

**19:13-5 et al.**  
**LEGISLATIVE HISTORY CHECKLIST**  
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**LAWS OF:** 2010                      **CHAPTER:** 68

**NJSA:** 19:13-5 et al. (Permits candidate in any election to sign own nominating petition and be circulator thereof)

**BILL NO:** A1839 (Substituted for S814)

**SPONSOR(S)** Coughlin and Others

**DATE INTRODUCED:** January 12, 2010

**COMMITTEE:**                      **ASSEMBLY:** State Government

**SENATE:** ---

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                      **ASSEMBLY:** May 20, 2010

**SENATE:** June 10, 2010

**DATE OF APPROVAL:** September 9, 2010

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (First reprint enacted)

**A1839**

<b>SPONSOR'S STATEMENT:</b> (Begins on page 6 of introduced bill)	Yes
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b> Yes
	<b>SENATE:</b> 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](http://www.njleg.state.nj.us))

<b>FLOOR AMENDMENT STATEMENT:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	No

**S814**

<b>SPONSOR'S STATEMENT:</b> (Begins on page 6 of introduced bill)	Yes
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b> No
	<b>SENATE:</b> Yes
<b>FLOOR AMENDMENT STATEMENT:</b>	Yes
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	No

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

LAW/RWH

[First Reprint]

**ASSEMBLY, No. 1839**

**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

**Assemblyman CRAIG J. COUGHLIN**

**District 19 (Middlesex)**

**Assemblywoman LINDA STENDER**

**District 22 (Middlesex, Somerset and Union)**

**Co-Sponsored by:**

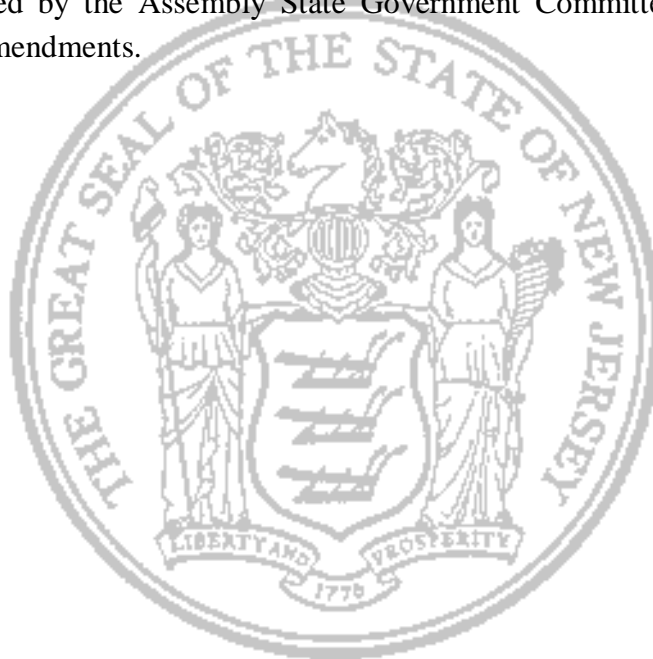
**Assemblyman Chivukula and Senator Vitale**

**SYNOPSIS**

Permits candidate in any election to sign own nominating petition and be circulator thereof.

**CURRENT VERSION OF TEXT**

As reported by the Assembly State Government Committee on May 13, 2010, with amendments.



**(Sponsorship Updated As Of: 6/11/2010)**

1 AN ACT concerning the signers and circulators of petitions of  
2 nomination in elections, and amending various parts of the  
3 statutory law.

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

7  
8 1. R.S.19:13-5 is amended to read as follows:

9 19:13-5. The petition shall be signed by legally qualified voters  
10 of this State residing within the district or political division in and  
11 for which the officer or officers nominated are to be elected, equal  
12 in number to at least two per centum (2%) of the entire vote cast  
13 for members of the General Assembly at the last preceding general  
14 election, held for the election of all of the members of the General  
15 Assembly, in the State, county, district or other political division in  
16 and for which the nominations are made; except that when the  
17 nomination is for an office to be filled by the voters of the entire  
18 State eight hundred signatures in the aggregate for each candidate  
19 nominated in the petition shall be sufficient; and except that no  
20 more than one hundred signatures shall be required to any petition  
21 for any officers to be elected save only such as are to be voted for  
22 by the voters of the State at large.

23 In case of a first general election to be held in a newly  
24 established election district, county, city or other political division,  
25 the number of fifty signatures to a petition shall be sufficient to  
26 nominate a candidate to be voted for only in such election district,  
27 county, city or other political division.

28 A candidate shall be permitted to sign or circulate, or both sign  
29 and circulate, the petition required to nominate that candidate for  
30 elective public office.

