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LAW/KR

P.L.2013, CHAPTER 17, *approved January 25, 2013*
Assembly, No. 1394

1 AN ACT establishing a pilot program to suspend the operations of
2 the offices of superintendent of elections and deputy
3 superintendent of elections in certain counties, and
4 supplementing chapter 32 of Title 19 of the Revised Statutes.

5

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

8

9 1. There is established a pilot program to suspend the
10 operations of the office of the superintendent of elections and the
11 office of the deputy superintendent of elections in participating
12 counties. The governing body of a participating county shall have
13 three years from the effective date of P.L. , c. (C.)(pending
14 before the Legislature as this bill) to adopt an ordinance or
15 resolution, as appropriate, to commence its participation in the
16 program. A certified copy of the ordinance or resolution, as
17 appropriate, shall be transmitted to the Secretary of State as soon as
18 possible after it is adopted.

19 As used in P.L. , c. (C.) (pending before the Legislature as
20 this bill), “participating counties” shall mean any county of the
21 second class with a population of between 510,000 and 515,000
22 persons or between 490,000 and 495,000 persons, according to the
23 2010 federal decennial census for New Jersey.

24

25 2. a. Upon the adoption of a resolution or ordinance, as
26 appropriate, to commence participation in the pilot program by a
27 participating county, the operations of the office of superintendent
28 of elections and the office of deputy superintendent of elections in
29 the participating county shall be suspended for a period of three
30 years and the functions, powers, and duties of each office shall be
31 transferred to and assumed by the county board of elections. The
32 transfer of the functions, powers, and duties of the office of the
33 superintendent of elections and the office of the deputy
34 superintendent of elections shall be completed no later than the 90th
35 day following the adoption of the ordinance or resolution, as
36 appropriate, and the term of office of each individual holding each
37 office shall be terminated no later than that 90th day.

38 b. For the period that the suspension is in effect, whenever
39 reference is made in any statute, regulation, document or judicial
40 proceeding to the office of the superintendent of elections or the
41 office of the deputy superintendent of elections concerning the
42 functions, powers, and duties that had been vested therein prior to

1 the suspension, the same shall mean and refer to the county board of
2 elections.

3

4 3. Within 60 days prior to the expiration of the suspension
5 provided for by section 2 of P.L. , c. (C.) (pending before
6 the Legislature as this bill), the governing body of a participating
7 county shall undertake the following actions.

8 a. The governing body shall prepare a report in writing for the
9 public and the Secretary of State on the impact of the suspension of
10 the office of the superintendent of elections and the office of the
11 deputy superintendent of elections during the three-year period of
12 the suspension with respect to:

13 (1) the operation and administration of State, county, municipal,
14 school, special and federal elections;

15 (2) the maintenance and distribution of voting machines;

16 (3) the administration of voter registration in the county; and

17 (4) the cost of conducting elections in the county.

18 The report shall be made public and submitted to the secretary no
19 later than the 45th day following the expiration of the suspension.

20 b. The governing body shall decide whether to adopt an
21 ordinance or resolution, as appropriate, within 60 days prior to the
22 expiration of the suspension, with the adoption to be effective on
23 the date of the expiration of the suspension, to either:

24 (1) abolish the office of the superintendent of elections and the
25 office of the deputy superintendent of elections; or

26 (2) re-establish such offices as they existed prior to the
27 suspension.

28

29 4. In the event that the governing body of a participating
30 county fails to decide whether to adopt an ordinance or resolution,
31 as appropriate, to abolish or re-establish the office of the
32 superintendent of elections and the office of the deputy
33 superintendent of elections within 60 days prior to the expiration of
34 the suspension, as provided for by section 3 of P.L. , c. (C.)
35 (pending before the Legislature as this bill), the suspension
36 provided by section 2 of P.L. , c. (C.) shall terminate and
37 both of these offices shall be deemed abolished as of the date of the
38 expiration of the suspension.

