Section 6 of P.L.1976, c.83 (C.19:4-15) is amended to read as
8 follows:

9 6. a. No county board shall make division of an election district
10 in any year in the period commencing **[75]** 82 days before the
11 primary election for the general election, and the day of the general
12 election.

13 b. To facilitate the use of Federal decennial census populations
14 for apportionment and redistricting purposes and notwithstanding
15 the provisions of this or any other law, no election districts shall,
16 except with the prior approval of the Secretary of State, be created,
17 abolished, divided or consolidated between January 1 of any year
18 whose last digit is 7 and December 1 of any year whose last digit is
19 0.

20 (cf: P.L.2011, c.134, s.4)

21

22 2. R.S.19:12-1 is amended to read as follows:

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

33 The Secretary of State shall also not later than the **[67th]** 74th
34 day preceding the primary election for the general election in every
35 year in which electors of President and Vice-President of the United
36 States, a representative of the United States Senate, members of the
37 House of Representatives, a Governor, a Lieutenant Governor, or
38 Senator, or member or members of the General Assembly for any
39 county, or any of them, are to be elected or any public question is to
40 be submitted to the voters of the entire State, direct and cause to be
41 delivered to the clerk of the county and the county board wherein
42 any such election is to be held, a notice stating that such officer or
43 officers are to be elected and that such public question is to be
44 submitted to the voters of the entire State at the ensuing general
45 election.

46 (cf: P.L.2011, c.134, s.15)

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

2 19:12-3. The clerk of each county shall immediately upon the
3 receipt of the certificate from the Secretary of State setting forth
4 that a political party has been created, forward a certified copy of
5 such certificate to each municipal clerk of his county.

6 He shall also, not later than the **【57th】** 64th day preceding the
7 primary election for the general election in every year, cause a copy
8 of the notice received from the Secretary of State of the officer or
9 officers to be elected at the ensuing general election, certified under
10 his hand to be true and correct, to be delivered to the clerk of each
11 municipality in the county.

12 (cf: P.L.2011, c.134, s.16)

13

14 4. R.S.19:12-6 is amended to read as follows:

15 19:12-6. All municipal clerks, not later than the **【57th】** 71st day
16 preceding the primary election for the general election, shall make
17 and certify under their hands and seals of office and forward to the
18 clerk of the county in which the municipality is located a statement
19 designating the public offices to be filled at such election, and the
20 number of persons to be voted for each office. In counties of the
21 first class such statement shall also be forwarded to the county
22 board.

23 (cf: P.L.2011, c.134, s.18)

24

25 5. R.S.19:23-1 is amended to read as follows:

26 19:23-1. The chairman of the State committee of a political
27 party shall, on or before March 1 in the year when a Governor is to
28 be elected, notify in writing the chairman of each county committee
29 of such party of the number of male or female members or members
30 with less than one full vote to be elected from the county at the
31 ensuing primary election for the general election, and each such
32 chairman shall, **【on or before April 1 of such year】** not later than
33 the 74th day preceding the primary election for the general election,
34 send a copy of such notice to the county clerk.

35 The chairman of each county committee shall also, **【on or before**
36 **April 1 in each year】** not later than the 74th day preceding the
37 primary election for the general election, file with the clerks of the
38 several municipalities the number of committeemen to be elected at
39 the ensuing primary for the general election to the county
40 committee.

41 (cf: P.L.2011, c.134, s.23)

42

43 6. 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,
47 State Senator, member of the General Assembly and any county

1 office may name three persons in their petition as a committee on
2 vacancies.

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

12 Such certificate shall set forth the cause of the vacancy, the name
13 of the person nominated and that the person is a member of the
14 same political party as the candidate for whom the person is
15 substituted, the office for which the person is nominated, the name
16 of the person for whom the new nominee is to be substituted, the
17 fact that the committee is authorized to fill vacancies and such
18 further information as is required to be given in any original
19 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 **[56]** 62 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 the candidate:

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.