31 (cf: P.L.1948, c.438, s.6)

32  
33 2. R.S.19:13-7 is amended to read as follows:

34 19:13-7. Before any petition shall be filed as hereinafter  
35 provided, at least one of the voters signing the same, or a candidate  
36 who signs or circulates, or both signs and circulates, such a petition,  
37 shall make oath before a duly qualified officer that the petition is  
38 made in good faith, that the affiant saw all the signatures made  
39 thereto and verily believes that the signers are duly qualified voters.  
40 (cf: P.L.1973, c.135, s.1)

41  
42 3. R.S.19:23-10 is amended to read as follows:

43 19:23-10. Not all of the names of petitioners need be signed to a  
44 single petition, but any number of petitions of the same purport may

**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:

<sup>1</sup>Assembly ASG committee amendments adopted May 13, 2010.

1 be filed; but in the aggregate the signatures thereto indorsing any  
2 one person shall be the number required by this title. The signers to  
3 petitions shall not therein indorse or recommend more persons as  
4 candidates for the position than are to be chosen at the ensuing  
5 primary election in the state or political subdivision in which the  
6 signers to the petition reside, nor shall such signers indorse more  
7 persons as candidates for nomination to office than are to be elected  
8 in the state or political subdivision.

9 No member of one political party shall sign his name to any  
10 petition purporting to indorse any person as a candidate for office of  
11 another political party.

12 A candidate shall be permitted to sign or circulate, or both sign  
13 and circulate, the petition required for that candidate to seek  
14 nomination for elective office.

15 (cf: R.S.19:23-10)

16

17 4. R.S.19:23-11 is amended to read as follows:

18 19:23-11. Such petitions shall be verified by the oath or  
19 affirmation of one or more of the signers thereof, including a  
20 candidate who signs or circulates, or both signs and circulates, such  
21 a petition, taken and subscribed before a person qualified under the  
22 laws of New Jersey to administer an oath, to the effect that the  
23 petition is signed by each of the signers thereof in his proper  
24 handwriting; that the signers are to the best knowledge and belief  
25 of the affiant legal voters of the state or political subdivision  
26 thereof, as the case may be, as stated in the petition, belong to the  
27 political party named in the petition, and that the petition is  
28 prepared and filed in absolute good faith for the sole purpose of  
29 indorsing the person or persons therein named, in order to secure  
30 his or their nomination or selection as stated in such petition.

31 (cf: R.S.19:23-11)

32

33 5. Section 5 of P.L.1995, c.278 (C.19:60-5) is amended to read  
34 as follows:

35 5. Notwithstanding the provisions of R.S.19:13-4, each  
36 nominating petition for a candidate to be voted upon at a school  
37 election shall be addressed to the secretary of the board of  
38 education and therein shall be set forth:

39 a. A statement that the signers of the petition are all qualified  
40 voters of the school district or, in the case of a regional school  
41 district, qualified voters of the constituent district which the  
42 candidate shall represent on the board of education of the regional  
43 district;

44 b. The name, residence and post office address of the person  
45 endorsed and the office for which he is endorsed;

46 c. That the signers of the petition endorse the candidate named  
47 in the petition for that office and request that the person's name be

1 printed upon the official ballot to be used at the ensuing election;  
2 and

3 d. That the person so endorsed is legally qualified to be elected  
4 to the office.

5 A candidate shall be permitted to sign or circulate, or both sign  
6 and circulate, the petition required to nominate that candidate for  
7 membership on the board.

8 Any form of a petition of nomination hereunder which is  
9 provided to candidates in a school election shall contain the  
10 following notice: "Notice: All candidates are required by law to  
11 comply with the provisions of 'The New Jersey Campaign  
12 Contributions and Expenditures Reporting Act.' For further  
13 information, please call (insert phone number of the Election Law  
14 Enforcement Commission)."

15 (cf: P.L.1995, c.278, s.5)

16

17 <sup>1</sup>[6. Section 4 of P.L.1981, c.379 (C.40:45-8) is amended to  
18 read as follows:

19 4. On or before the **[54th]** 57th day prior to a regular  
20 municipal election, the names of candidates for all elective offices  
21 shall be filed with the municipal clerk, in the following manner and  
22 form and subject to the following conditions:

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

27 "I, the undersigned, a registered voter of the municipality of  
28 ....., residing at ..... certify that I do  
29 hereby join in a petition of the nomination of .....  
30 whose residence is at ..... for the office  
31 of mayor (or councilman-at-large, or ward councilman of the  
32 ..... ward, or commissioner, or village trustee, as the case may  
33 be) to be voted for at the election to be held in the municipality on  
34 the ....., **[19.....,]** 20....., and I further certify that I know this  
35 candidate to be a registered voter, for the period required by law, of  
36 the municipality (and the ward, in the case of ward councilman) and  
37 a person of good moral character, and qualified, in my judgment, to  
38 perform the duties of the office, and I further certify that I have not  
39 signed more petitions or certificates of nomination than there are  
40 places to be filled for the above office.

