

18A: 9-10 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:9-10 et al; 19:13-9 et al

(Absentee ballots--change distribution dates)

LAWS OF: 1985

CHAPTER: 92

Bill No: S2244

Sponsor(s): Cowan

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Committee: Assembly: State Government, Civil Service, Elections, Pensions and Veterans Affairs

Senate: /////

Amended during passage: Yes

Amendments during passage denoted by asterisks

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Feb. 28, 1985

Senate:

Sep. 20, 1984

Date of Approval: March 26, 1985

Following statements are attached if available:

Sponsor statement:

Yes

Committee statement:

Assembly

Yes

Senate

No

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SENATE, No. 2244

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 20, 1984

By Senator COWAN

(Without Reference)

AN ACT concerning the timing of absentee ballot distribution ***[for the general election]*** and certain other activities relating to elections and revising parts of the statutory law.

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

1 *1. N. J. S. 18A:9-10 is amended to read as follows:

2 18A:9-10. If the membership of the board in any such district so
3 becoming a type II district is less than nine, it shall be increased to
4 nine by the election of added members at the next annual school
5 election, unless the adopting election shall have been held more
6 than **[120]** 130 days or less than **[40]** 60 days before the date fixed
7 for such annual school election, in which case they shall be elected at
8 a special school election which shall be called and held by the mem-
9 bers of the board so holding over, if the adopting election was held
10 more than **[120]** 130 days before the annual school election, then
11 not less than **[40]** 60 or more than **[60]** 70 days after the adopting
12 election, or if the adopting election was held less than **[40]** 60 days
13 before the annual school election, then not less than **[40]** 60 or more
14 than **[60]** 70 days after such annual school election, excluding in
15 each instance from the calculation of the period which will elapse
16 between such **[40]** 60 and **[60]** 70 days, any period which would
17 elapse between the twenty-first day before and the twenty-first day
18 after any day fixed according to law for the holding of any primary
19 election for the general election or general election or municipal
20 election held within the district.

1 2. N. J. S. 18A:14-9 is amended to read as follows:

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted February 14, 1985.**

2 18A:14-9. Each candidate to be voted upon at a school election
 3 shall be nominated directly by petition, signed by at least 10
 4 persons, none of whom shall be the candidate himself, and filed
 5 with the secretary of the board of education of the district on or
 6 before four p.m. of the **【fortieth】** *54th* day preceding the date of
 7 the election**【,** except that nominating petitions for special elections
 8 to be held pursuant to section 18A:9-10 shall be so filed on or before
 9 four p.m. of the fifteenth day before said special election**【.** The
 10 signatures need not all appear upon a single petition and any
 11 number of petitions may be filed on behalf of any candidate but no
 12 petition shall contain the endorsement of more than one candidate.

1 3. N. J. S. 18A:14-12 is amended to read as follows:

2 18A:14-12. **【When】** *If, on or before the 49th day preceding the*
 3 *date of the election, the secretary of the board finds a nominating*
 4 *petition **【is found】** to be defective excepting as to the number of*
 5 *signatures, the secretary of the board shall forthwith notify the*
 6 *candidate of the defect and **【the date when the ballots will be***
 7 *printed**】** of the candidate's right to remedy the defect not later than*
 8 *the 49th day preceding the date of the election, and the candidate*
 9 *indorsing the petition may amend the same in form or substance,*
 10 *but not to add signatures, so as to remedy the defect at any time*
 11 *prior to said date. A nominating petition not so found to be defec-*
 12 *tive shall be, as of the 48th day preceding the election, conclusively*
 13 *valid for the purposes of this chapter.*

1 4. N. J. S. 18A:14-12.1 is amended to read as follows:

2 18A:14-12.1. Any candidate may withdraw his name as a candi-
 3 date for election at the annual school election by filing a notice in
 4 writing, signed by him, of his withdrawal with the secretary of the
 5 board **【of or】** before p.m. of the **【thirty-second】** *46th* day
 6 before the date of the election and thereupon the name of such
 7 candidate shall be withdrawn by the secretary. The name of such
 8 candidate shall not be printed on the ballot. *The secretary shall*
 9 *likewise withdraw on that date the name of any candidate who has*
 10 *been notified under N. J. S. 18A:14-12 of a defect in a petition of*
 11 *nomination but who has failed to remedy the defect in accordance*
 12 *with that section. The names of any candidates originally desig-*
 13 *nated on the ballot below the name of the withdrawn candidate shall*
 14 *be advanced one place each, respectively, on the ballot.*

1 5. N. J. S. 18A:14-25 is amended to read as follows:

2 18A:14-25. Not less than **【40】** *54* days whenever possible, and
 3 always as nearly **【40】** *54* days as possible, prior to the date fixed
 4 for the holding of any school election, the secretary of the board
 5 of education shall cause notices, of the character provided in sec-

tion 7 of the "Absentee Voting Law (1953)," *P. L. 1953, c. 211* (C. 19:57-7) to be published at least once in one newspaper published in the county or each county in which the district is situate and circulating in such county or in each such county, and if no newspaper is published in any such county or such a newspaper will not be published in time to publish such notices in accordance with this section, then in at least one newspaper published in the state and circulating, in the municipality or municipalities in such county or each such county, which notices shall state that the applications for any such ballots may be made to the secretary.

1 6. N. J. S. 18A:14-28 is amended to read as follows:

2 18A:14-28. Said military service and civilian absentee ballots shall be *forwarded to voters, voted and returned* and the result thereof canvassed and certified by the county board of elections to the secretary of the board of education of the district in which the election is held, and shall be counted, in determining the result of the election, in the same manner as is required under chapter 211 of the laws of 1953, the said "Absentee Voting Law (1953)."

1 7. R. S. 19:13-9 is amended to read as follows:

2 19:13-9. All such petitions and acceptances thereof shall be filed with the officer or officers to whom they are addressed before 4:00 p.m. of the **[fortieth]** *54th* day next preceding the day of the holding of the primary election for the general election in this Title provided. All petitions when filed shall be open under proper regulations for public inspection.

8 The officer or officers shall transmit to the Election Law Enforcement Commission the names of all candidates, *other than candidates for federal office*, nominated by petition and any other information required by the commission in the form and manner prescribed by the commission and shall notify the commission immediately upon the withdrawal of a petition of nomination.

1 8. R. S. 19:13-10 is amended to read as follows:

2 19:13-10. Every petition of nomination in apparent conformity with the provisions of this title shall be deemed to be valid, unless objection thereto be duly made in writing and filed with the officer with whom the original petition was filed **[within two days]** *not later than the fourth day* after the last day for filing of petitions **[has expired]**. If such objection is made, notice thereof signed by such officer shall forthwith be mailed to the candidate who may be affected thereby, addressed to him at his place of residence as given in the petition of nomination.

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

2 19:13-11. The officer with whom the original petition was filed

3 shall in the first instance pass upon the validity of such objection
 4 in a summary way unless an order shall be made in the matter by a
 5 court of competent jurisdiction and for this purpose such officer
 6 shall have power to subpoena witnesses and take testimony or
 7 depositions. He shall file his determination in writing in his office
 8 **[at least thirty-four days]** *on or before the 48th day* before the
 9 primary election for the general election, which determination
 10 shall be open for public inspection.*

1 ***[1.]*** **10.** R. S. 19:13-12 is amended to read as follows:

2 19:13-12. Any judge of the Superior Court, in the case of
 3 candidates to be voted for by the electors of the entire State, or of
 4 more than one county thereof, and in all other cases a judge of the
 5 Superior Court assigned to the county in which any petition of
 6 nomination shall be filed, on the application or complaint, duly
 7 verified, of any candidate, which application or complaint shall be
 8 made at least **[thirty-six]** **[56 days before the general election*
 9 *and 36]** **50** days before **[the]** **[any other]** **the** election,
 10 setting forth any invasion or threatened invasion of his rights
 11 under the petition of nomination filed with the Secretary of State
 12 or with any county clerk, shall hear such application or complaint
 13 in a summary way and make such order thereon as will protect
 14 and enforce the rights of such candidates, which order or determina-
 15 tion shall be filed within ***[two]*** **three** days after the filing of
 16 the application or complaint.

1 **11.* R. S. 19:13-13 is amended to read as follows:

2 19:13-13. A candidate whose petition of nomination, or any
 3 affidavit or affidavits thereto, is defective, may cause such petition
 4 or the affidavit or affidavits thereto, to be amended in matters of
 5 substance or of form as may be necessary, but not to add signatures,
 6 or such amendment or amendments may be made by filing a new or
 7 substitute petition, or affidavit or affidavits, and the same when so
 8 amended shall be of the same effect as if originally filed in such
 9 amended form; but every amendment shall be made **[at least**
 10 **thirty-four days]** *on or before the 48th day* before the primary
 11 election for the general election. This provision shall be liberally
 12 construed to protect the interest of candidates.*

1 ***[2.]*** **12.** R. S. 19:13-16 is amended to read as follows:

2 19:13-16. When a person nominated as herein provided by direct
 3 petition or State convention for election to public office at the
 4 general election shall, at least **[forty]** 60 days before the day of
 5 the general election, in a writing signed by him and duly acknow-
 6 ledged, notify the officer with whom the original petition or certifi-

7 cate of nomination was filed that he declines the nomination, the
8 nomination shall be void.

1 ***[3.]*** *13.* R. S. 19:13-19 is amended to read as follows:

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

1 ***[4.]*** *14.* R. S. 19:13-20 is amended to read as follows:

2 19:13-20. In the event of a vacancy, howsoever caused, among
3 candidates nominated at primaries, which vacancy shall occur not
4 later than **[37]** ***[57 days]*** *the 51st day* before the general elec-
5 tion, or in the event of inability to select a candidate because of a
6 tie vote at such primary, a candidate shall be selected in the follow-
6A ing manner:

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

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

14 (3) In the case of an office to be filled by the voters of a portion
15 of the State comprising all or part of two or more counties, the
16 candidate shall be selected by those members of the county commit-
17 tees of the party wherein the vacancy has occurred who represent
18 those portions of the respective counties which are comprised in the
19 district from which the candidate is to be elected.

20 (4) In the case of an office to be filled by the voters of a portion
21 of a single county, the candidate shall be selected by those members
22 of the county committee of the party wherein the vacancy has
23 occurred who represent those portions of the county which are com-
24 prised in the district from which the candidate is to be elected.

25 b. (1) Whenever in accordance with subsection a. of this section
26 members of two or more county committees are empowered to select
27 a candidate to fill a vacancy, it shall be the responsibility of the
28 chairmen of said county committees, acting jointly, to call together
29 the members of their respective committees who are so empowered.

30 (2) Whenever in accordance with the provisions of subsection a.
31 of this section members of a county committee are empowered to
32 select a candidate to fill a vacancy, it shall be the responsibility of
33 the chairman of such county committee to call together the members
34 of the committee who are so empowered.

35 (3) A county committee chairman or chairmen who call a meeting
 36 pursuant to paragraph (1) or (2) of this subsection shall not be
 37 entitled to vote upon the selection of a candidate at such meeting
 38 unless he or they are so entitled pursuant to subsection a.

39 c. Whenever a selection is to be made pursuant to this section to
 40 fill a vacancy resulting from inability to select a candidate because
 41 of a tie vote at a primary election, the selection shall be made from
 42 among those who have thus received the same number of votes at
 43 the primary.

44 d. A selection made pursuant to this section shall be made not
 45 later than the ~~thirty-fourth~~ *fifty-fourth* ~~thirty-fourth~~ *thirty-fourth* **thirty-fourth** *thirty-fourth* **thirty-fourth** *thirty-fourth* day preced-
 46 ing the date of the general election, and a statement of such selec-
 47 tion shall be filed with the Secretary of State or the appropriate
 48 county clerk, as the case may be, not later than said ~~thirty-fourth~~
 49 *fifty-fourth* **thirty-fourth** *thirty-fourth* **thirty-fourth** *thirty-fourth* day, and in the following manner:

50 (1) A selection made by a State committee of political party shall
 51 be certified to the Secretary of State by the State chairman of the
 52 political party.

53 (2) A selection made by a county committee of a political party,
 54 or a portion of the members thereof, shall be certified to the county
 55 clerk of the county by the county chairman of such political party;
 56 except that when such selection is of a candidate for the Senate or
 57 General Assembly or the United States House of Representatives
 58 the county chairman shall certify the selection to the State chairman
 59 of such political party, who shall certify the same to the Secretary
 60 of State.