45 (cf: P.L.2022, c.7, s.2)

46

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

1 19:23-21. The Secretary of State shall certify the names of the
2 persons indorsed in the petitions filed in the secretary's office to the
3 clerks of counties concerned thereby not later than noon of the
4 **[54th]** 61st day prior to the holding of the primary election,
5 specifying in such certificate the political parties to which the
6 persons so nominated in the petitions belong. In the case of
7 candidates for offices other than federal office, the Secretary of
8 State shall also transmit this information to the Election Law
9 Enforcement Commission in the form and manner prescribed by the
10 commission and shall notify the commission immediately upon the
11 withdrawal of a petition of nomination.

12 (cf: P.L.2022, c.7, s.5)

13

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

15 19:23-22. The county clerk shall certify all of the persons so
16 certified to the clerk by the Secretary of State and in addition the
17 names of all persons indorsed in petitions filed in the clerk's office
18 to the clerk of each municipality concerned thereby in the clerk's
19 respective county not later than the close of business of the **[54th]**
20 60th day prior to the time fixed by law for the holding of the
21 primary election, specifying in such certificate the political party to
22 which the person or persons so nominated belong. The county clerk
23 shall also transmit this information with respect to persons, other
24 than candidates for federal office, indorsed in petitions filed in the
25 clerk's office to the Election Law Enforcement Commission in the
26 form and manner prescribed by the commission and shall notify the
27 commission immediately upon the withdrawal of a petition of
28 nomination filed in the clerk's office.

29 (cf: P.L.2022, c.7, s.6)

30

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

32 19:23-24. The position which the candidates and bracketed
33 groups of names of candidates for the primary for the general
34 election shall have upon the ballots used for the primary election for
35 the general election, in the case of candidates for nomination for
36 members of the United States Senate, Governor, members of the
37 House of Representatives, members of the State Senate, members of
38 the General Assembly, choice for President, delegates and
39 alternates-at-large to the national conventions of political parties,
40 district delegates and alternates to conventions of political parties,
41 candidates for party positions, and county offices or party positions
42 which are to be voted for by the voters of the entire county or a
43 portion thereof greater than a single municipality, including a
44 congressional district which is wholly within a single municipality,
45 shall be determined by the county clerks in their respective
46 counties; and, excepting in counties where R.S.19:49-2 applies, the
47 position on the ballot used for the primary election for the general
48 election in the case of candidates for nomination for office or party

1 position wherein the candidates for office or party position to be
2 filled are to be voted for by the voters of a municipality only, or a
3 subdivision thereof (excepting in the case of members of the House
4 of Representatives) shall be determined by the municipal clerk in
5 such municipalities, in the following manner: The county clerk, or
6 the county clerk's deputy, or the municipal clerk or the municipal
7 clerk's deputy, as the case may be, shall at the clerk's office on the
8 **【54th】 60th** day prior to the primary election for the general
9 election at three o'clock in the afternoon draw from the box, as
10 hereinafter described, each card separately without knowledge on
11 the clerk's part as to which card the clerk is drawing. Any legal
12 voter of the county or municipality, as the case may be, shall have
13 the privilege of witnessing such drawing. The person making the
14 drawing shall make public announcement at the drawing of each
15 name, the order in which same is drawn, and the office for which
16 the drawing is made. When there is to be but one person nominated
17 for the office, the names of the several candidates who have filed
18 petitions for such office shall be written upon cards (one name on a
19 card) of the same size, substance and thickness. The cards shall be
20 deposited in a box with an aperture in the cover of sufficient size to
21 admit a man's hand. The box shall be well shaken and turned over
22 to thoroughly mix the cards, and the cards shall then be withdrawn
23 one at a time. The first name drawn shall have first place, the
24 second name drawn, second place, and so on; the order of the
25 withdrawal of the cards from the box determining the order of
26 arrangement in which the names shall appear upon the primary
27 election ballot. Where there is more than one person to be
28 nominated to an office where petitions have designated that certain
29 candidates shall be bracketed, the position of such bracketed names
30 on the ballot (each bracket to be treated as a single name), together
31 with individuals who have filed petitions for nomination for such
32 office, shall be determined as above described. Where there is more
33 than one person to be nominated for an office and there are more
34 candidates who have filed petitions than there are persons to be
35 nominated, the order of the printing of such names upon the primary
36 election ballots shall be determined as above described.

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

1 candidates on the ballot used for the primary election for the
2 general election.