41 Signed ....."

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

1 b. Each petition signature shall be on a separate sheet of paper  
2 and shall bear the name and address of the petitioner. The  
3 candidate for office and his campaign manager shall make an oath  
4 before an officer competent to administer oaths that the statements  
5 made therein are true, and that each signature to the papers  
6 appended thereto is the genuine signature of the person whose name  
7 it purports to be, to their best knowledge and belief. The oath,  
8 signed by the candidate, shall constitute his acceptance of  
9 nomination and shall be annexed to the petition, together with the  
10 oath of his campaign manager, at the time the petition is submitted.

11 c. The municipal clerk shall immediately provide the Election  
12 Law Enforcement Commission with official certification of the  
13 filing or withdrawal of a petition of nomination.

14 d. A candidate shall be permitted to sign or circulate, or both  
15 sign and circulate, the petition required to nominate that candidate  
16 for elective public office in any municipality holding regular  
17 municipal elections.  
18 (cf: P.L.1985, c.92, s.34)]<sup>1</sup>  
19

20 <sup>1</sup>6. Section 4 of P.L.1981, c.379 (C.40:45-8) is amended to read  
21 as follows:

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

26 a. The petition of nomination shall consist of individual  
27 certificates, equal in number to at least 1%, but in no event less than  
28 25, of the registered voters of the municipality or the ward, as the  
29 case may be, and shall read substantially as follows:

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

44 Signed ....."

45 Any such petition of nomination which is provided to candidates  
46 by the municipal clerk shall contain the following notice: "Notice:  
47 All candidates are required by law to comply with the provisions of

1 the 'New Jersey Campaign Contributions and Expenditures  
2 Reporting Act.' For further information, please call (insert phone  
3 number of the Election Law Enforcement Commission)."

4 b. Each petition signature shall be on a separate sheet of paper  
5 and shall bear the name and address of the petitioner. The  
6 candidate for office and his campaign manager shall make an oath  
7 before an officer competent to administer oaths that the statements  
8 made therein are true, and that each signature to the papers  
9 appended thereto is the genuine signature of the person whose name  
10 it purports to be, to their best knowledge and belief. The oath,  
11 signed by the candidate, shall constitute his acceptance of  
12 nomination and shall be annexed to the petition, together with the  
13 oath of his campaign manager, at the time the petition is submitted.

14 c. The municipal clerk shall immediately provide the Election  
15 Law Enforcement Commission with official certification of the  
16 filing or withdrawal of a petition of nomination.

17 d. A candidate shall be permitted to sign or circulate, or both  
18 sign and circulate, the petition required to nominate that candidate  
19 for elective public office in any municipality holding regular  
20 municipal elections.<sup>1</sup>

21 (cf: P.L.2009, c.196, s.5)

22

23 <sup>1</sup>[7. Section 1 of P.L.1971, c.197 (C.40A:14-71) is amended to  
24 read as follows:

25 1. Candidates for membership on the board shall be nominated  
26 by verified petitions. Any such petition shall be in writing,  
27 addressed to the municipal clerk or the clerk of the board, as the  
28 case may be, stating that the signers thereof are qualified voters and  
29 residents in the district and requesting that the name of the  
30 candidate be placed on the official ballot. The petition shall state  
31 the residence of the candidate and certify his qualification for  
32 membership. The candidate's consent to his nomination shall be  
33 annexed to the petition and shall constitute his agreement to serve  
34 in the event of his election. The petition shall contain the name of  
35 only one candidate, but several petitions may nominate the same  
36 person. Each petition shall be signed by not less than 10 qualified  
37 voters and shall be filed at least 28 days before the date of the  
38 election.

39 Any form of a petition of nomination which is provided to  
40 candidates by the Secretary of State, the county clerk, or the  
41 municipal clerk shall contain the following notice: "Notice: All  
42 candidates are required by law to comply with the provisions of  
43 "The New Jersey Campaign Contributions and Expenditures  
44 Reporting Act,' P.L. 1973, c. 83 (C. 19:44A-1 et seq.). For further  
45 information please call (insert telephone number of the Election  
46 Law Enforcement Commission)."



1 If a petition is found to be defective, either in form or substance,  
2 the municipal clerk or the clerk of the board, as the case may be,  
3 shall forthwith notify the candidate to cause it to be corrected  
4 before the petition is given consideration.

5 A candidate shall be permitted to sign or circulate, or both sign  
6 and circulate. the petition required to nominate that candidate for  
7 membership on the board.