61 (3) A selection made by members of two or more county commit-
 62 tees of a political party acting jointly shall be certified by the chair-
 63 men of said committees, acting jointly, to the State chairman of such
 64 political party, who shall certify the same to the Secretary of State.

65 e. A statement filed pursuant to subsection d. of this section
 66 shall state the residence and post office address of the person so
 67 selected, and shall certify that the person so selected is qualified
 68 under the laws of this State to be a candidate for such office, and is
 69 a member of the political party filling the vacancy. Accompanying
 70 the statement the person endorsed therein shall file a certificate
 71 stating that he is qualified under the laws of this State to be a candi-
 72 date for the office mentioned in the statement, that he consents to
 73 stand as a candidate at the ensuing general election and that he is a
 74 member of the political party named in said statement, and further
 75 that he is not a member of, or identified with, any other political
 76 party or any political organization espousing the cause of candi-
 77 dates of any other political party, to which shall be annexed the

78 oath of allegiance prescribed in R. S. 41:1-1 duly taken and
 79 subscribed by him before an officer authorized to take oaths in this
 80 State. The person so selected shall be the candidate of the party
 81 for such office at the ensuing general election.

1 ***[5.]*** *15.* R. S. 19:13-21 is amended to read as follows:

2 19:13-21. If the nomination vacated is that of a candidate for
 3 elector of the President and Vice-President of the United States,
 4 the vacancy shall be filled by the committee to whom power shall
 5 have been delegated to fill vacancies if such there be, otherwise by
 6 the State committee of the political party which nominated the
 7 elector whose nomination is vacated. The chairman and secretary
 8 of the vacancy committee or State committee shall file with the
 9 Secretary of State ***[not later than]*** **[34]** ***[54 days]*** *on or
 10 before the 48th day* prior to the general election a certificate of
 11 nomination for filling the vacancy. This certificate shall be made
 12 and filed in the same manner and form as heretofore provided for
 13 filling vacancies among candidates nominated at the primary and
 14 there shall be annexed thereto the oath of allegiance prescribed in
 15 section 41:1-1 of the Revised Statutes duly taken and subscribed by
 16 the person so nominated before an officer authorized to take oaths
 17 in this State.

1 *16. R. S. 19:14-1 is amended to read as follows:

2 19:14-1. Every county clerk shall have ready for the printer on
 3 or before **[noon of]** the **[seventeenth]** ~~43rd~~ day prior to the general
 4 election a copy of the contents of official ballots as hereinafter
 5 required to be printed for use at such election. He shall also on or
 6 before that time place another copy of such contents on file in his
 7 office and keep the same open to public inspection until the sample
 8 ballots hereinafter provided to be printed shall have been dis-
 9 tributed.

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

2 19:23-12. The signers to petitions for "Choice for President,"
 3 delegates and alternates to national conventions, for Governor,
 4 United States Senator, member of the House of Representatives,
 5 State Senator, member of the General Assembly and any county
 6 office may name three persons in their petition as a committee on
 7 vacancies.

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

14 officers to be voted for by the voters of the entire county or any
 15 county election district, a certificate of nomination to fill the
 16 vacancy.

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

24 The certificate so made shall be executed and sworn to by the
 25 members of such committee, and shall upon being filed at least
 26 ~~34~~ 48 days before election have the same force and effect as the
 27 original petition of nomination for the primary election for the
 28 general election and there shall be annexed thereto the oath of
 29 allegiance prescribed in R. S. 41:1-1 duly taken and subscribed by
 30 the person so nominated before an officer authorized to take oaths
 31 in this State. The name of the candidate submitted shall be im-
 32 mediately certified to the proper municipal clerks.

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

2 19:23-14. Petitions addressed to the Secretary of State, the coun-
 3 ty clerks, or the municipal clerks, shall be filed with such officers,
 4 respectively, before 4:00 p.m. of the ~~fortieth~~ 54th day next pre-
 5 ceding the day of the holding of the primary election for the general
 6 election.

7 ~~Within six days after the last day for filing the petitions for~~
 8 ~~nomination at~~ *Not later than the close of business of the 48th day*
 9 *preceding* the primary election for the general election, the municip-
 10 al clerk shall certify to the county clerk the full and correct names
 11 and addresses of all candidates for nomination for public and party
 12 office and the name of the political party of which such persons are
 13 candidates together with their slogan and designation. The county
 14 clerk shall transmit this information to the Election Law Enforce-
 15 ment Commission in the form and manner prescribed by the com-
 16 mission and shall notify the commission immediately upon the
 17 withdrawal of a petition of nomination.

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

2 19:23-21. The Secretary of State shall certify the names of the
 3 persons indorsed in the petitions filed in his office to the clerks of
 4 counties concerned thereby ~~at least 34 days~~ *not later than the*
 5 *48th day* prior to the holding of the primary election, specifying in
 6 such certificate the political parties to which the persons so nomi-
 7 nated in the petitions belong. ~~The~~ *In the case of candidates for*

8 *offices other than federal office; the Secretary of State shall also*
 9 transmit this information to the Election Law Enforcement Com-
 10 mission in the form and manner prescribed by the commission and
 11 shall notify the commission immediately upon the withdrawal of a
 12 petition of nomination.

1 20. 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 him by the Secretary of State and in addition the names
 4 of all persons indorsed in petitions filed in his office to the clerk
 5 of each municipality concerned thereby in his respective county
 6 **[at least 33 days]** *not later than the close of business of the 47th*
 7 *day* prior to the time fixed by law for the holding of the primary
 8 election, specifying in such certificate the political party to which
 9 the person or persons so nominated belong. The county clerk shall
 10 also transmit this information with respect to persons, *other than*
 11 *candidates for federal office* endorsed in petitions filed in his office
 12 to the Election Law Enforcement Commission in the form and
 13 manner prescribed by the commission and shall notify the commis-
 14 sion immediately upon the withdrawal of a petition of nomination
 15 filed in his office.

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

2 19:23-24. The position which the candidates, and bracketed
 3 groups of names of candidates for the primary for the general
 4 election shall have upon the primary election ballots, in the case of
 5 candidates for nomination for members of the United States
 6 Senate; Governor; members of the House of Representatives;
 7 members of the State Senate; members of the General Assembly;
 8 choice for President; delegates and alternates at large to the
 9 national conventions of political parties; district delegates and
 10 alternates to conventions of political parties; candidates for party
 11 position; and county offices or party positions which are to be voted
 12 for by the voters of the entire county or a portion thereof greater
 13 than a single municipality including a congressional district which
 14 is wholly within a single municipality, shall be determined by the
 15 county clerks in their respective counties; and, excepting in
 16 counties where **[section]** *R. S. 19:49-2* **[of the Revised Statutes]**
 17 applies, the position on the primary ballots in the case of candidates
 18 for nomination for office or party position wherein the candidates
 19 for office or party position to be filled are to be voted for by the
 20 voters of a municipality only, or a subdivision thereof (excepting
 21 in the case of members of the House of Representatives) shall be
 22 determined by the municipal clerk in such municipalities, in the
 23 following manner: The county clerk, or his deputy, or the municipal

24 clerk or his deputy, as the case may be, shall at his office on the
 25 **thirty-third** 47th day prior to the primary election at three
 26 o'clock in the afternoon draw from the box, as hereinafter described,
 27 each card separately without knowledge on his part as to which card
 28 he is drawing. Any legal voter of the county or municipality, as
 29 the case may be, shall have the privilege of witnessing such draw-
 30 ing. The person making the drawing shall make public announce-
 31 ment at the drawing of each name, the order in which same is
 32 drawn, and the office for which the drawing is made. When there
 33 is to be but one person nominated for the office, the names of the
 34 several candidates who have filed petitions for such office shall be
 35 written upon cards (one name on a card) of the same size, sub-
 36 stance and thickness. The cards shall be deposited in a box with an
 37 aperture in the cover of sufficient size to admit a man's hand. The
 38 box shall be well shaken and turned over to thoroughly mix the
 39 cards, and the cards shall then be withdrawn one at a time. The
 40 first name drawn shall have first place, the second name drawn,
 41 second place, and so on; the order of the withdrawal of the cards
 42 from the box determining the order of arrangement in which the
 43 names shall appear upon the primary election ballot. Where there
 44 is more than one person to be nominated to an office where petitions
 45 have designated that certain candidates shall be bracketed, the posi-
 46 tion of such bracketed names on the ballot (each bracket to be
 47 treated as a single name), together with individuals who have filed
 48 petitions for nominations for such office, shall be determined as
 49 above described. Where there is more than one person to be
 50 nominated for an office and there are more candidates who have
 51 filed petitions than there are persons to be nominated, the order of
 52 the printing of such names upon the primary election ballots shall
 53 be determined as above described.

54 The county clerk in certifying to the municipal clerk the offices
 55 to be filled and the names of candidates to be printed upon the
 56 primary election ballots, shall certify them in the order as drawn in
 57 accordance with the above described procedure, and the municipal
 58 clerk shall print the names upon the ballots as so certified and in
 59 addition shall print the names of such candidates as have filed peti-
 60 tions with him in the order as determined as a result of the drawing
 61 as above described.

1 22. R. S. 19:24-4 is amended to read as follows:

2 19:24-4. Not less than 100 members of each such political party
 3 may file with the Secretary of State at least **40** 54 days prior to
 4 the primary election for the general election in any year of a
 5 national convention a petition requesting that the name of a person

6 therein indorsed shall be printed on the primary ticket of such
 7 political party as candidate for the position of delegate-at-large or
 8 alternate-at-large, to be chosen by the party voters throughout the
 9 State to the national convention of that party, or as a delegate or
 10 alternate to be chosen to that convention by the voters of any
 11 congressional district.

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

16 The Secretary of State shall **[within six days thereafter]** *not*
 17 *later than the 48th day preceding the primary election for the*
 18 *general election* certify to each county clerk and county board such
 19 nominations for delegates and alternates-at-large and the nomina-
 20 tions for delegate or alternate for any Congressional district.

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

3 1. Not less than one thousand voters of any political party may
 4 file a petition with the Secretary of State on or before the **[fortieth]**
 5 *54th* day before a primary election in any year in which a President
 6 of the United States is to be chosen, requesting that the name of
 7 the person indorsed therein as a candidate of such party for the
 8 office of President of the United States shall be printed upon the
 9 official primary ballot of that party for the then ensuing election for
 10 delegates and alternates to the national convention of such party.

11 The petition shall be prepared and filed in the form and manner
 12 herein required for the indorsement of candidates to be voted for
 13 at the primary election for the general election, except that the
 14 candidate shall not be permitted to have a designation or slogan
 15 following his name, and that it shall not be necessary to have the
 16 consent of such candidate for president indorsed on the petition.

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

3 2. The Secretary of State shall certify the names so indorsed
 4 to the county clerk of each county **[on or before the thirty-fourth]**
 5 *not later than the 48th* day before such primary election; but if any
 6 person so indorsed shall on or before such date decline in writing,
 7 filed in the office of the Secretary of State, to have his name printed
 8 upon the primary election ballot as a candidate for President, the
 9 Secretary of State shall not so certify such name.

1 25. R. S. 19:27-6 is amended to read as follows:

2 19:27-6. In the case of a vacancy in the representation of this
 3 State in the United States Senate or House of Representatives,

4 the writ may designate the next general election day for the
 5 election, but if a special day is designated, it shall specify the
 6 cause and purpose of such election, the name of the officer in whose
 7 office the vacancy has occurred, the day on which a special primary
 8 election shall be held, which shall be not less than **[31]** 65 days, nor
 9 more than **[40]** 71 days, following the date of such proclamation,
 10 and the day on which the special election shall be held, which shall
 11 be not less than **[14]** 46 nor more than **[20]** 52 days following the
 12 day of the special primary election. The writ shall also specify the
 13 day or days when the district boards shall meet for the purpose of
 14 making, revising or correcting the registers of voters to be used
 15 at such special election.

16 If the vacancy happens in the representation of this State in the
 17 United States Senate the election shall take place at the general
 18 election next succeeding the happening thereof, unless the vacancy
 19 shall happen within **[30]** 64 days next preceding the primary elec-
 20 tion prior to the general election, in which case it shall be filled by
 21 election at the second succeeding election, unless the Governor
 22 shall deem it advisable to call a special election therefor, which he
 23 is authorized hereby to do.