39

40 5. Once the office of superintendent of elections and the office
41 of the deputy superintendent has been abolished in a participating
42 county pursuant to P.L. , c. (C.)(pending before the
43 Legislature as this bill), the county shall not be permitted to re-
44 establish the offices and return to them the functions, powers, and
45 duties provided by law until the following requirements have been
46 met in the following order:

- 1 a. at least five years shall have passed since the offices were
2 abolished;
- 3 b. a new ordinance or resolution, as appropriate, providing for
4 the re-establishment of the office of superintendent of elections and
5 the office of deputy superintendent of elections, and the return of
6 the functions, powers, and duties of each office provided by law
7 from the county board of elections, shall be adopted by the county's
8 governing body and a certified copy of the ordinance or resolution,
9 as appropriate, together with a tally of the vote to adopt it, shall be
10 filed with the Secretary of State within 10 days after the adoption;
- 11 c. a written report shall be prepared for the secretary that:
- 12 (1) explains why the governing body of the county believes the
13 re-establishment of the office of superintendent and the office of
14 deputy superintendent are necessary;
- 15 (2) presents a plan for how the offices shall be re-established and
16 shall work in conjunction with the county clerk and the county
17 board of elections; and
- 18 (3) includes the financial information necessary to prove that re-
19 establishing the offices shall improve the efficiency and reduce the
20 cost of:
- 21 (a) operating and administering State, county, school, municipal,
22 special and federal elections;
- 23 (b) maintaining and distributing voting machines; and
- 24 (c) overseeing the administration of voter registration in the
25 county; and
- 26 d. the re-establishment of the office of superintendent of
27 elections and the office of deputy superintendent of elections shall
28 be approved by the secretary after the secretary has had a maximum
29 of 90 days to review the report. The secretary shall be authorized to
30 receive answers to such questions that the secretary deems
31 necessary to ask to ensure that the operation and administration of
32 elections, maintenance and distribution of voting machines and
33 administration of voter registration shall be conducted by the
34 county in the most efficient and cost-effective manner possible.
- 35 In the event that the secretary decides that the office of the
36 superintendent of elections and the office of the deputy
37 superintendent of elections should be re-established in a
38 participating county, qualified individuals to serve in each office
39 shall be appointed as provided by law and the functions, powers,
40 and duties of the offices shall be re-established within one year after
41 the secretary's decision.
- 42
- 43 6. a. An individual shall be appointed to fill the office of
44 superintendent of elections, pursuant to section 1 of P.L.1947, c.167
45 (C.19:32-26) and an individual shall be appointed to fill the office
46 of deputy superintendent of elections, pursuant to section 1 of
47 P.L.1992, c.17 (C.19:32-26.1), in a participating county if the

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1 offices are re-established pursuant to either section 3 or section 5 of
2 P.L. , c. (C.) (pending before the Legislature as this bill), as
3 the case may be.

4 b. A participating county is hereby authorized to abolish the
5 office of the superintendent of elections and the office of the deputy
6 superintendent of elections, pursuant to P.L. , c. (C.)
7 (pending before the Legislature as this bill), notwithstanding the
8 provisions of section 1 of P.L.1947, c.167 (C.19:32-26).

9
10 7. This act shall take effect immediately.

11

12

13

14

15 Establishes pilot program suspending operations of
16 superintendent and deputy superintendent of elections in certain
17 second class counties.

ASSEMBLY, No. 1394

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblyman GILBERT "WHIP" L. WILSON

District 5 (Camden and Gloucester)

SYNOPSIS

Establishes pilot program suspending operations of superintendent and deputy superintendent of elections in certain second class counties.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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2

1 AN ACT establishing a pilot program to suspend the operations of
2 the offices of superintendent of elections and deputy
3 superintendent of elections in certain counties, and
4 supplementing chapter 32 of Title 19 of the Revised Statutes.

5

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

8

9 1. There is established a pilot program to suspend the operations
10 of the office of the superintendent of elections and the office of the
11 deputy superintendent of elections in participating counties. The
12 governing body of a participating county shall have three years
13 from the effective date of P.L. , c. (C.)(pending before the
14 Legislature as this bill) to adopt an ordinance or resolution, as
15 appropriate, to commence its participation in the program. A
16 certified copy of the ordinance or resolution, as appropriate, shall
17 be transmitted to the Secretary of State as soon as possible after it is
18 adopted.