8 (cf: P.L.1985, c.288, s.2)]<sup>1</sup>

9

10 <sup>1</sup>7. Section 1 of P.L.1971, c.197 (C.40A:14-71) is amended to  
11 read as follows:

12 1. Candidates for membership on the board shall be nominated  
13 by verified petitions. Any such petition shall be in writing,  
14 addressed to the municipal clerk or the clerk of the board, as the  
15 case may be, stating that the signers thereof are qualified voters and  
16 residents in the district and requesting that the name of the  
17 candidate be placed on the official ballot. The petition shall state  
18 the residence of the candidate and certify his qualification for  
19 membership. The candidate's consent to his nomination shall be  
20 annexed to the petition and shall constitute his agreement to serve  
21 in the event of his election. The petition shall contain the name of  
22 only one candidate, but several petitions may nominate the same  
23 person. Each petition shall be signed by not less than 10 qualified  
24 voters and shall be filed at least 29 days before the date of the  
25 election.

26 Any form of a petition of nomination which is provided to  
27 candidates by the Secretary of State, the county clerk, or the  
28 municipal clerk shall contain the following notice: "Notice: All  
29 candidates are required by law to comply with the provisions of  
30 'The New Jersey Campaign Contributions and Expenditures  
31 Reporting Act,' P.L.1973, c.83 (C.19:44A-1 et seq.). For further  
32 information please call (insert telephone number of the Election  
33 Law Enforcement Commission)."

34 If a petition is found to be defective, either in form or substance,  
35 the municipal clerk or the clerk of the board, as the case may be,  
36 shall forthwith notify the candidate to cause it to be corrected  
37 before the petition is given consideration.

38 A candidate shall be permitted to sign or circulate, or both sign  
39 and circulate. the petition required to nominate that candidate for  
40 membership on the board.<sup>1</sup>

41 (cf: P.L.2009, c.286, s.1)

42

43 8. This act shall take effect on January 1 next following the  
44 date of enactment.

# ASSEMBLY, No. 1839

## STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

**Assemblyman CRAIG J. COUGHLIN**

**District 19 (Middlesex)**

**Assemblywoman LINDA STENDER**

**District 22 (Middlesex, Somerset and Union)**

**SYNOPSIS**

Permits candidate in any election to sign own nominating petition and be circulator thereof.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/7/2010)**

1 AN ACT concerning the signers and circulators of petitions of  
2 nomination in elections, and amending various parts of the  
3 statutory law.  
4

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

8 1. R.S.19:13-5 is amended to read as follows:

9 19:13-5. The petition shall be signed by legally qualified voters  
10 of this State residing within the district or political division in and  
11 for which the officer or officers nominated are to be elected, equal  
12 in number to at least two per centum (2%) of the entire vote cast  
13 for members of the General Assembly at the last preceding general  
14 election, held for the election of all of the members of the General  
15 Assembly, in the State, county, district or other political division in  
16 and for which the nominations are made; except that when the  
17 nomination is for an office to be filled by the voters of the entire  
18 State eight hundred signatures in the aggregate for each candidate  
19 nominated in the petition shall be sufficient; and except that no  
20 more than one hundred signatures shall be required to any petition  
21 for any officers to be elected save only such as are to be voted for  
22 by the voters of the State at large.

23 In case of a first general election to be held in a newly  
24 established election district, county, city or other political division,  
25 the number of fifty signatures to a petition shall be sufficient to  
26 nominate a candidate to be voted for only in such election district,  
27 county, city or other political division.

28 A candidate shall be permitted to sign or circulate, or both sign  
29 and circulate, the petition required to nominate that candidate for  
30 elective public office.

31 (cf: P.L.1948, c.438, s.6)  
32

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

34 19:13-7. Before any petition shall be filed as hereinafter  
35 provided, at least one of the voters signing the same, or a candidate  
36 who signs or circulates, or both signs and circulates, such a petition,  
37 shall make oath before a duly qualified officer that the petition is  
38 made in good faith, that the affiant saw all the signatures made  
39 thereto and verily believes that the signers are duly qualified voters.  
40 (cf: P.L.1973, c.135, s.1)  
41

42 3. R.S.19:23-10 is amended to read as follows:

43 19:23-10. Not all of the names of petitioners need be signed to a  
44 single petition, but any number of petitions of the same purport may  
45 be filed; but in the aggregate the signatures thereto indorsing any

**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 one person shall be the number required by this title. The signers to  
2 petitions shall not therein indorse or recommend more persons as  
3 candidates for the position than are to be chosen at the ensuing  
4 primary election in the state or political subdivision in which the  
5 signers to the petition reside, nor shall such signers indorse more  
6 persons as candidates for nomination to office than are to be elected  
7 in the state or political subdivision.

8 No member of one political party shall sign his name to any  
9 petition purporting to indorse any person as a candidate for office of  
10 another political party.

11 A candidate shall be permitted to sign or circulate, or both sign  
12 and circulate, the petition required for that candidate to seek  
13 nomination for elective office.