24 If the vacancy happens in the representation of this State in the
 25 House of Representatives in any year, not later than the **[fiftieth]**
 26 *65th* day prior to the day for holding the next primary election for
 27 the general election, the Governor shall issue a writ of election to
 28 fill such vacancy, designating in said writ the next general election
 29 day as the day on which the election shall be held to fill such vacancy.
 30 The nomination of candidates to fill such vacancy shall be made
 31 in the same manner as the nomination of other candidates at the
 32 said primary election for the general election.

1 26. Section 4 of P. L. 1981, c. 429 (C. 19:27-6.1) is amended to
 2 read as follows:

3 4. In the case of a vacancy in the representation of this State
 4 in the Senate or General Assembly, the writ shall designate a
 5 special election day, the cause and purpose of the election and the
 6 name of the member in whose office the vacancy has occurred. The
 7 special election day shall be not less than **[37]** 65 nor more than
 8 **[43]** 71 days following the date on which the writ is issued, but if
 9 the primary election for the general election shall occur within 70
 10 days after the date on which the writ is issued, the special election
 11 day shall be on the day on which the primary election is to be held,
 12 provided the writ is issued no later than **[40]** 65 days before the
 13 primary election. The writ also shall specify the day or days when
 14 the district boards shall meet for the purpose of making, revising

15 or correcting the registers of voters to be used at the special
16 election.*

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

3 1. When a vacancy, howsoever caused, happens in the representa-
4 tion of this State in the House of Representatives in any year later
5 than the ***[fiftieth]*** *64th* day prior to the day for holding the
6 primary election for the general election but before the **[fiftieth]**
7 ***[seventieth]*** *52nd* day preceding the day of the general elec-
8 tion, and the unexpired term to be filled exceeds one year, the
9 Governor, in issuing a writ of election to fill such vacancy, may
10 designate in said writ the next general election day as the day on
11 which the election shall be held to fill such vacancy and that no
12 primary election shall be held for nomination of candidates to fill
12A such vacancy.

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

19 In such case, petitions of nominations of other candidates shall
20 be filed in the office of the Secretary of State within 10 days of the
21 date of such proclamation.

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

26 The election to fill such vacancy shall in all other respects be con-
27 ducted as though it were being conducted to fill the office upon the
28 expiration of the term of the incumbent..

1 ***[7.]*** *28.* R. S. 19:27-11 is amended to read as follows:

2 19:27-11. In the event of any vacancy in the Senate or General
3 Assembly, each political party shall select a candidate for the
4 office in question in the manner prescribed in R. S. 19:13-20 for
5 selecting candidates to fill vacancies among candidates nominated
6 at primary elections, and shall do so within seven days of the
7 issuance of the writ of election.

8 A statement of such selection shall be filed with the Secretary
9 of State not later than seven days after the issuance of the writ of
10 election.

11 In the event of any vacancy in any county or municipal office,
12 which vacancy shall occur after **the 11th day preceding** the last

13 day for filing petitions for nominations for the primary election
 13A and ***[prior to]** **[37]** ***[57 days]** **on or before the 51st day**
 14 preceding the general election, each political party may select a
 15 candidate for the office in question in the manner prescribed in
 16 R. S. 19:13-20 for selecting candidates to fill vacancies among
 17 candidates nominated at primary elections. A statement of such
 18 selection shall be filed with the county clerk not later than the
 19 **[thirty-fourth]** ***[fifty-fourth]** **close of business of the 48th**
 20 day preceding the date of the general election.

21 Beside the selection of candidates by each political party as
 22 before provided, candidates may also be nominated by petition in
 23 a similar manner as herein provided for direct nomination by
 24 petition for the general election; but the petition shall be filed with
 25 the county clerk or the Secretary of State, as the law may require,
 26 at least **[34]** ***[54]** **48** days prior to such general election.

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

32 When the vacancy occurs in a county office the county clerk shall
 33 forthwith give notice thereof to the chairman of the county com-
 34 mittee of each political party and in counties of the first class to
 35 the county board, and in case the vacancy occurs in a municipal
 36 office the municipal clerk shall forthwith give notice thereof to the
 37 county clerk, the chairman of the county committee of each political
 38 party and in counties of the first class the county board.

39 The county clerk shall print on the ballots for the territory
 40 affected, in the personal choice column, the title of office and leave a
 41 proper space under such title of office; and print the title of office
 42 and the names of such persons as have been duly nominated, in their
 43 proper columns.

1 ***[8.]** **29.** R. S. 19:37-1 is amended to read as follows:

2 19:37-1. When the governing body of any municipality or of
 3 any county desires to ascertain the sentiment of the legal voters
 4 of the municipality or county upon any question or policy pertain-
 5 ing to the government or internal affairs thereof, and there is no
 6 other statute by which the sentiment can be ascertained by the
 7 submission of such question to a vote of the electors in the muni-
 8 cipality or county at any election to be held therein, the governing
 9 body may adopt at any regular meeting an ordinance or a resolu-
 10 tion requesting the clerk of the county to print upon the official
 11 ballots to be used at the next ensuing general election a certain

12 proposition to be formulated and expressed in the ordinance or
 13 resolution in concise form. Such request shall be filed with the
 14 clerk of the county not later than [60] *[81]* *74* days previous
 15 to the election.

1 ***[9.]*** *30.* Section 2 of P. L. 1967, c. 101 (C. 19:37-1.1) is
 2 amended to read as follows:

3 2. Whenever a governing body of a municipality has adopted
 4 an ordinance or resolution pursuant to section 19:37-1 of the Re-
 5 vised Statutes, upon the presentation to the governing body of
 6 such municipality of a petition signed by 10% or more of the voters
 7 registered and qualified to vote at the last general election in such
 8 municipality, requesting the governing body of such municipality
 9 to ascertain the sentiment of the legal voters of the municipality
 10 upon any question or policy pertaining to the government or in-
 11 ternal affairs thereof that is reasonably related to any proposition
 12 formulated and expressed in such ordinance or resolution, such
 13 *governing body of the municipality* shall thereupon adopt at its
 14 next regular meeting following the presentation of such petition a
 15 resolution requesting the clerk of the county to print upon the
 16 official ballots to be used at the next ensuing general election a
 17 certain proposition as formulated and expressed in the petition.
 18 Such request shall be filed with the clerk of the county not later
 19 than [30] *[50 days]* *the 60th day* previous to the election.

1 ***[10.]*** *31.* Section 7 of P. L. 1953, c. 211 (C. 19:57-7) is
 2 amended to read as follows:

3 7. The county clerk of the county, in the case of any Statewide
 4 or countywide election; the clerk of the municipality, in the case of
 5 any municipal election; the secretary of the board of education, in
 6 the case of any school election; and the commissioners or other
 7 governing or administrative body of the district, in the case of
 8 any election to be held in any fire district, road district, sewerage
 9 district, street lighting district, water supply district or other
 10 special district, other than a municipality, created for specified
 11 public purposes within one or more municipalities, shall publish or
 12 cause to be published the following notices in substantially the
 13 following forms:

14 NOTICE TO MILITARY SERVICE VOTERS AND TO
 15 THEIR RELATIVES AND FRIENDS

16 If you are in the military service or the spouse or dependent of
 17 a person in military service or are a patient in a veterans' hospital
 18 or a civilian attached to or serving with the Armed Forces of the
 19 United States without the State of New Jersey, or the spouse or
 20 dependent of and accompanying or residing with a civilian attached

21 to or serving with the Armed Forces of the United States, and
22 desire to vote, or if you are a relative or friend of any such person
23 who, you believe, will desire to vote in the
(municipal, primary, gen-

24 election to be held on kindly write
eral or other) (date of election)

25 to the undersigned at once making application for a military service
26 ballot to be voted in said election to be forwarded to you, stating
27 your name, age, serial number if you are in military service, home
28 address and the address at which you are stationed or can be found,
29 or if you desire the military service ballot for a relative or friend
30 then make an application under oath for a military service ballot to
31 be forwarded to him, stating in your application that he is over the
32 age of 18 years and stating his name, serial number if he is in
33 military service, home address and the address at which he is
34 stationed or can be found.

35 (NOTE: MILITARY SERVICE VOTER CLAIMING MILI-
36 TARY STATION AS HOME ADDRESS FOR VOTING PUR-
37 POSES MAY NOT USE MILITARY ABSENTEE BALLOT
38 UNLESS REGISTERED TO VOTE IN THE MUNICIPALITY
39 WHERE SUCH STATION IS LOCATED.)

40 Forms of application can be obtained from the undersigned.

41 Dated

42
(signature and title of county clerk)

43
(address of county clerk)

NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE BALLOTS

44 If you are a qualified and registered voter of the State who
45 expects to be absent outside the State on,
(date of election)

46 or a qualified and registered voter who will be within the State on
47 but because of permanent and total disability,
(date of election)

48 or because of illness or temporary physical disability, or because of
49 the observance of a religious holiday pursuant to the tenets of your
50 religion, or because of resident attendance at a school, college, or
51 university, or because of the nature and hours of employment, will
52 be unable to cast your ballot at the polling place in your district on
53 said date, and you desire to vote in the,
(municipal, primary, general,

54 election to be held on
or other) (date of election)

55 kindly complete the application form below and send to the under-
56 signed, or write or apply in person to the undersigned at once re-
57 questing that a civilian absentee ballot be forwarded to you. Such
58 request must state your home address, and the address to which
59 said ballot should be sent, and must be signed with your signature,
60 and state the reason why you will not be able to vote at your usual
61 polling place. No civilian absentee ballot will be furnished or
62 forwarded to any applicant unless request therefor is received not
63 less than seven days prior to the election, and contains the fore-
64 going information.

65 Voters who are permanently and totally disabled shall, after
66 their initial request and without further action on their part, be
67 forwarded an absentee ballot application by the county clerk for
68 all future elections in which they are eligible to vote. Application
69 forms may be obtained by applying to the undersigned either in
70 writing or by telephone, or the application form provided below
71 may be completed and forwarded to the undersigned.

72 Dated
73
(signature and title of county clerk)
74
(address of county clerk)
75
(Telephone No. of county clerk)

APPLICATION FORM FOR CIVILIAN ABSENTEE BALLOT
(Form to be prepared by the Secretary of State pursuant to
section 17 of this amendatory and supplementary act.)

76 Such notices shall be separately published prior to ***the sixtieth**
77 **day immediately preceding the holding of the general election and***
78 the ***fortieth*** *50th* day immediately preceding the holding of
79 any ***other*** election.

80 Notices relating to any Statewide or countywide election shall
81 be published by the county clerk in at least two newspapers pub-
82 lished in the county. All other officials charged with the duty of
83 publishing such notices shall publish the same in at least one news-
84 paper published in each municipality or district in which the elec-
85 tion is to be held or if no newspaper be published in said munici-
86 pality, then in a newspaper published in the county and circulating
87 in such municipality, municipalities or district. All such notices
88 shall be display advertisements.

1 ***[11.]*** *32.* Section 11 of P. L. 1953, c. 211 (C. 19:57-11) is
2 amended to read as follows:

3 11. Each county clerk shall forward a military service ballot or

4 a civilian absentee ballot, as the case may be, for use under this act
 5 by first-class mail or hand delivery to each military service voter
 6 who applies therefor or on whose behalf application is made there-
 7 for, and whose application is approved in any case where approval
 8 is required under section 10 of this act, and to each civilian absentee
 9 voter whose request therefor has been approved. Hand delivery
 10 of an absentee ballot shall be made by the county clerk or his des-
 11 ignee only to the voter or his authorized messenger, who must
 12 appear in person. Ballots that have not been hand delivered shall
 13 be addressed to the voter at the forwarding address given in the
 14 application. All ballots to be forwarded to persons at an address
 15 located within the limits of the states of Alaska and Hawaii or
 16 anywhere else without the limits of the other 48 states and the
 17 District of Columbia shall be forwarded by air mail.

18 Such ballot shall be so forwarded as soon as practicable after
 19 **[the forty-sixth day preceding the day upon which the general elec-*
 20 *tion is to be held and]** the **[twenty-fifth]* *40th** day preceding
 21 the day upon which any **[other]** election is to be held.