19 As used in P.L. , c. (C.) (pending before the Legislature as
20 this bill), "participating counties" shall mean any county of the
21 second class with a population of between 510,000 and 515,000
22 persons or between 490,000 and 495,000 persons, according to the
23 2010 federal decennial census for New Jersey.

24

25 2. a. Upon the adoption of a resolution or ordinance, as
26 appropriate, to commence participation in the pilot program by a
27 participating county, the operations of the office of superintendent
28 of elections and the office of deputy superintendent of elections in
29 the participating county shall be suspended for a period of three
30 years and the functions, powers, and duties of each office shall be
31 transferred to and assumed by the county board of elections. The
32 transfer of the functions, powers, and duties of the office of the
33 superintendent of elections and the office of the deputy
34 superintendent of elections shall be completed no later than the 90th
35 day following the adoption of the ordinance or resolution, as
36 appropriate, and the term of office of each individual holding each
37 office shall be terminated no later than that 90th day.

38 b. For the period that the suspension is in effect, whenever
39 reference is made in any statute, regulation, document or judicial
40 proceeding to the office of the superintendent of elections or the
41 office of the deputy superintendent of elections concerning the
42 functions, powers, and duties that had been vested therein prior to
43 the suspension, the same shall mean and refer to the county board of
44 elections.

45

46 3. Within 60 days prior to the expiration of the suspension
47 provided for by section 2 of P.L. , c. (C.) (pending before

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1 the Legislature as this bill), the governing body of a participating
2 county shall undertake the following actions.

3 a. The governing body shall prepare a report in writing for the
4 public and the Secretary of State on the impact of the suspension of
5 the office of the superintendent of elections and the office of the
6 deputy superintendent of elections during the three-year period of
7 the suspension with respect to:

8 (1) the operation and administration of State, county, municipal,
9 school, special and federal elections;

10 (2) the maintenance and distribution of voting machines;

11 (3) the administration of voter registration in the county; and

12 (4) the cost of conducting elections in the county.

13 The report shall be made public and submitted to the secretary no
14 later than the 45th day following the expiration of the suspension.

15 b. The governing body shall decide whether to adopt an
16 ordinance or resolution, as appropriate, within 60 days prior to the
17 expiration of the suspension, with the adoption to be effective on
18 the date of the expiration of the suspension, to either:

19 (1) abolish the office of the superintendent of elections and the
20 office of the deputy superintendent of elections; or

21 (2) re-establish such offices as they existed prior to the
22 suspension.

23

24 4. In the event that the governing body of a participating county
25 fails to decide whether to adopt an ordinance or resolution, as
26 appropriate, to abolish or re-establish the office of the
27 superintendent of elections and the office of the deputy
28 superintendent of elections within 60 days prior to the expiration of
29 the suspension, as provided for by section 3 of P.L. , c. (C.)
30 (pending before the Legislature as this bill), the suspension
31 provided by section 2 of P.L. , c. (C.) shall terminate and
32 both of these offices shall be deemed abolished as of the date of the
33 expiration of the suspension.

34

35 5. Once the office of superintendent of elections and the office
36 of the deputy superintendent has been abolished in a participating
37 county pursuant to P.L. , c. (C.)(pending before the
38 Legislature as this bill), the county shall not be permitted to re-
39 establish the offices and return to them the functions, powers, and
40 duties provided by law until the following requirements have been
41 met in the following order:

42 a. at least five years shall have passed since the offices were
43 abolished;

44 b. a new ordinance or resolution, as appropriate, providing for
45 the re-establishment of the office of superintendent of elections and
46 the office of deputy superintendent of elections, and the return of
47 the functions, powers, and duties of each office provided by law