14 (cf: R.S.19:23-10)

15

16 4. R.S.19:23-11 is amended to read as follows:

17 19:23-11. Such petitions shall be verified by the oath or  
18 affirmation of one or more of the signers thereof, including a  
19 candidate who signs or circulates, or both signs and circulates, such  
20 a petition, taken and subscribed before a person qualified under the  
21 laws of New Jersey to administer an oath, to the effect that the  
22 petition is signed by each of the signers thereof in his proper  
23 handwriting; that the signers are to the best knowledge and belief  
24 of the affiant legal voters of the state or political subdivision  
25 thereof, as the case may be, as stated in the petition, belong to the  
26 political party named in the petition, and that the petition is  
27 prepared and filed in absolute good faith for the sole purpose of  
28 indorsing the person or persons therein named, in order to secure  
29 his or their nomination or selection as stated in such petition.

30 (cf: R.S.19:23-11)

31

32 5. Section 5 of P.L.1995, c.278 (C.19:60-5) is amended to read  
33 as follows:

34 5. Notwithstanding the provisions of R.S.19:13-4, each  
35 nominating petition for a candidate to be voted upon at a school  
36 election shall be addressed to the secretary of the board of  
37 education and therein shall be set forth:

38 a. A statement that the signers of the petition are all qualified  
39 voters of the school district or, in the case of a regional school  
40 district, qualified voters of the constituent district which the  
41 candidate shall represent on the board of education of the regional  
42 district;

43 b. The name, residence and post office address of the person  
44 endorsed and the office for which he is endorsed;

45 c. That the signers of the petition endorse the candidate named  
46 in the petition for that office and request that the person's name be

1 printed upon the official ballot to be used at the ensuing election;  
2 and

3 d. That the person so endorsed is legally qualified to be elected  
4 to the office.

5 A candidate shall be permitted to sign or circulate, or both sign  
6 and circulate, the petition required to nominate that candidate for  
7 membership on the board.

8 Any form of a petition of nomination hereunder which is  
9 provided to candidates in a school election shall contain the  
10 following notice: "Notice: All candidates are required by law to  
11 comply with the provisions of 'The New Jersey Campaign  
12 Contributions and Expenditures Reporting Act.' For further  
13 information, please call (insert phone number of the Election Law  
14 Enforcement Commission)."

15 (cf: P.L.1995, c.278, s.5)

16

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

19 4. On or before the **[54th]** 57th day prior to a regular  
20 municipal election, the names of candidates for all elective offices  
21 shall be filed with the municipal clerk, in the following manner and  
22 form and subject to the following conditions:

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

27 "I, the undersigned, a registered voter of the municipality of  
28 ....., residing at ..... certify that I do  
29 hereby join in a petition of the nomination of .....  
30 whose residence is at ..... for the office  
31 of mayor (or councilman-at-large, or ward councilman of the  
32 ..... ward, or commissioner, or village trustee, as the case may  
33 be) to be voted for at the election to be held in the municipality on  
34 the ....., **[19.....,]** 20....., and I further certify that I know this  
35 candidate to be a registered voter, for the period required by law, of  
36 the municipality (and the ward, in the case of ward councilman) and  
37 a person of good moral character, and qualified, in my judgment, to  
38 perform the duties of the office, and I further certify that I have not  
39 signed more petitions or certificates of nomination than there are  
40 places to be filled for the above office.

41 Signed ....."

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

1       b. Each petition signature shall be on a separate sheet of paper  
2 and shall bear the name and address of the petitioner. The  
3 candidate for office and his campaign manager shall make an oath  
4 before an officer competent to administer oaths that the statements  
5 made therein are true, and that each signature to the papers  
6 appended thereto is the genuine signature of the person whose name  
7 it purports to be, to their best knowledge and belief. The oath,  
8 signed by the candidate, shall constitute his acceptance of  
9 nomination and shall be annexed to the petition, together with the  
10 oath of his campaign manager, at the time the petition is submitted.

11       c. The municipal clerk shall immediately provide the Election  
12 Law Enforcement Commission with official certification of the  
13 filing or withdrawal of a petition of nomination.

14       d. A candidate shall be permitted to sign or circulate, or both  
15 sign and circulate, the petition required to nominate that candidate  
16 for elective public office in any municipality holding regular  
17 municipal elections.