1 **[12.]* *33.** Section 14 of P. L. 1953, c. 211 (C. 19:57-14) is
 2 amended to read as follows:

3 14. Each absentee ballot to be used at any election to be held
 4 while this act is in effect shall be printed entirely in black ink and,
 5 except as otherwise provided, shall conform generally to the ballot
 6 to be used at said election in the absentee voter's election district
 7 and shall be so prepared that the absentee voter may indicate
 8 thereon his choice of such of the candidates for the offices to be
 9 filled, and as to such public questions to be voted upon, at said
 10 election by the voters of the entire State, county or municipality
 11 in which such absentee voter is a resident, as shall be ascertained
 12 and known on **[the fifty-fourth day preceding the general election*
 13 *and]** the **[thirty-fourth]* *48th** day preceding *[such] *[any*
 14 *other]* *the** election and sufficient space shall be provided thereon
 15 for such absentee voter to write in the name of and vote for any
 16 candidate for, or his personal choice for, any public office to be voted
 17 for at such election in such election district. A list of the candidates
 18 for the offices to be filled in each election district in the county, whose
 19 names are known and ascertained on **[said fifty-fourth or thirty-*
 20 *fourth]* *the* day*[, as the case may be,]* *on which the ballot is*
 21 *forwarded** but do not appear upon said ballot, with a statement
 22 of the office for which each is a candidate, shall be forwarded with
 22A such ballot.

23 In the preparation of absentee ballots the name of any candidate
 24 who has been nominated for any office shall be placed upon the

25 absentee ballot to be used in the general election to be held in said
 26 year in each election district in which he is a candidate, whether
 27 or not such candidate has accepted such nomination prior to said
 28 date; provided, that he has not prior to said date declined the same.

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

3 4. **[At least 47 days]** *On or before the 54th day* prior to a regular
 4 municipal election, the names of candidates for all elective offices
 5 shall be filed with the municipal clerk, in the following manner and
 6 form and subject to the following conditions:

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

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

27 Signed"

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

34 b. Each petition signature shall be on a separate sheet of paper
 35 and shall bear the name and address of the petitioner. The candi-
 36 date for office and his campaign manager shall make an oath before
 37 an officer competent to administer oaths that the statements made
 38 therein are true, and that each signature to the papers appended
 39 thereto is the genuine signature of the person whose name it

40 purports to be, to their best knowledge and belief. The oath,
 41 signed by the candidate, shall constitute his acceptance of nomina-
 42 tion and shall be annexed to the petition, together with the oath of
 43 his campaign manager, at the time the petition is submitted.

44 c. The municipal clerk shall immediately provide the Election
 45 Law Enforcement Commission with official certification of the filing
 46 or withdrawal of a petition of nomination.

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

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

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

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

20 d. Where the nominating petition, or any affidavit or affidavits
 21 thereto is found defective, the candidate named therein may file
 22 such amendment or amendments as may be necessary to eliminate
 23 the defect, whether of matters of substance or form, and when
 24 so amended the effect shall be as if the petition had been originally
 25 filed in the amended form. After the last day for the filing of the
 26 original petition, no amendment may be made for the purpose of
 27 adding the name of any person who did not sign the original peti-
 28 tion, nor shall any amendment be made at any time for the purpose
 29 of changing the name of the candidate or the office for which he
 30 was to be nominated. No amendment to a nominating petition shall
 31 be made and filed less than **[34]** 48 days before the election.*

1 ***[13.]*** *36.* This act shall take effect immediately **but shall*
 2 *not apply to any primary, general or other election occurring on or*
 3 *before the 90th day following enactment*.*

SENATE, No. 2244

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 20, 1984

By Senator COWAN

(Without Reference)

AN ACT concerning the timing of absentee ballot distribution for the general election and certain other activities relating to elections and revising parts of the statutory law.

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

1 1. R. S. 19:13-12 is amended to read as follows:

2 19:13-12. Any judge of the Superior Court, in the case of
3 candidates to be voted for by the electors of the entire State, or of
4 more than one county thereof, and in all other cases a judge of the
5 Superior Court assigned to the county in which any petition of
6 nomination shall be filed, on the application or complaint, duly
7 verified, of any candidate, which application or complaint shall be
8 made at least **[thirty-six]** *56 days before the general election and*
9 *36 days before [the] any other election*, setting forth any invasion
10 or threatened invasion of his rights under the petition of nomination
11 filed with the Secretary of State or with any county clerk, shall
12 hear such application or complaint in a summary way and make
13 such order thereon as will protect and enforce the rights of such
14 candidates, which order or determination shall be filed within two
15 days after the filing of the application or complaint.

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

2 19:13-16. When a person nominated as herein provided by direct
3 petition or State convention for election to public office at the
4 general election shall, at least **[forty]** *60 days before the day of*
5 the general election, in a writing signed by him and duly acknow-
6 ledged, notify the officer with whom the original petition or certifi-

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 printed in italics *thus* is new matter.

7 cate of nomination was filed that he declines the nomination, the
8 nomination shall be void.

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

2 19:13-19. If the candidate vacating the nomination was nominated
3 directly by petition his successor shall be nominated in the same
4 manner by direct petition; which new petition of nomination must
5 be filed with the Secretary of State or county clerk, as the case may
6 require, not later than [thirty-four] 54 days before the day of
7 election whereat such candidate is to be voted for.

1 4. R. S. 19:13-20 is amended to read as follows:

2 19:13-20. In the event of a vacancy, howsoever caused, among
3 candidates nominated at primaries, which vacancy shall occur not
4 later than [37] 57 days before the general election, or in the event
5 of inability to select a candidate because of a tie vote at such
6 primary, a candidate shall be selected in the following manner:

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

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

14 (3) In the case of an office to be filled by the voters of a portion
15 of the State comprising all or part of two or more counties, the
16 candidate shall be selected by those members of the county commit-
17 tees of the party wherein the vacancy has occurred who represent
18 those portions of the respective counties which are comprised in the
19 district from which the candidate is to be elected.

20 (4) In the case of an office to be filled by the voters of a portion
21 of a single county, the candidate shall be selected by those members
22 of the county committee of the party wherein the vacancy has
23 occurred who represent those portions of the county which are com-
24 prised in the district from which the candidate is to be elected.

25 b. (1) Whenever in accordance with subsection a. of this section
26 members of two or more county committees are empowered to select
27 a candidate to fill a vacancy, it shall be the responsibility of the
28 chairmen of said county committees, acting jointly, to call together
29 the members of their respective committees who are so empowered.

30 (2) Whenever in accordance with the provisions of subsection a.
31 of this section members of a county committee are empowered to
32 select a candidate to fill a vacancy, it shall be the responsibility of
33 the chairman of such county committee to call together the members
34 of the committee who are so empowered.

35 (3) A county committee chairman or chairmen who call a meeting
36 pursuant to paragraph (1) or (2) of this subsection shall not be
37 entitled to vote upon the selection of a candidate at such meeting
38 unless he or they are so entitled pursuant to subsection a.

39 c. Whenever a selection is to be made pursuant to this section to
40 fill a vacancy resulting from inability to select a candidate because
41 of a tie vote at a primary election, the selection shall be made from
42 among those who have thus received the same number of votes at
43 the primary.

44 d. A selection made pursuant to this section shall be made not
45 later than the [thirty-fourth] *fifty-fourth* day preceding the date
46 of the general election, and a statement of such selection shall be
47 filed with the Secretary of State or the appropriate county clerk,
48 as the case may be, not later than said [thirty-fourth] *fifty-fourth*
49 day, and in the following manner:

50 (1) A selection made by a State committee of political party shall
51 be certified to the Secretary of State by the State chairman of the
52 political party.

53 (2) A selection made by a county committee of a political party,
54 or a portion of the members thereof, shall be certified to the county
55 clerk of the county by the county chairman of such political party;
56 except that when such selection is of a candidate for the Senate or
57 General Assembly or the United States House of Representatives
58 the county chairman shall certify the selection to the State chairman
59 of such political party, who shall certify the same to the Secretary
60 of State.

61 (3) A selection made by members of two or more county commit-
62 tees of a political party acting jointly shall be certified by the chair-
63 men of said committees, acting jointly, to the State chairman of such
64 political party, who shall certify the same to the Secretary of State.

65 e. A statement filed pursuant to subsection d. of this section
66 shall state the residence and post office address of the person so
67 selected, and shall certify that the person so selected is qualified
68 under the laws of this State to be a candidate for such office, and is
69 a member of the political party filling the vacancy. Accompanying
70 the statement the person endorsed therein shall file a certificate
71 stating that he is qualified under the laws of this State to be a candi-
72 date for the office mentioned in the statement, that he consents to
73 stand as a candidate at the ensuing general election and that he is a
74 member of the political party named in said statement, and further
75 that he is not a member of, or identified with, any other political
76 party or any political organization espousing the cause of candi-
77 dates of any other political party, to which shall be annexed the

78 oath of allegiance prescribed in R. S. 41:1-1 duly taken and
 79 subscribed by him before an officer authorized to take oaths in this
 80 State. The person so selected shall be the candidate of the party
 81 for such office at the ensuing general election.

1 5. R. S. 19:13-21 is amended to read as follows:

2 19:13-21. If the nomination vacated is that of a candidate for
 3 elector of the President and Vice-President of the United States,
 4 the vacancy shall be filled by the committee to whom power shall
 5 have been delegated to fill vacancies if such there be, otherwise by
 6 the State committee of the political party which nominated the
 7 elector whose nomination is vacated. The chairman and secretary
 8 of the vacancy committee or State committee shall file with the
 9 Secretary of State not later than [34] 54 days prior to the general
 10 election a certificate of nomination for filling the vacancy. This
 11 certificate shall be made and filed in the same manner and form as
 12 heretofore provided for filling vacancies among candidates nomi-
 13 nated at the primary and there shall be annexed thereto the oath
 14 of allegiance prescribed in section 41:1-1 of the Revised Statutes
 15 duly taken and subscribed by the person so nominated before an
 16 officer authorized to take oaths in this State.

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

3 1. When a vacancy, howsoever caused, happens in the representa-
 4 tion of this State in the House of Representatives in any year later
 5 than the fiftieth day prior to the day for holding the primary elec-
 6 tion for the general election but before the [fiftieth] *seventieth*
 7 day preceding the day of the general election, and the unexpired
 8 term to be filled exceeds one year, the Governor, in issuing a writ
 9 of election to fill such vacancy, may designate in said writ the
 10 next general election day as the day on which the election shall be
 11 held to fill such vacancy and that no primary election shall be held
 12 for nomination of candidates to fill such vacancy.

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

19 In such case, petitions of nominations of other candidates shall
 20 be filed in the office of the Secretary of State within 10 days of the
 21 date of such proclamation.

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

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

26 The election to fill such vacancy shall in all other respects be con-
27 ducted as though it were being conducted to fill the office upon the
28 expiration of the term of the incumbent.

1 7. R. S. 19:27-11 is amended to read as follows:

2 19:27-11. In the event of any vacancy in the Senate or General
3 Assembly, each political party shall select a candidate for the
4 office in question in the manner prescribed in R. S. 19:13-20 for
5 selecting candidates to fill vacancies among candidates nominated
6 at primary elections, and shall do so within seven days of the
7 issuance of the writ of election.

8 A statement of such selection shall be filed with the Secretary
9 of State not later than seven days after the issuance of the writ of
10 election.

11 In the event of any vacancy in any county or municipal office,
12 which vacancy shall occur after the last day for filing petitions for
13 nominations for the primary election and prior to [37] 57 days
14 preceding the general election, each political party may select a
15 candidate for the office in question in the manner prescribed in
16 R. S. 19:13-20 for selecting candidates to fill vacancies among
17 candidates nominated at primary elections. A statement of such
18 selection shall be filed with the county clerk not later than the
19 [thirty-fourth] *fifty-fourth* day preceding the date of the general
20 election.

21 Beside the selection of candidates by each political party as
22 before provided, candidates may also be nominated by petition in
23 a similar manner as herein provided for direct nomination by
24 petition for the general election; but the petition shall be filed with
25 the county clerk or the Secretary of State, as the law may require,
26 at least [34] 54 days prior to such general election.

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

32 When the vacancy occurs in a county office the county clerk shall
33 forthwith give notice thereof to the chairman of the county com-
34 mittee of each political party and in counties of the first class to
35 the county board, and in case the vacancy occurs in a municipal
36 office the municipal clerk shall forthwith give notice thereof to the
37 county clerk, the chairman of the county committee of each political
38 party and in counties of the first class the county board.

39 The county clerk shall print on the ballots for the territory
 40 affected, in the personal choice column, the title of office and leave a
 41 proper space under such title of office; and print the title of office
 42 and the names of such persons as have been duly nominated, in their
 43 proper columns.