3 (cf: P.L.2022, c.7, s.7)

4

5 10. R.S.19:27-11 is amended to read as follows:

6 19:27-11. In the event of any vacancy in any county or
7 municipal office, except for the office of a member of the board of
8 **【chosen freeholders】** county commissioners, which vacancy shall
9 occur after the **【70th】** 77th day preceding the primary election for
10 the general election and on or before the **【70th】** 77th day preceding
11 the general election, each political party may select a candidate for
12 the office in question in the manner prescribed in R.S.19:13-20 for
13 selecting candidates to fill vacancies among candidates nominated
14 at primary elections for the general elections. A statement of such
15 selection shall be filed with the county clerk not later than the close
16 of business of the 55th day preceding the date of the general
17 election.

18 Besides the selection of candidates by each political party as
19 before provided, candidates may also be nominated by petition in a
20 similar manner as herein provided for direct nomination by petition
21 for the general election but the petition shall be filed with the
22 county clerk at least 64 days prior to such general election.

23 When the vacancy occurs in a county office the county clerk
24 shall forthwith give notice thereof to the chairman of the county
25 committee of each political party and in counties of the first class to
26 the county board, and in case the vacancy occurs in a municipal
27 office the municipal clerk shall forthwith give notice thereof to the
28 county clerk, the chairman of the county committee of each political
29 party and in counties of the first class 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.2011, c.134, s.38)

36

37 11. This act shall take effect immediately.

38

39

40

STATEMENT

41

42 This bill changes the dates of certain primary election deadlines.

43 Under current law, the deadline for creating, abolishing,
44 dividing, or consolidating an election district by county board of
45 elections is 75 days before the primary election. Additionally, the
46 deadline for the Secretary of State to submit notification to the
47 county clerks and the county boards of elections of the available
48 offices and public questions for the upcoming general election is 67

1 days before the primary election. Additionally, the deadline for
2 county clerks to send notice to municipal clerks of federal, state,
3 and county offices to be elected at the general election is 57 days
4 before the primary election. Additionally, the deadline for
5 municipal clerks to send notice to county clerks of the public
6 offices to be elected at the general election is 57 days before the
7 primary election. Additionally, the deadline for the State
8 committee to notify county committees, and the county committees
9 to notify municipal clerks, of the number of county committee seats
10 to be filled at the primary election is currently April 1 of each year.
11 Additionally, the deadline for filing a certificate to fill a vacancy of
12 a primary election candidate by the appointed vacancy committee is
13 56 days before the primary election. Additionally, the deadline for
14 the certification of nominees by the Secretary of State, the certification
15 of nominees by the county clerks, and the drawing of ballot positions
16 is 54 days before the primary election. Finally, the deadline for
17 filling vacancies in county or municipal offices is 70 days before
18 the primary election.

19 This bill would change the deadline for creating, abolishing,
20 dividing, or consolidating an election district by county board of
21 elections from 75 to 82 days before the primary election. This bill
22 would also change the deadline for the Secretary of State to submit
23 notification to the county clerks and the county boards of elections
24 of the available offices and public questions for the upcoming
25 general election from 67 to 74 days before the primary election.
26 This bill would also change the deadline for county clerks to send
27 notice to municipal clerks of federal, state, and county offices to be
28 elected at general election from 57 to 64 days before the primary
29 election. This bill would also change the deadline for municipal
30 clerks to send notice to county clerks of the public offices to be
31 elected at the general election from 57 to 71 days before the
32 primary election. This bill would also change the deadline for the
33 State committee to notify county committees, and the county
34 committees to notify municipal clerks, of the number of county
35 committee seats to be filled at the primary election from April 1 of
36 each year to 74 days before the primary election. This bill would
37 also change the deadline for filing a certificate to fill a vacancy
38 from 56 to 62 days before the primary election. This bill would
39 also change the deadline for the certification of nominees by the
40 Secretary of State from 54 to 61 days before the primary election.
41 This bill would also change the deadline for the certification of
42 nominees by county clerks from 54 to 60 days before the primary
43 election. This bill would also change the deadline for the drawing
44 of ballot positions from 54 to 60 days before the primary election.
45 This bill would also change the deadline for filling vacancies in
46 county or municipal offices, other than county commissioner, from
47 70 to 77 days before the primary election.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5177

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 16, 2023

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 5177.

As amended, this bill changes the dates of certain primary election deadlines.