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

19

20       7. Section 1 of P.L.1971, c.197 (C.40A:14-71) is amended to  
21 read as follows:

22       1. Candidates for membership on the board shall be nominated  
23 by verified petitions. Any such petition shall be in writing,  
24 addressed to the municipal clerk or the clerk of the board, as the  
25 case may be, stating that the signers thereof are qualified voters and  
26 residents in the district and requesting that the name of the  
27 candidate be placed on the official ballot. The petition shall state  
28 the residence of the candidate and certify his qualification for  
29 membership. The candidate's consent to his nomination shall be  
30 annexed to the petition and shall constitute his agreement to serve  
31 in the event of his election. The petition shall contain the name of  
32 only one candidate, but several petitions may nominate the same  
33 person. Each petition shall be signed by not less than 10 qualified  
34 voters and shall be filed at least 28 days before the date of the  
35 election.

36       Any form of a petition of nomination which is provided to  
37 candidates by the Secretary of State, the county clerk, or the  
38 municipal clerk shall contain the following notice: "Notice: All  
39 candidates are required by law to comply with the provisions of  
40 'The New Jersey Campaign Contributions and Expenditures  
41 Reporting Act,' P.L. 1973, c. 83 (C. 19:44A-1 et seq.). For further  
42 information please call (insert telephone number of the Election  
43 Law Enforcement Commission)."

44       If a petition is found to be defective, either in form or substance,  
45 the municipal clerk or the clerk of the board, as the case may be,  
46 shall forthwith notify the candidate to cause it to be corrected  
47 before the petition is given consideration.

1       A candidate shall be permitted to sign or circulate, or both sign  
2 and circulate. the petition required to nominate that candidate for  
3 membership on the board.

4 (cf: P.L.1985, c.288, s.2)

5  
6       8. This act shall take effect on January 1 next following the  
7 date of enactment.

8  
9  
10                               STATEMENT

11  
12       The purpose of this bill is to provide that a candidate is permitted  
13 to sign his or her own petition of nomination required by current  
14 law to nominate that candidate for election to any office, or serve as  
15 a circulator of such petitions, or to perform both functions.

16       Specifically, the sections of law amended by this bill permit a  
17 candidate to serve as a signer or circulator, or both, for his or her  
18 own petitions of nomination: 1) by direct petition; 2) for office in a  
19 political party or as the candidate of a political party in a primary  
20 election; 3) for office as a member of a school board; 4) for elective  
21 public office in any municipality holding nonpartisan municipal  
22 elections; and 5) for office as a fire district commissioner.

# ASSEMBLY STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 1839**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 13, 2010

The Assembly State Government Committee reports favorably and with committee amendments Assembly, No.1839.

As amended, the purpose of this bill is to provide that a candidate is permitted to sign his or her own petition of nomination required by current law to nominate that candidate for election to any office, or serve as a circulator of such petitions, or to perform both functions.

Specifically, the sections of law amended by this bill permit a candidate to serve as a signer or circulator, or both, for his or her own petitions of nomination: 1) by direct petition; 2) for office in a political party or as the candidate of a political party in a primary election; 3) for office as a member of a school board; 4) for elective public office in any municipality holding nonpartisan municipal elections; and 5) for office as a fire district commissioner.

Assembly Bill No. 1839 (1R) is identical to Senate Bill No. 814 (1R) of 2010.

#### COMMITTEE AMENDMENTS

The committee amended the bill to update two sections of law that are amended by the bill.



# SENATE, No. 814

## STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**SYNOPSIS**

Permits candidate in any election to sign own nominating petition and be circulator thereof.

**CURRENT VERSION OF TEXT**

As introduced.



S814 VITALE

2

1 AN ACT concerning the signers and circulators of petitions of  
2 nomination in elections, and amending various parts of the  
3 statutory law.

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

7  
8 1. R.S.19:13-5 is amended to read as follows:

9 19:13-5. The petition shall be signed by legally qualified voters  
10 of this State residing within the district or political division in and  
11 for which the officer or officers nominated are to be elected, equal  
12 in number to at least two per centum (2%) of the entire vote cast  
13 for members of the General Assembly at the last preceding general  
14 election, held for the election of all of the members of the General  
15 Assembly, in the State, county, district or other political division in  
16 and for which the nominations are made; except that when the  
17 nomination is for an office to be filled by the voters of the entire  
18 State eight hundred signatures in the aggregate for each candidate  
19 nominated in the petition shall be sufficient; and except that no  
20 more than one hundred signatures shall be required to any petition  
21 for any officers to be elected save only such as are to be voted for  
22 by the voters of the State at large.

23 In case of a first general election to be held in a newly  
24 established election district, county, city or other political division,  
25 the number of fifty signatures to a petition shall be sufficient to  
26 nominate a candidate to be voted for only in such election district,  
27 county, city or other political division.

28 A candidate shall be permitted to sign or circulate, or both sign  
29 and circulate, the petition required to nominate that candidate for  
30 elective public office.

31 (cf: P.L.1948, c.438, s.6)

32

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

34 19:13-7. Before any petition shall be filed as hereinafter  
35 provided, at least one of the voters signing the same, or a candidate  
36 who signs or circulates, or both signs and circulates, such a petition,  
37 shall make oath before a duly qualified officer that the petition is  
38 made in good faith, that the affiant saw all the signatures made  
39 thereto and verily believes that the signers are duly qualified  
40 voters.