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

2 19:37-1. When the governing body of any municipality or of
 3 any county desires to ascertain the sentiment of the legal voters
 4 of the municipality or county upon any question or policy pertain-
 5 ing to the government or internal affairs thereof, and there is no
 6 other statute by which the sentiment can be ascertained by the
 7 submission of such question to a vote of the electors in the munici-
 8 pality or county at any election to be held therein, the governing
 9 body may adopt at any regular meeting an ordinance or a resolu-
 10 tion requesting the clerk of the county to print upon the official
 11 ballots to be used at the next ensuing general election a certain
 12 proposition to be formulated and expressed in the ordinance or
 13 resolution in concise form. Such request shall be filed with the
 14 clerk of the county not later than **[60]** 81 days previous to the
 15 election.

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

3 2. Whenever a governing body of a municipality has adopted
 4 an ordinance or resolution pursuant to section 19:37-1 of the Re-
 5 vised Statutes, upon the presentation to the governing body of
 6 such municipality of a petition signed by 10% or more of the voters
 7 registered and qualified to vote at the last general election in such
 8 municipality, requesting the governing body of such municipality
 9 to ascertain the sentiment of the legal voters of the municipality
 10 upon any question or policy pertaining to the government or in-
 11 ternal affairs thereof that is reasonably related to any proposition
 12 formulated and expressed in such ordinance or resolution, such
 13 *governing body of the* municipality shall thereupon adopt at its
 14 next regular meeting following the presentation of such petition a
 15 resolution requesting the clerk of the county to print upon the
 16 official ballots to be used at the next ensuing general election a
 17 certain proposition as formulated and expressed in the petition.
 18 Such request shall be filed with the clerk of the county not later
 19 than **[30]** 50 days previous to the election.

1 10. Section 7 of P. L. 1953, c. 211 (C. 19:57-7) is amended to
 2 read as follows:

3 7. The county clerk of the county, in the case of any Statewide
 4 or countywide election; the clerk of the municipality, in the case of

5 any municipal election; the secretary of the board of education, in
6 the case of any school election; and the commissioners or other
7 governing or administrative body of the district, in the case of
8 any election to be held in any fire district, road district, sewerage
9 district, street lighting district, water supply district or other
10 special district, other than a municipality, created for specified
11 public purposes within one or more municipalities, shall publish or
12 cause to be published the following notices in substantially the
13 following forms:

14 NOTICE TO MILITARY SERVICE VOTERS AND TO
15 THEIR RELATIVES AND FRIENDS

16 If you are in the military service or the spouse or dependent of
17 a person in military service or are a patient in a veterans' hospital
18 or a civilian attached to or serving with the Armed Forces of the
19 United States without the State of New Jersey, or the spouse or
20 dependent of and accompanying or residing with a civilian attached
21 to or serving with the Armed Forces of the United States, and
22 desire to vote, or if you are a relative or friend of any such person
23 who, you believe, will desire to vote in the

24 (municipal, primary, gen-
..... election to be held on kindly write
..... (date of election)

25 to the undersigned at once making application for a military service
26 ballot to be voted in said election to be forwarded to you, stating
27 your name, age, serial number if you are in military service, home
28 address and the address at which you are stationed or can be found,
29 or if you desire the military service ballot for a relative or friend
30 then make an application under oath for a military service ballot to
31 be forwarded to him, stating in your application that he is over the
32 age of 18 years and stating his name, serial number if he is in
33 military service, home address and the address at which he is
34 stationed or can be found.

35 (NOTE: MILITARY SERVICE VOTER CLAIMING MILI-
36 TARY STATION AS HOME ADDRESS FOR VOTING PUR-
37 POSES MAY NOT USE MILITARY ABSENTEE BALLOT
38 UNLESS REGISTERED TO VOTE IN THE MUNICIPALITY
39 WHERE SUCH STATION IS LOCATED.)

40 Forms of application can be obtained from the undersigned.

41 Dated

42
(signature and title of county clerk)

43
(address of county clerk)

NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE BALLOTS

44 If you are a qualified and registered voter of the State who
45 expects to be absent outside the State on
(date of election)

46 or a qualified and registered voter who will be within the State on
47 but because of permanent and total disability,
(date of election)

48 or because of illness or temporary physical disability, or because of
49 the observance of a religious holiday pursuant to the tenets of your
50 religion, or because of resident attendance at a school, college, or
51 university, or because of the nature and hours of employment, will
52 be unable to cast your ballot at the polling place in your district on
53 said date, and you desire to vote in the

(municipal, primary, general,
54 election to be held on
or other) (date of election)

55 kindly complete the application form below and send to the under-
56 signed, or write or apply in person to the undersigned at once re-
57 questing that a civilian absentee ballot be forwarded to you. Such
58 request must state your home address, and the address to which
59 said ballot should be sent, and must be signed with your signature,
60 and state the reason why you will not be able to vote at your usual
61 polling place. No civilian absentee ballot will be furnished or
62 forwarded to any applicant unless request therefor is received not
63 less than seven days prior to the election, and contains the fore-
64 going information.

65 Voters who are permanently and totally disabled shall, after
66 their initial request and without further action on their part, be
67 forwarded an absentee ballot application by the county clerk for
68 all future elections in which they are eligible to vote. Application
69 forms may be obtained by applying to the undersigned either in
70 writing or by telephone, or the application form provided below
71 may be completed and forwarded to the undersigned.

72 Dated
73
(signature and title of county clerk)

74
(address of county clerk)

75
(Telephone No. of county clerk)

43
NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE BALLOTS
If you are a qualified and registered voter of the State who
expects to be absent outside the State on
(date of election)
or a qualified and registered voter who will be within the State on
..... but because of permanent and total disability,
(date of election)
or because of illness or temporary physical disability, or because of
the observance of a religious holiday pursuant to the tenets of your
religion, or because of resident attendance at a school, college, or
university, or because of the nature and hours of employment, will
be unable to cast your ballot at the polling place in your district on
said date, and you desire to vote in the

9
APPLICATION FORM FOR CIVILIAN ABSENTEE BALLOT

(Form to be prepared by the Secretary of State pursuant to section 17 of this amendatory and supplementary act.)

76 Such notices shall be separately published prior to *the sixtieth day*
77 *immediately preceding the holding of the general election and the*
78 *fortieth day immediately preceding the holding of any other elec-*
79 *tion.*

80 Notices relating to any Statewide or countywide election shall
81 be published by the county clerk in at least two newspapers pub-
82 lished in the county. All other officials charged with the duty of
83 publishing such notices shall publish the same in at least one news-
84 paper published in each municipality or district in which the elec-
85 tion is to be held or if no newspaper be published in said munici-
86 pality, then in a newspaper published in the county and circulating
87 in such municipality, municipalities or district. All such notices
88 shall be display advertisements.

1 11. Section 11 of P. L. 1953, c. 211 (C. 19:57-11) is amended to
2 read as follows:

3 11. Each county clerk shall forward a military service ballot or
4 a civilian absentee ballot, as the case may be, for use under this act
5 by first-class mail or hand delivery to each military service voter
6 who applies therefor or on whose behalf application is made there-
7 for, and whose application is approved in any case where approval
8 is required under section 10 of this act, and to each civilian absentee
9 voter whose request therefor has been approved. Hand delivery
10 of an absentee ballot shall be made by the county clerk or his des-
11 ignee only to the voter or his authorized messenger, who must
12 appear in person. Ballots that have not been hand delivered shall
13 be addressed to the voter at the forwarding address given in the
14 application. All ballots to be forwarded to persons at an address
15 located within the limits of the states of Alaska and Hawaii or
16 anywhere else without the limits of the other 48 states and the
17 District of Columbia shall be forwarded by air mail.

18 Such ballot shall be so forwarded as soon as practicable after
19 *the forty-sixth day preceding the day upon which the general elec-*
20 *tion is to be held and the twenty-fifth day preceding the day upon*
21 *which any other election is to be held.*

1 12. Section 14 of P. L. 1953, c. 211 (C. 19:57-14) is amended to
2 read as follows:

3 14. Each absentee ballot to be used at any election to be held
4 while this act is in effect shall be printed entirely in black ink and,
5 except as otherwise provided, shall conform generally to the ballot

6 to be used at said election in the absentee voter's election district
 7 and shall be so prepared that the absentee voter may indicate
 8 thereon his choice of such of the candidates for the offices to be
 9 filled, and as to such public questions to be voted upon, at said
 10 election by the voters of the entire State, county or municipality
 11 in which such absentee voter is a resident, as shall be ascertained
 12 and known on *the fifty-fourth day preceding the general election*
 13 *and* the thirty-fourth day preceding [such] *any other* election
 14 and sufficient space shall be provided thereon for such absentee
 15 voter to write in the name of and vote for any candidate for, or his
 16 personal choice for, any public office to be voted for at such election
 17 in such election district. A list of the candidates for the offices
 18 to be filled in each election district in the county, whose names are
 19 known and ascertained on said *fifty-fourth or thirty-fourth day,*
 20 *as the case may be,* but do not appear upon said ballot, with a state-
 21 ment of the office for which each is a candidate, shall be forwarded
 22 with such ballot.

23 In the preparation of absentee ballots the name of any candidate
 24 who has been nominated for any office shall be placed upon the
 25 absentee ballot to be used in the general election to be held in said
 26 year in each election district in which he is a candidate, whether
 27 or not such candidate has accepted such nomination prior to said
 28 date; provided, that he has not prior to said date declined the same.

1 13. This act shall take effect immediately.

STATEMENT

This bill alters the date after which election officials may begin distributing absentee ballots for the general election from the twenty-fifth day to the forty-sixth day prior to the election. (The forty-sixth day is a Friday.) This change would better allow absentee voters, particularly military and civilian voters dwelling abroad, sufficient time to apply for, receive, execute and return their ballots.

In accordance with the basic intent of the bill, the timing of selecting substitute candidates in the event of vacancies and of various other election-related activities is advanced by an appropriate period of time.

52244 (1985)

ASSEMBLY STATE GOVERNMENT, CIVIL SERVICE,
ELECTIONS, PENSIONS AND VETERANS AFFAIRS
COMMITTEE

STATEMENT TO

SENATE, No. 2244

with Assembly committee amendment

STATE OF NEW JERSEY

DATED: FEBRUARY 14, 1985

This bill alters the date on which election officials may begin distributing absentee ballots for elections from the 25th day to the 40th day prior to the election. This change would better allow absentee voters, particularly military and civilian voters dwelling abroad, sufficient time to apply for, receive, execute and return their ballots.

In accordance with the basic intent of the bill, the timing of selecting substitute candidates in the event of vacancies and of various other election-related activities is advanced by an appropriate period of time.

COMMITTEE AMENDMENT

The committee amended the bill to extend its applicability to all elections rather than only to general elections, and to shift the ballot distribution date to the 40th day preceding the election, rather than to the 46th day as provided by the bill in its original form. The amendment also made various changes in Title 18A to effectuate the bill's intended applicability to school board elections and made several minor technical revisions for form and style.

The committee reported the bill favorably.

[ASSEMBLY REPRINT]

SENATE, No. 2244

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 20, 1984

By Senator COWAN

(Without Reference)

AN ACT concerning the timing of absentee ballot distribution ***[for the general election]*** and certain other activities relating to elections and revising parts of the statutory law.

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

1 *1. N. J. S. 18A:9-10 is amended to read as follows:

2 18A:9-10. If the membership of the board in any such district so
3 becoming a type II district is less than nine, it shall be increased to
4 nine by the election of added members at the next annual school
5 election, unless the adopting election shall have been held more
6 than **[120]** 130 days or less than **[40]** 60 days before the date fixed
7 for such annual school election, in which case they shall be elected at
8 a special school election which shall be called and held by the mem-
9 bers of the board so holding over, if the adopting election was held
10 more than **[120]** 130 days before the annual school election, then
11 not less than **[40]** 60 or more than **[60]** 70 days after the adopting
12 election, or if the adopting election was held less than **[40]** 60 days
13 before the annual school election, then not less than **[40]** 60 or more
14 than **[60]** 70 days after such annual school election, excluding in
15 each instance from the calculation of the period which will elapse
16 between such **[40]** 60 and **[60]** 70 days, any period which would
17 elapse between the twenty-first day before and the twenty-first day
18 after any day fixed according to law for the holding of any primary
19 election for the general election or general election or municipal
20 election held within the district.

1 2. N. J. S. 18A:14-9 is amended to read as follows:

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted February 14, 1985.**

2 18A:14-9. Each candidate to be voted upon at a school election
 3 shall be nominated directly by petition, signed by at least 10
 4 persons, none of whom shall be the candidate himself, and filed
 5 with the secretary of the board of education of the district on or
 6 before four p.m. of the [fortieth] 54th day preceding the date of
 7 the election, except that nominating petitions for special elections
 8 to be held pursuant to section 18A:9-10 shall be so filed on or before
 9 four p.m. of the fifteenth day before said special election. The
 10 signatures need not all appear upon a single petition and any
 11 number of petitions may be filed on behalf of any candidate but no
 12 petition shall contain the endorsement of more than one candidate.