Under current law, the deadline for creating, abolishing, dividing, or consolidating an election district by county board of elections is 75 days before the primary election.

The deadline for the Secretary of State to submit notification to the county clerks and the county boards of elections of the available offices and public questions for the upcoming general election is 67 days before the primary election.

The deadline for county clerks to send notice to municipal clerks of federal, state, and county offices to be elected at the general election is 57 days before the primary election.

The deadline for municipal clerks to send notice to county clerks of the public offices to be elected at the general election is 57 days before the primary election.

The deadline for the State committee to notify county committees, and the county committees to notify municipal clerks, of the number of county committee seats to be filled at the primary election is currently April 1 of each year.

The deadline for filing a certificate to fill a vacancy of a primary election candidate by the appointed vacancy committee is 56 days before the primary election.

The deadline for the certification of nominees by the Secretary of State, the certification of nominees by the county clerks, and the drawing of ballot positions is 54 days before the primary election.

The deadline for every county clerk to have ready for the printer the official ballot is on or before the 45th day prior to a non-federal primary election and on or before the 50th day prior to a federal primary election or any general election.

The deadline for the clerk of every county deliver to the clerk of each municipality and to the county board in counties of the first class, a notice that each officer who is voted for by the voters of the

entire county or of voters of more than one municipality within the county, will be chosen at the ensuing general election is not later than the 57th day.

Finally, the deadline for filling vacancies in county or municipal offices is 70 days before the primary election.

As amended, this bill would change the deadline for creating, abolishing, dividing, or consolidating an election district by county board of elections from 75 to 82 days before the primary election.

This bill would also change the deadline for the Secretary of State to submit notification to the county clerks and the county boards of elections of the available offices and public questions for the upcoming general election from 67 to 74 days before the primary election.

This bill would also change the deadline for county clerks to send notice to municipal clerks of federal, state, and county offices to be elected at general election from 57 to 64 days before the primary election.

This bill would also change the deadline for municipal clerks to send notice to county clerks of the public offices to be elected at the general election from 57 to 71 days before the primary election.

This bill would also change the deadline for the State committee to notify county committees, and the county committees to notify municipal clerks, of the number of county committee seats to be filled at the primary election from April 1 of each year to 74 days before the primary election.

This bill would also change the deadline for filing a certificate to fill a vacancy from 56 to 62 days before the primary election.

This bill would also change the deadline for the certification of nominees by the Secretary of State from 54 to 61 days before the primary election.

This bill would also change the deadline for the certification of nominees by county clerks from 54 to 60 days before the primary election.

This bill would also change the deadline for the drawing of ballot positions from 54 to 61 days before the primary election.

This bill would also change the deadline for filling vacancies in county or municipal offices, other than county commissioner, from 70 to 77 days before the primary election.

This bill would change the deadline for the preparation of the official election ballot for printing to the 60th day before the primary election and the 64th day before the general election.

This bill would change the deadline for the clerk of every county deliver to the clerk of each municipality and to the county board in counties of the first class, a notice that each officer who is voted for by the voters of the entire county or of voters of more than one municipality within the county, will be chosen at the ensuing

general election to that no later than the 71st day preceding the primary election for the general election.

COMMITTEE AMENDMENTS:

The committee amended the bill to require that no later than the 71st day preceding the primary election for the general election, the clerk of every county deliver to the clerk of each municipality and to the county board in counties of the first class, a notice that each officer who is voted for by the voters of the entire county or of voters of more than one municipality within the county, will be chosen at the ensuing general election. Current law requires this action not later than the 57th day.

The committee amended the bill to change the deadline for the drawing of ballot positions from 54 to 61 days, instead of 60 days.

The committee amended the bill to change the deadline for the preparation of the official election ballot for printing to the 60th day before the primary and the 64th day before general election. Under current law, every county clerk is required to have ready for the printer on or before the 45th day prior to a non-federal primary election a copy of the contents of official ballots, except that every county clerk is required to have those ballots ready for the printer on or before the 50th day prior to a federal primary election or any general election.

Governor Murphy Takes Action on Legislation

03/9/2023

TRENTON – Today, Governor Murphy signed the following bill into law:

S-3595/A-5177 (Zwicker, Turner/Verrelli, McKnight, Reynolds-Jackson) - Changes certain deadlines for primary election