41 (cf: P.L.1973, c.135, s.1)

42

43 3. R.S.19:23-10 is amended to read as follows:

44 19:23-10. Not all of the names of petitioners need be signed to a  
45 single petition, but any number of petitions of the same purport

**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.

S814 VITALE

1 may be filed; but in the aggregate the signatures thereto indorsing  
2 any one person shall be the number required by this title. The  
3 signers to petitions shall not therein indorse or recommend more  
4 persons as candidates for the position than are to be chosen at the  
5 ensuing primary election in the state or political subdivision in  
6 which the signers to the petition reside, nor shall such signers  
7 indorse more persons as candidates for nomination to office than  
8 are to be elected in the state or political subdivision.

9 No member of one political party shall sign his name to any  
10 petition purporting to indorse any person as a candidate for office of  
11 another political party.

12 A candidate shall be permitted to sign or circulate, or both sign  
13 and circulate, the petition required for that candidate to seek  
14 nomination for elective office.

15 (cf: R.S.19:23-10)

16

17 4. R.S.19:23-11 is amended to read as follows:

18 19:23-11. Such petitions shall be verified by the oath or  
19 affirmation of one or more of the signers thereof, including a  
20 candidate who signs or circulates, or both signs and circulates, such  
21 a petition, taken and subscribed before a person qualified under the  
22 laws of New Jersey to administer an oath, to the effect that the  
23 petition is signed by each of the signers thereof in his proper  
24 handwriting; that the signers are to the best knowledge and belief  
25 of the affiant legal voters of the state or political subdivision  
26 thereof, as the case may be, as stated in the petition, belong to the  
27 political party named in the petition, and that the petition is  
28 prepared and filed in absolute good faith for the sole purpose of  
29 indorsing the person or persons therein named, in order to secure  
30 his or their nomination or selection as stated in such petition.

31 (cf: R.S.19:23-11)

32

33 5. Section 5 of P.L.1995, c.278 (C.19:60-5) is amended to read  
34 as follows:

35 5. Notwithstanding the provisions of R.S.19:13-4, each  
36 nominating petition for a candidate to be voted upon at a school  
37 election shall be addressed to the secretary of the board of  
38 education and therein shall be set forth:

39 a. A statement that the signers of the petition are all qualified  
40 voters of the school district or, in the case of a regional school  
41 district, qualified voters of the constituent district which the  
42 candidate shall represent on the board of education of the regional  
43 district;

44 b. The name, residence and post office address of the person  
45 endorsed and the office for which he is endorsed;

46 c. That the signers of the petition endorse the candidate named  
47 in the petition for that office and request that the person's name be

1 printed upon the official ballot to be used at the ensuing election;  
2 and

3 d. That the person so endorsed is legally qualified to be elected  
4 to the office.

5 A candidate shall be permitted to sign or circulate, or both sign  
6 and circulate, the petition required to nominate that candidate for  
7 membership on the board.

8 Any form of a petition of nomination hereunder which is  
9 provided to candidates in a school election shall contain the  
10 following notice: "Notice: All candidates are required by law to  
11 comply with the provisions of 'The New Jersey Campaign  
12 Contributions and Expenditures Reporting Act.' For further  
13 information, please call (insert phone number of the Election Law  
14 Enforcement Commission)."

15 (cf: P.L.1995, c.278, s.5)

16

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

19 4. On or before the **【54th】** 57th day prior to a regular  
20 municipal election, the names of candidates for all elective offices  
21 shall be filed with the municipal clerk, in the following manner and  
22 form and subject to the following conditions:

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

27 "I, the undersigned, a registered voter of the municipality of  
28 ....., residing at ..... certify that I do  
29 hereby join in a petition of the nomination of .....  
30 whose residence is at ..... for the office  
31 of mayor (or councilman-at-large, or ward councilman of the  
32 ..... ward, or commissioner, or village trustee, as the case may  
33 be) to be voted for at the election to be held in the municipality on  
34 the ....., **【19.....,】** 20....., and I further certify that I know this  
35 candidate to be a registered voter, for the period required by law, of  
36 the municipality (and the ward, in the case of ward councilman) and  
37 a person of good moral character, and qualified, in my judgment, to  
38 perform the duties of the office, and I further certify that I have not  
39 signed more petitions or certificates of nomination than there are  
40 places to be filled for the above office.