1 3. N. J. S. 18A:14-12 is amended to read as follows:

2 18A:14-12. [When] *If, on or before the 49th day preceding the*
 3 *date of the election, the secretary of the board finds a nominating*
 4 *petition [is found] to be defective excepting as to the number of*
 5 *signatures, the secretary of the board shall forthwith notify the*
 6 *candidate of the defect and [the date when the ballots will be*
 7 *printed] of the candidate's right to remedy the defect not later than*
 8 *the 49th day preceding the date of the election, and the candidate*
 9 *indorsing the petition may amend the same in form or substance,*
 10 *but not to add signatures, so as to remedy the defect at any time*
 11 *prior to said date. A nominating petition not so found to be defec-*
 12 *tive shall be, as of the 48th day preceding the election, conclusively*
 13 *valid for the purposes of this chapter.*

1 4. N. J. S. 18A:14-12.1 is amended to read as follows:

2 18A:14-12.1. Any candidate may withdraw his name as a candi-
 3 date for election at the annual school election by filing a notice in
 4 writing, signed by him, of his withdrawal with the secretary of the
 5 board [of or] before p.m. of the [thirty-second] 46th day
 6 before the date of the election and thereupon the name of such
 7 candidate shall be withdrawn by the secretary. The name of such
 8 candidate shall not be printed on the ballot. *The secretary shall*
 9 *likewise withdraw on that date the name of any candidate who has*
 10 *been notified under N. J. S. 18A:14-12 of a defect in a petition of*
 11 *nomination but who has failed to remedy the defect in accordance*
 12 *with that section.* The names of any candidates originally desig-
 13 nated on the ballot below the name of the withdrawn candidate shall
 14 be advanced one place each, respectively, on the ballot.

1 5. N. J. S. 18A:14-25 is amended to read as follows:

2 18A:14-25. Not less than [40] 54 days whenever possible, and
 3 always as nearly [40] 54 days as possible, prior to the date fixed
 4 for the holding of any school election, the secretary of the board
 5 of education shall cause notices, of the character provided in sec-

tion 7 of the "Absentee Voting Law (1953)," P. L. 1953, c. 211 (C. 19:57-7) to be published at least once in one newspaper published in the county or each county in which the district is situate and circulating in such county or in each such county, and if no newspaper is published in any such county or such a newspaper will not be published in time to publish such notices in accordance with this section, then in at least one newspaper published in the state and circulating, in the municipality or municipalities in such county or each such county, which notices shall state that the applications for any such ballots may be made to the secretary.

1 6. N. J. S. 18A:14-28 is amended to read as follows:

2 18A:14-28. Said military service and civilian absentee ballots
3 shall be *forwarded to voters, voted and returned* and the result
4 thereof canvassed, and certified by the county board of elections to
5 the secretary of the board of education of the district in which the
6 election is held, and shall be counted, in determining the result of
7 the election, in the same manner as is required under chapter 211
8 of the laws of 1953, the said "Absentee Voting Law (1953)."

1 7. R. S. 19:13-9 is amended to read as follows:

2 19:13-9. All such petitions and acceptances thereof shall be filed
3 with the officer or officers to whom they are addressed before
4 4:00 p.m. of the **[fortieth]** *54th* day next preceding the day of the
5 holding of the primary election for the general election in this
6 Title provided. All petitions when filed shall be open under proper
7 regulations for public inspection.

8 The officer or officers shall transmit to the Election Law Enforce-
9 ment Commission the names of all candidates, *other than candidates*
10 *for federal office*, nominated by petition and any other information
11 required by the commission in the form and manner prescribed by
12 the commission and shall notify the commission immediately upon
13 the withdrawal of a petition of nomination.

1 8. R. S. 19:13-10 is amended to read as follows:

2 19:13-10. Every petition of nomination in apparent conformity
3 with the provisions of this title shall be deemed to be valid, unless
4 objection thereto be duly made in writing and filed with the officer
5 with whom the original petition was filed **[within two days]**, *not*
6 *later than the fourth day* after the last day for filing of petitions
7 **[has expired]**. If such objection is made, notice thereof signed by
8 such officer shall forthwith be mailed to the candidate who may be
9 affected thereby, addressed to him at his place of residence as given
10 in the petition of nomination.

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

2 19:13-11. The officer with whom the original petition was filed

3 shall in the first instance pass upon the validity of such objection
 4 in a summary way unless an order shall be made in the matter by a
 5 court of competent jurisdiction and for this purpose such officer
 6 shall have power to subpoena witnesses and take testimony or
 7 depositions. He shall file his determination in writing in his office
 8 [at least thirty-four days] *on or before the 48th day* before the
 9 primary election for the general election, which determination
 10 shall be open for public inspection.*

1 ***[1.]*** *10.* R. S. 19:13-12 is amended to read as follows:

2 19:13-12. Any judge of the Superior Court, in the case of
 3 candidates to be voted for by the electors of the entire State, or of
 4 more than one county thereof, and in all other cases a judge of the
 5 Superior Court assigned to the county in which any petition of
 6 nomination shall be filed, on the application or complaint, duly
 7 verified, of any candidate, which application or complaint shall be
 8 made at least [thirty-six] ***[56 days before the general election**
 9 *and 36]** *50* days before [the] ***[any other]*** *the* election,
 10 setting forth any invasion or threatened invasion of his rights
 11 under the petition of nomination filed with the Secretary of State
 12 or with any county clerk, shall hear such application or complaint
 13 in a summary way and make such order thereon as will protect
 14 and enforce the rights of such candidates, which order or determina-
 15 tion shall be filed within ***[two]*** *three* days after the filing of
 16 the application or complaint.

1 *11. R. S. 19:13-13 is amended to read as follows:

2 19:13-13. A candidate whose petition of nomination, or any
 3 affidavit or affidavits thereto, is defective, may cause such petition
 4 or the affidavit or affidavits thereto, to be amended in matters of
 5 substance or of form as may be necessary, but not to add signatures,
 6 or such amendment or amendments may be made by filing a new or
 7 substitute petition, or affidavit or affidavits, and the same when so
 8 amended shall be of the same effect as if originally filed in such
 9 amended form; but every amendment shall be made [at least
 10 thirty-four days] *on or before the 48th day* before the primary
 11 election for the general election. This provision shall be liberally
 12 construed to protect the interest of candidates.*

1 ***[2.]*** *12.* R. S. 19:13-16 is amended to read as follows:

2 19:13-16. When a person nominated as herein provided by direct
 3 petition or State convention for election to public office at the
 4 general election shall, at least [forty] 60 days before the day of
 5 the general election, in a writing signed by him and duly acknow-
 6 ledged, notify the officer with whom the original petition or certifi-

7 cate of nomination was filed that he declines the nomination, the
8 nomination shall be void.

1 ***[3.]*** *13.* R. S. 19:13-19 is amended to read as follows:

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

1 ***[4.]*** *14.* R. S. 19:13-20 is amended to read as follows:

2 19:13-20. In the event of a vacancy, howsoever caused, among
3 candidates nominated at primaries, which vacancy shall occur not
4 later than **[37]** ***[57 days]*** *the 51st day* before the general elec-
5 tion, or in the event of inability to select a candidate because of a
6 tie vote at such primary, a candidate shall be selected in the follow-
6A ing manner:

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

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

14 (3) In the case of an office to be filled by the voters of a portion
15 of the State comprising all or part of two or more counties, the
16 candidate shall be selected by those members of the county commit-
17 tees of the party wherein the vacancy has occurred who represent
18 those portions of the respective counties which are comprised in the
19 district from which the candidate is to be elected.

20 (4) In the case of an office to be filled by the voters of a portion
21 of a single county, the candidate shall be selected by those members
22 of the county committee of the party wherein the vacancy has
23 occurred who represent those portions of the county which are com-
24 prised in the district from which the candidate is to be elected.

25 b. (1) Whenever in accordance with subsection a. of this section
26 members of two or more county committees are empowered to select
27 a candidate to fill a vacancy, it shall be the responsibility of the
28 chairmen of said county committees, acting jointly, to call together
29 the members of their respective committees who are so empowered.

30 (2) Whenever in accordance with the provisions of subsection a.
31 of this section members of a county committee are empowered to
32 select a candidate to fill a vacancy, it shall be the responsibility of
33 the chairman of such county committee to call together the members
34 of the committee who are so empowered.

35 (3) A county committee chairman or chairmen who call a meeting
 36 pursuant to paragraph (1) or (2) of this subsection shall not be
 37 entitled to vote upon the selection of a candidate at such meeting
 38 unless he or they are so entitled pursuant to subsection a.

39 c. Whenever a selection is to be made pursuant to this section to
 40 fill a vacancy resulting from inability to select a candidate because
 41 of a tie vote at a primary election, the selection shall be made from
 42 among those who have thus received the same number of votes at
 43 the primary.

44 d. A selection made pursuant to this section shall be made not
 45 later than the [thirty-fourth] *~~fifty-fourth~~* *48th* day preced-
 46 ing the date of the general election, and a statement of such selec-
 47 tion shall be filed with the Secretary of State or the appropriate
 48 county clerk, as the case may be, not later than said [thirty-fourth]
 49 *~~fifty-fourth~~* *48th* day, and in the following manner:

50 (1) A selection made by a State committee of political party shall
 51 be certified to the Secretary of State by the State chairman of the
 52 political party.

53 (2) A selection made by a county committee of a political party,
 54 or a portion of the members thereof, shall be certified to the county
 55 clerk of the county by the county chairman of such political party;
 56 except that when such selection is of a candidate for the Senate or
 57 General Assembly or the United States House of Representatives
 58 the county chairman shall certify the selection to the State chairman
 59 of such political party, who shall certify the same to the Secretary
 60 of State.

61 (3) A selection made by members of two or more county commit-
 62 tees of a political party acting jointly shall be certified by the chair-
 63 men of said committees, acting jointly, to the State chairman of such
 64 political party, who shall certify the same to the Secretary of State.

65 e. A statement filed pursuant to subsection d. of this section
 66 shall state the residence and post office address of the person so
 67 selected, and shall certify that the person so selected is qualified
 68 under the laws of this State to be a candidate for such office, and is
 69 a member of the political party filling the vacancy. Accompanying
 70 the statement the person endorsed therein shall file a certificate
 71 stating that he is qualified under the laws of this State to be a candi-
 72 date for the office mentioned in the statement, that he consents to
 73 stand as a candidate at the ensuing general election and that he is a
 74 member of the political party named in said statement, and further
 75 that he is not a member of, or identified with, any other political
 76 party, or any political organization espousing the cause of candi-
 77 dates of any other political party, to which shall be annexed the

7
78 oath of allegiance, prescribed in R. S. 41:1-1 duly taken and
79 subscribed by him before an officer authorized to take oaths in this
80 State. The person so selected shall be the candidate of the party
81 for such office at the ensuing general election.

1 ***[5.]*** *15.* R. S. 19:13-21 is amended to read as follows:

2 19:13-21. If the nomination vacated is that of a candidate for
3 elector of the President and Vice-President of the United States,
4 the vacancy shall be filled by the committee to whom power shall
5 have been delegated to fill vacancies if such there be, otherwise by
6 the State committee of the political party which nominated the
7 elector whose nomination is vacated. The chairman and secretary
8 of the vacancy committee or State committee shall file with the
9 Secretary of State ***[not later than]*** **[34]** ***[54 days]*** *on or
10 before the 48th day* prior to the general election a certificate of
11 nomination for filling the vacancy. This certificate shall be made
12 and filed in the same manner and form as heretofore provided for
13 filling vacancies among candidates nominated at the primary and
14 there shall be annexed thereto the oath of allegiance prescribed in
15 section 41:1-1 of the Revised Statutes duly taken and subscribed by
16 the person so nominated before an officer authorized to take oaths
17 in this State.

1 *16. R. S. 19:14-1 is amended to read as follows:

2 19:14-1. Every county clerk shall have ready for the printer on
3 or before **[noon of]** the **[seventeenth]** 43rd day prior to the general
4 election a copy of the contents of official ballots as hereinafter
5 required to be printed for use at such election. He shall also on or
6 before that time place another copy of such contents on file in his
7 office and keep the same open to public inspection until the sample
8 ballots hereinafter provided to be printed shall have been dis-
9 tributed.