41 Signed ....."

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

1       b. Each petition signature shall be on a separate sheet of paper  
2 and shall bear the name and address of the petitioner. The  
3 candidate for office and his campaign manager shall make an oath  
4 before an officer competent to administer oaths that the statements  
5 made therein are true, and that each signature to the papers  
6 appended thereto is the genuine signature of the person whose name  
7 it purports to be, to their best knowledge and belief. The oath,  
8 signed by the candidate, shall constitute his acceptance of  
9 nomination and shall be annexed to the petition, together with the  
10 oath of his campaign manager, at the time the petition is submitted.

11       c. The municipal clerk shall immediately provide the Election  
12 Law Enforcement Commission with official certification of the  
13 filing or withdrawal of a petition of nomination.

14       d. A candidate shall be permitted to sign or circulate, or both  
15 sign and circulate, the petition required to nominate that candidate  
16 for elective public office in any municipality holding regular  
17 municipal elections.

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

19

20       7. Section 1 of P.L.1971, c.197 (C.40A:14-71) is amended to  
21 read as follows:

22       1. Candidates for membership on the board shall be nominated  
23 by verified petitions. Any such petition shall be in writing,  
24 addressed to the municipal clerk or the clerk of the board, as the  
25 case may be, stating that the signers thereof are qualified voters and  
26 residents in the district and requesting that the name of the  
27 candidate be placed on the official ballot. The petition shall state  
28 the residence of the candidate and certify his qualification for  
29 membership. The candidate's consent to his nomination shall be  
30 annexed to the petition and shall constitute his agreement to serve  
31 in the event of his election. The petition shall contain the name of  
32 only one candidate, but several petitions may nominate the same  
33 person. Each petition shall be signed by not less than 10 qualified  
34 voters and shall be filed at least 28 days before the date of the  
35 election.

36       Any form of a petition of nomination which is provided to  
37 candidates by the Secretary of State, the county clerk, or the  
38 municipal clerk shall contain the following notice: "Notice: All  
39 candidates are required by law to comply with the provisions of  
40 'The New Jersey Campaign Contributions and Expenditures  
41 Reporting Act,' P.L. 1973, c. 83 (C. 19:44A-1 et seq.). For further  
42 information please call (insert telephone number of the Election  
43 Law Enforcement Commission)."

44       If a petition is found to be defective, either in form or substance,  
45 the municipal clerk or the clerk of the board, as the case may be,  
46 shall forthwith notify the candidate to cause it to be corrected  
47 before the petition is given consideration.

1 A candidate shall be permitted to sign or circulate, or both sign  
2 and circulate. the petition required to nominate that candidate for  
3 membership on the board.  
4 (cf: P.L.1985, c.288, s.2)

5  
6 8. This act shall take effect on January 1 next following the  
7 date of enactment.

8  
9

10 STATEMENT

11

12 The purpose of this bill is to provide that a candidate is permitted  
13 to sign his or her own petition of nomination required by current  
14 law to nominate that candidate for election to any office, or serve as  
15 a circulator of such petitions, or to perform both functions.

16 Specifically, the sections of law amended by this bill permit a  
17 candidate to serve as a signer or circulator, or both, for his or her  
18 own petitions of nomination: 1) by direct petition; 2) for office in a  
19 political party or as the candidate of a political party in a primary  
20 election; 3) for office as a member of a school board; 4) for elective  
21 public office in any municipality holding nonpartisan municipal  
22 elections; and 5) for office as a fire district commissioner.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &  
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

**SENATE, No. 814**

**STATE OF NEW JERSEY**

DATED: MARCH 1, 2010

The Senate State Government, Wagering, Tourism & Historic Preservation Committee reports favorably Senate Bill No. 814.

This bill provides that a candidate for elective office is permitted to sign his or her own petition of nomination, or serve as a circulator of such petitions, or to perform both functions. Such petitions are required by current law to nominate a candidate for election to any office. By signing or circulating, or both, a petition of nomination, a candidate becomes a witness eligible under current law to attest or affirm that the petition has been made in good faith, that he or she has seen all of the signatures made on the petition, believes the signers to be qualified voters and, for a petition of nomination for a candidate in a primary election, is signed by a member of the political party named in the petition. Current law requires a witness to make such an affirmation for the petition to be certified by a duly qualified person before it can be filed with the Secretary of State, the clerk of the county in which the person is a candidate or the clerk of the municipality in which the person is a candidate, as may be required under current law.

The sections of law amended by this bill permit a candidate to serve as a signer or circulator, or both, for his or her own petitions of nomination: 1) by direct petition; 2) for office in a political party or as the candidate of a political party in a primary election; 3) for office as a member of a school board; 4) for elective public office in any municipality holding nonpartisan municipal elections; and 5) for office as a fire district commissioner.

STATEMENT TO

**SENATE, No. 814**

with Senate Floor Amendments  
(Proposed by Senator VITALE)

ADOPTED: MARCH 11, 2010

These Senate amendments update the text of the current law to be amended in sections six and seven of this bill.