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

2 19:23-12. The signers to petitions for "Choice for President,"
3 delegates and alternates to national conventions, for Governor,
4 United States Senator, member of the House of Representatives,
5 State Senator, member of the General Assembly and any county
6 office may name three persons in their petition as a committee on
7 vacancies.

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

14 officers to be voted for by the voters of the entire county or any
 15 county election district, a certificate of nomination to fill the
 16 vacancy.

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

24 The certificate so made shall be executed and sworn to by the
 25 members of such committee, and shall upon being filed at least
 26 [34] 48 days before election have the same force and effect as the
 27 original petition of nomination for the primary election for the
 28 general election and there shall be annexed thereto the oath of
 29 allegiance prescribed in R. S. 41:1-1 duly taken and subscribed by
 30 the person so nominated before an officer authorized to take oaths
 31 in this State. The name of the candidate submitted shall be im-
 32 mediately certified to the proper municipal clerks.

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

2 19:23-14. Petitions addressed to the Secretary of State, the coun-
 3 ty clerks, or the municipal clerks, shall be filed with such officers,
 4 respectively, before 4:00 p.m. of the [fortieth] 54th day next pre-
 5 ceding the day of the holding of the primary election for the general
 6 election.

7 [Within six days after the last day for filing the petitions for
 8 nomination at] *Not later than the close of business of the 48th day*
 9 *preceding* the primary election for the general election, the municip-
 10 al clerk shall certify to the county clerk the full and correct names
 11 and addresses of all candidates for nomination for public and party
 12 office and the name of the political party of which such persons are
 13 candidates together with their slogan and designation. The county
 14 clerk shall transmit this information to the Election Law Enforce-
 15 ment Commission in the form and manner prescribed by the com-
 16 mission and shall notify the commission immediately upon the
 17 withdrawal of a petition of nomination.

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

2 19:23-21. The Secretary of State shall certify the names of the
 3 persons indorsed in the petitions filed in his office to the clerks of
 4 counties concerned thereby [at least 34 days] *not later than the*
 5 *48th day* prior to the holding of the primary election, specifying in
 6 such certificate the political parties to which the persons so nomi-
 7 nated in the petitions belong. [The] *In the case of candidates for*

8 *offices other than federal office, the* Secretary of State shall also
9 transmit this information to the Election Law Enforcement Com-
10 mission in the form and manner prescribed by the commission and
11 shall notify the commission immediately upon the withdrawal of a
12 petition of nomination.

1 20. 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 him by the Secretary of State and in addition the names
4 of all persons indorsed in petitions filed in his office to the clerk
5 of each municipality concerned thereby in his respective county
6 [at least 33 days] *not later than the close of business of the 47th*
7 *day* prior to the time fixed by law for the holding of the primary
8 election, specifying in such certificate the political party to which
9 the person or persons so nominated belong. The county clerk shall
10 also transmit this information with respect to persons, *other than*
11 *candidates for federal office* endorsed in petitions filed in his office
12 to the Election Law Enforcement Commission in the form and
13 manner prescribed by the commission and shall notify the commis-
14 sion immediately upon the withdrawal of a petition of nomination
15 filed in his office.

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

2 19:23-24. The position which the candidates, and bracketed
3 groups of names of candidates for the primary for the general
4 election shall have upon the primary election ballots, in the case of
5 candidates for nomination for members of the United States
6 Senate; Governor; members of the House of Representatives;
7 members of the State Senate; members of the General Assembly;
8 choice for President; delegates and alternates at large to the
9 national conventions of political parties; district delegates and
10 alternates to conventions of political parties; candidates for party
11 position; and county offices or party positions which are to be voted
12 for by the voters of the entire county or a portion thereof greater
13 than a single municipality including a congressional district which
14 is wholly within a single municipality, shall be determined by the
15 county clerks in their respective counties; and, excepting in
16 counties where [section] R. S. 19:49-2 [of the Revised Statutes]
17 applies, the position on the primary ballots in the case of candidates
18 for nomination for office or party position wherein the candidates
19 for office or party position to be filled are to be voted for by the
20 voters of a municipality only, or a subdivision thereof (excepting
21 in the case of members of the House of Representatives) shall be
22 determined by the municipal clerk in such municipalities, in the
23 following manner: The county clerk, or his deputy, or the municipal

24 clerk or his deputy, as the case may be, shall at his office on the
 25 [thirty-third] 47th day prior to the primary election at three
 26 o'clock in the afternoon draw from the box, as hereinafter described,
 27 each card separately without knowledge on his part as to which card
 28 he is drawing. Any legal voter of the county or municipality, as
 29 the case may be, shall have the privilege of witnessing such draw-
 30 ing. The person making the drawing shall make public announce-
 31 ment at the drawing of each name, the order in which same is
 32 drawn, and the office for which the drawing is made. When there
 33 is to be but one person nominated for the office, the names of the
 34 several candidates who have filed petitions for such office shall be
 35 written upon cards (one name on a card) of the same size, sub-
 36 stance and thickness. The cards shall be deposited in a box with an
 37 aperture in the cover of sufficient size to admit a man's hand. The
 38 box shall be well shaken and turned over to thoroughly mix the
 39 cards, and the cards shall then be withdrawn one at a time. The
 40 first name drawn shall have first place, the second name drawn,
 41 second place, and so on; the order of the withdrawal of the cards
 42 from the box determining the order of arrangement in which the
 43 names shall appear upon the primary election ballot. Where there
 44 is more than one person to be nominated to an office where petitions
 45 have designated that certain candidates shall be bracketed, the posi-
 46 tion of such bracketed names on the ballot (each bracket to be
 47 treated as a single name), together with individuals who have filed
 48 petitions for nominations for such office, shall be determined as
 49 above described. Where there is more than one person to be
 50 nominated for an office and there are more candidates who have
 51 filed petitions than there are persons to be nominated, the order of
 52 the printing of such names upon the primary election ballots shall
 53 be determined as above described.

54 The county clerk in certifying to the municipal clerk the offices
 55 to be filled and the names of candidates to be printed upon the
 56 primary election ballots, shall certify them in the order as drawn in
 57 accordance with the above described procedure, and the municipal
 58 clerk shall print the names upon the ballots as so certified and in
 59 addition shall print the names of such candidates as have filed peti-
 60 tions with him in the order as determined as a result of the drawing
 61 as above described.

1 22. R. S. 19:24-4 is amended to read as follows:

2 19:24-4. Not less than 100 members of each such political party
 3 may file with the Secretary of State at least [40] 54 days prior to
 4 the primary election for the general election in any year of a
 5 national convention a petition requesting that the name of a person

6 therein indorsed shall be printed on the primary ticket of such
7 political party as candidate for the position of delegate-at-large or
8 alternate-at-large, to be chosen by the party voters throughout the
9 State to the national convention of that party, or as a delegate or
10 alternate to be chosen to that convention by the voters of any
11 congressional district.

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

16 The Secretary of State shall [within six days thereafter] *not*
17 *later than the 48th day preceding the primary election for the*
18 *general election* certify to each county clerk and county board such
19 nominations for delegates and alternates-at-large and the nomina-
20 tions for delegate or alternate for any Congressional district.

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

3 1. Not less than one thousand voters of any political party may
4 file a petition with the Secretary of State on or before the [fortieth]
5 54th day before a primary election in any year in which a President
6 of the United States is to be chosen, requesting that the name of
7 the person indorsed therein as a candidate of such party for the
8 office of President of the United States shall be printed upon the
9 official primary ballot of that party for the then ensuing election for
10 delegates and alternates to the national convention of such party.

11 The petition shall be prepared and filed in the form and manner
12 herein required for the indorsement of candidates to be voted for
13 at the primary election for the general election, except that the
14 candidate shall not be permitted to have a designation or slogan
15 following his name, and that it shall not be necessary to have the
16 consent of such candidate for president indorsed on the petition.

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

3 2. The Secretary of State shall certify the names so indorsed
4 to the county clerk of each county [on or before the thirty-fourth]
5 *not later than the 48th day* before such primary election; but if any
6 person so indorsed shall on or before such date decline in writing,
7 filed in the office of the Secretary of State, to have his name printed
8 upon the primary election ballot as a candidate for President, the
9 Secretary of State shall not so certify such name.

1 25. R. S. 19:27-6 is amended to read as follows:

2 19:27-6. In the case of a vacancy in the representation of this
3 State in the United States Senate or House of Representatives,

4 the writ may designate the next general election day for the
 5 election, but if a special day is designated, it shall specify the
 6 cause and purpose of such election, the name of the officer in whose
 7 office the vacancy has occurred, the day on which a special primary
 8 election shall be held, which shall be not less than [31] 65 days, nor
 9 more than [40] 71 days, following the date of such proclamation,
 10 and the day on which the special election shall be held, which shall
 11 be not less than [14] 46 nor more than [20] 52 days following the
 12 day of the special primary election. The writ shall also specify the
 13 day or days when the district boards shall meet for the purpose of
 14 making, revising or correcting the registers of voters to be used
 15 at such special election.

16 If the vacancy happens in the representation of this State in the
 17 United States Senate the election shall take place at the general
 18 election next succeeding the happening thereof, unless the vacancy
 19 shall happen within [30] 64 days next preceding the primary elec-
 20 tion prior to the general election, in which case it shall be filled by
 21 election at the second succeeding election, unless the Governor
 22 shall deem it advisable to call a special election therefor, which he
 23 is authorized hereby to do.

24 If the vacancy happens in the representation of this State in the
 25 House of Representatives in any year, not later than the [fiftieth]
 26 65th day prior to the day for holding the next primary election for
 27 the general election, the Governor shall issue a writ of election to
 28 fill such vacancy, designating in said writ the next general election
 29 day as the day on which the election shall be held to fill such vacancy.
 30 The nomination of candidates to fill such vacancy shall be made
 31 in the same manner as the nomination of other candidates at the
 32 said primary election for the general election.

1 26. Section 4 of P. L. 1981, c. 429 (C. 19:27-6.1) is amended to
 2 read as follows:

3 4. In the case of a vacancy in the representation of this State
 4 in the Senate or General Assembly, the writ shall designate a
 5 special election day, the cause and purpose of the election and the
 6 name of the member in whose office the vacancy has occurred. The
 7 special election day shall be not less than [37] 65 nor more than
 8 [43] 71 days following the date on which the writ is issued, but if
 9 the primary election for the general election shall occur within 70
 10 days after the date on which the writ is issued, the special election
 11 day shall be on the day on which the primary election is to be held,
 12 provided the writ is issued no later than [40] 65 days before the
 13 primary election. The writ also shall specify the day or days when
 14 the district boards shall meet for the purpose of making, revising

15 or correcting the registers of voters to be used at the special
16 election.*

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

3 1. When a vacancy, howsoever caused, happens in the representa-
4 tion of this State in the House of Representatives in any year later
5 than the ***[fiftieth]*** *64th* day prior to the day for holding the
6 primary election for the general election but before the **[fiftieth]**
7 ***[seventieth]*** *52nd* day preceding the day of the general elec-
8 tion, and the unexpired term to be filled exceeds one year, the
9 Governor, in issuing a writ of election to fill such vacancy, may
10 designate in said writ the next general election day as the day on
11 which the election shall be held to fill such vacancy and that no
12 primary election shall be held for nomination of candidates to fill
12A such vacancy.

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

19 In such case, petitions of nominations of other candidates shall
20 be filed in the office of the Secretary of State within 10 days of the
21 date of such proclamation.

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

26 The election to fill such vacancy shall in all other respects be con-
27 ducted as though it were being conducted to fill the office upon the
28 expiration of the term of the incumbent..

1 ***[7.]*** *28.* R. S. 19:27-11 is amended to read as follows:

2 19:27-11. In the event of any vacancy in the Senate or General
3 Assembly, each political party shall select a candidate for the
4 office in question in the manner prescribed in R. S. 19:13-20 for
5 selecting candidates to fill vacancies among candidates nominated
6 at primary elections, and shall do so within seven days of the
7 issuance of the writ of election.

8 A statement of such selection shall be filed with the Secretary
9 of State not later than seven days after the issuance of the writ of
10 election.

11 In the event of any vacancy in any county or municipal office,
12 which vacancy shall occur after *the 11th day preceding* the last

13 day for filing petitions for nominations for the primary election
 13A and ~~*[prior to]~~ ~~[37]~~ ~~*[57 days]~~ **on or before the 51st day**
 14 preceding the general election, each political party may select a
 15 candidate for the office in question in the manner prescribed in
 16 R. S. 19:13-20 for selecting candidates to fill vacancies among
 17 candidates nominated at primary elections. A statement of such
 18 selection shall be filed with the county clerk not later than the
 19 ~~[thirty-fourth]~~ ~~*[fifty-fourth]~~ **close of business of the 48th**
 20 day preceding the date of the general election.

21 Beside the selection of candidates by each political party as
 22 before provided, candidates may also be nominated by petition in
 23 a similar manner as herein provided for direct nomination by
 24 petition for the general election; but the petition shall be filed with
 25 the county clerk or the Secretary of State, as the law may require,
 26 at least ~~[34]~~ ~~*[54]~~ **48** days prior to such general election.

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

32 When the vacancy occurs in a county office the county clerk shall
 33 forthwith give notice thereof to the chairman of the county com-
 34 mittee of each political party and in counties of the first class to
 35 the county board, and in case the vacancy occurs in a municipal
 36 office the municipal clerk shall forthwith give notice thereof to the
 37 county clerk, the chairman of the county committee of each political
 38 party and in counties of the first class the county board.

39 The county clerk shall print on the ballots for the territory
 40 affected, in the personal choice column, the title of office and leave a
 41 proper space under such title of office; and print the title of office
 42 and the names of such persons as have been duly nominated, in their
 43 proper columns.

1 ~~*[8.]~~ ~~*29.*~~ R. S. 19:37-1 is amended to read as follows:
 2 19:37-1. When the governing body of any municipality or of
 3 any county desires to ascertain the sentiment of the legal voters
 4 of the municipality or county upon any question or policy pertain-
 5 ing to the government or internal affairs thereof, and there is no
 6 other statute by which the sentiment can be ascertained by the
 7 submission of such question to a vote of the electors in the munici-
 8 pality or county at any election to be held therein, the governing
 9 body may adopt at any regular meeting an ordinance or a resolu-
 10 tion requesting the clerk of the county to print upon the official
 11 ballots to be used at the next ensuing general election a certain

12 proposition to be formulated and expressed in the ordinance or
 13 resolution in concise form. Such request shall be filed with the
 14 clerk of the county not later than [60] * [81] * *74* days previous
 15 to the election.

1 * [9.] * *30.* Section 2 of P. L. 1967, c. 101 (C. 19:37-1.1) is
 2 amended to read as follows:

3 2. Whenever a governing body of a municipality has adopted
 4 an ordinance or resolution pursuant to section 19:37-1 of the Re-
 5 vised Statutes, upon the presentation to the governing body of
 6 such municipality of a petition signed by 10% or more of the voters
 7 registered and qualified to vote at the last general election in such
 8 municipality, requesting the governing body of such municipality
 9 to ascertain the sentiment of the legal voters of the municipality
 10 upon any question or policy pertaining to the government or in-
 11 ternal affairs thereof that is reasonably related to any proposition
 12 formulated and expressed in such ordinance or resolution, such
 13 governing body of the municipality shall thereupon adopt at its
 14 next regular meeting following the presentation of such petition a
 15 resolution requesting the clerk of the county to print upon the
 16 official ballots to be used at the next ensuing general election a
 17 certain proposition as formulated and expressed in the petition.
 18 Such request shall be filed with the clerk of the county not later
 19 than [30] * [50 days] * *the 60th day* previous to the election.

1 * [10.] * *31.* Section 7 of P. L. 1953, c. 211 (C. 19:57-7) is
 2 amended to read as follows:

3 7. The county clerk of the county, in the case of any Statewide
 4 or countywide election; the clerk of the municipality, in the case of
 5 any municipal election; the secretary of the board of education, in
 6 the case of any school election; and the commissioners or other
 7 governing or administrative body of the district, in the case of
 8 any election to be held in any fire district, road district, sewerage
 9 district, street lighting district, water supply district or other
 10 special district, other than a municipality, created for specified
 11 public purposes within one or more municipalities, shall publish or
 12 cause to be published the following notices in substantially the
 13 following forms:

14 NOTICE TO MILITARY SERVICE VOTERS AND TO
 15 THEIR RELATIVES AND FRIENDS

16 If you are in the military service or the spouse or dependent of
 17 a person in military service or are a patient in a veterans' hospital
 18 or a civilian attached to or serving with the Armed Forces of the
 19 United States without the State of New Jersey, or the spouse or
 20 dependent of and accompanying or residing with a civilian attached

55 kindly complete the application form below and send to the under-
 56 signed, or write or apply in person to the undersigned at once re-
 57 questing that a civilian absentee ballot be forwarded to you. Such
 58 request must state your home address, and the address to which
 59 said ballot should be sent, and must be signed with your signature,
 60 and state the reason why you will not be able to vote at your usual
 61 polling place. No civilian absentee ballot will be furnished or
 62 forwarded to any applicant unless request therefor is received not
 63 less than seven days prior to the election, and contains the fore-
 64 going information.

65 Voters who are permanently and totally disabled shall, after
 66 their initial request and without further action on their part, be
 67 forwarded an absentee ballot application by the county clerk for
 68 all future elections in which they are eligible to vote. Application
 69 forms may be obtained by applying to the undersigned either in
 70 writing or by telephone, or the application form provided below
 71 may be completed and forwarded to the undersigned.

72 Dated

73
 (signature and title of county clerk)

74
 (address of county clerk)

75
 (Telephone No. of county clerk)

APPLICATION FORM FOR CIVILIAN ABSENTEE BALLOT
 (Form to be prepared by the Secretary of State pursuant to
 section 17 of this amendatory and supplementary act.)

76 Such notices shall be separately published prior to **the sixtieth*
 77 *day immediately preceding the holding of the general election and**
 78 the **fortieth** **50th** day immediately preceding the holding of
 79 any **other** election.

80 Notices relating to any Statewide or countywide election shall
 81 be published by the county clerk in at least two newspapers pub-
 82 lished in the county. All other officials charged with the duty of
 83 publishing such notices shall publish the same in at least one news-
 84 paper published in each municipality or district in which the elec-
 85 tion is to be held or if no newspaper be published in said munici-
 86 pality, then in a newspaper published in the county and circulating
 87 in such municipality, municipalities or district. All such notices
 88 shall be display advertisements.

1 ***[11.]*** *32.* Section 11 of P. L. 1953, c. 211 (C. 19:57-11) is
 2 amended to read as follows:

3 11. Each county clerk shall forward a military service ballot or

4 a civilian absentee ballot, as the case may be, for use under this act
 5 by first-class mail or hand delivery to each military service voter
 6 who applies therefor or on whose behalf application is made there-
 7 for, and whose application is approved in any case where approval
 8 is required under section 10 of this act, and to each civilian absentee
 9 voter whose request therefor has been approved. Hand delivery
 10 of an absentee ballot shall be made by the county clerk or his des-
 11 ignee only to the voter or his authorized messenger, who must
 12 appear in person. Ballots that have not been hand delivered shall
 13 be addressed to the voter at the forwarding address given in the
 14 application. All ballots to be forwarded to persons at an address
 15 located within the limits of the states of Alaska and Hawaii or
 16 anywhere else without the limits of the other 48 states and the
 17 District of Columbia shall be forwarded by air mail.

18 Such ballot shall be so forwarded as soon as practicable after
 19 **[the forty-sixth day preceding the day upon which the general elec-*
 20 *tion is to be held and]** the **[twenty-fifth]** **40th** day preceding
 21 the day upon which any **[other]** election is to be held.

1 **[12.]** **33.** Section 14 of P. L. 1953, c. 211 (C. 19:57-14) is
 2 amended to read as follows:

3 14. Each absentee ballot to be used at any election to be held
 4 while this act is in effect shall be printed entirely in black ink and,
 5 except as otherwise provided, shall conform generally to the ballot
 6 to be used at said election in the absentee voter's election district
 7 and shall be so prepared that the absentee voter may indicate
 8 thereon his choice of such of the candidates for the offices to be
 9 filled, and as to such public questions to be voted upon, at said
 10 election by the voters of the entire State, county or municipality
 11 in which such absentee voter is a resident, as shall be ascertained
 12 and known on **[the fifty-fourth day preceding the general election*
 13 *and]** the **[thirty-fourth]** **48th** day preceding *[such]* **[any*
 14 *other]** **the** election and sufficient space shall be provided thereon
 15 for such absentee voter to write in the name of and vote for any
 16 candidate for, or his personal choice for, any public office to be voted
 17 for at such election in such election district. A list of the candidates
 18 for the offices to be filled in each election district in the county, whose
 19 names are known and ascertained on **[said fifty-fourth or thirty-*
 20 *fourth]** **the** day**[, as the case may be,]** **on which the ballot is*
 21 *forwarded** but do not appear upon said ballot, with a statement
 22 of the office for which each is a candidate, shall be forwarded with
 22A such ballot.

23 In the preparation of absentee ballots the name of any candidate
 24 who has been nominated for any office shall be placed upon the

25 absentee ballot to be used in the general election to be held in said
 26 year in each election district in which he is a candidate, whether
 27 or not such candidate has accepted such nomination prior to said
 28 date; provided, that he has not prior to said date declined the same.

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

3 4. **[At least 47 days]** *On or before the 54th day* prior to a regular
 4 municipal election, the names of candidates for all elective offices
 5 shall be filed with the municipal clerk, in the following manner and
 6 **form and subject to the following conditions:**

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

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

27 Signed _____."

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

34 b. Each petition signature shall be on a separate sheet of paper
 35 and shall bear the name and address of the petitioner. The candi-
 36 date for office and his campaign manager shall make an oath before
 37 an officer competent to administer oaths that the statements made
 38 therein are true, and that each signature to the papers appended
 39 thereto is the genuine signature of the person whose name it

40 purports to be, to their best knowledge and belief. The oath,
 41 signed by the candidate, shall constitute his acceptance of nomina-
 42 tion and shall be annexed to the petition, together with the oath of
 43 his campaign manager, at the time the petition is submitted.

44 c. The municipal clerk shall immediately provide the Election
 45 Law Enforcement Commission with official certification of the filing
 46 or withdrawal of a petition of nomination.

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

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

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

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

20 d. Where the nominating petition, or any affidavit or affidavits
 21 thereto is found defective, the candidate named therein may file
 22 such amendment or amendments as may be necessary to eliminate
 23 the defect, whether of matters of substance or form, and when
 24 so amended the effect shall be as if the petition had been originally
 25 filed in the amended form. After the last day for the filing of the
 26 original petition, no amendment may be made for the purpose of
 27 adding the name of any person who did not sign the original peti-
 28 tion, nor shall any amendment be made at any time for the purpose
 29 of changing the name of the candidate or the office for which he
 30 was to be nominated. No amendment to a nominating petition shall
 31 be made and filed less than [34] 48 days before the election.*

1 *~~[13]~~ *36.* This act shall take effect immediately *but shall*
 2 *not apply to any primary, general, or other election occurring on or*
 3 *before the 90th day following enactment*.*

~~SENATE NO. 2245~~

BILL S-485, ET. AL.

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WEDNESDAY, MARCH 27, 1985

Other bills signed by the Governor are:

S-296, sponsored by Senator Wayne Dumont, R-Warren, which prohibits municipalities from assessing construction permit fees on the installation or alteration of solar energy heating or cooling systems.

S-1143, sponsored by Senator Wynona Lipman, D-Essex, to appropriate \$423,484 to provide one time State grants to loan agencies that are recipients of Federal Community Services block grants. The bill restricts the grants to those agencies whose funding cycle begins on October, November or December and requires them to move the starting date of their fiscal year to January 1.

S-1365, sponsored by Senator John Russo, D-Ocean, to provide that county welfare agencies shall handle interstate child support petitions and proceedings.

S-1923, sponsored by Senator Donald DiFrancesco, R-Union, to increase the membership of the State Board of Pharmacy from eight to nine members by adding another registered pharmacist.

S-1969, sponsored by Senator John Caufield, D-Essex, to increase the membership of the Fire Safety Commission from 19 to 20 members by adding a representative of the New Jersey State Association of Fire Districts.

S-2244, sponsored by Senator Thomas Cowan, D-Hudson, to change the date on which election officials may begin distributing absentee ballots from the 25th day prior to the primary or general election to the 40th day prior to those elections.

S-2518, sponsored by Senator John Russo, D-Ocean, to permit planning boards to grant for a period longer than two years the right to approve master plans for large commercial undertakings.