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1 from the county board of elections, shall be adopted by the county's
2 governing body and a certified copy of the ordinance or resolution,
3 as appropriate, together with a tally of the vote to adopt it, shall be
4 filed with the Secretary of State within 10 days after the adoption;

5 c. a written report shall be prepared for the secretary that:

6 (1) explains why the governing body of the county believes the
7 re-establishment of the office of superintendent and the office of
8 deputy superintendent are necessary;

9 (2) presents a plan for how the offices shall be re-established and
10 shall work in conjunction with the county clerk and the county
11 board of elections; and

12 (3) includes the financial information necessary to prove that re-
13 establishing the offices shall improve the efficiency and reduce the
14 cost of:

15 (a) operating and administering State, county, school, municipal,
16 special and federal elections;

17 (b) maintaining and distributing voting machines; and

18 (c) overseeing the administration of voter registration in the
19 county; and

20 d. the re-establishment of the office of superintendent of
21 elections and the office of deputy superintendent of elections shall
22 be approved by the secretary after the secretary has had a maximum
23 of 90 days to review the report. The secretary shall be authorized to
24 receive answers to such questions that the secretary deems
25 necessary to ask to ensure that the operation and administration of
26 elections, maintenance and distribution of voting machines and
27 administration of voter registration shall be conducted by the
28 county in the most efficient and cost-effective manner possible.

29 In the event that the secretary decides that the office of the
30 superintendent of elections and the office of the deputy
31 superintendent of elections should be re-established in a
32 participating county, qualified individuals to serve in each office
33 shall be appointed as provided by law and the functions, powers,
34 and duties of the offices shall be re-established within one year after
35 the secretary's decision.

36
37 6. a. An individual shall be appointed to fill the office of
38 superintendent of elections, pursuant to section 1 of P.L.1947, c.167
39 (C.19:32-26) and an individual shall be appointed to fill the office
40 of deputy superintendent of elections, pursuant to section 1 of
41 P.L.1992, c.17 (C.19:32-26.1), in a participating county if the
42 offices are re-established pursuant to either section 3 or section 5 of
43 P.L. , c. (C.) (pending before the Legislature as this bill), as
44 the case may be.

45 b. A participating county is hereby authorized to abolish the
46 office of the superintendent of elections and the office of the deputy
47 superintendent of elections, pursuant to P.L. , c. (C.)

1 (pending before the Legislature as this bill), notwithstanding the
2 provisions of section 1 of P.L.1947, c.167 (C.19:32-26).

3

4 7. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 This bill establishes a pilot program to suspend the operations of
10 the office of the superintendent of elections and the office of the
11 deputy superintendent of elections in participating counties. The
12 governing body of a participating county would have three years
13 from the effective date of the bill to adopt an ordinance or
14 resolution, as appropriate, to commence its participation in the
15 program.

16 As used in the bill, "participating counties" means any county of
17 the second class with a population of between 510,000 and 515,000
18 persons or between 490,000 and 495,000 persons, according to the
19 2010 federal decennial census for New Jersey.

20 Once an resolution or ordinance, as appropriate, is adopted to
21 commence participation in the pilot program, the operations of the
22 office of superintendent of elections and the office of deputy
23 superintendent of elections in the participating county would be
24 suspended for three years and the functions, powers, and duties of
25 each office would be transferred to and assumed by the county
26 board of elections. The transfer of the functions, powers, and duties
27 of the office of the superintendent of elections and the office of the
28 deputy superintendent of elections must be completed no later than
29 the 90th day following the adoption of the ordinance or resolution,
30 as appropriate, and the term of office of each individual holding
31 each office would terminate no later than that 90th day.

32 Within 60 days prior to the expiration of the suspension provided
33 the bill, the governing body of a participating county must
34 undertake the following actions.

35 1) It must prepare a report in writing for the public and the
36 Secretary of State on the impact of the suspension of the office of
37 the superintendent of elections and the office of the deputy
38 superintendent of elections during the three-year period of the
39 suspension with respect to:

40 a. the operation and administration of State, county, municipal,
41 school, special and federal elections;

42 b. the maintenance and distribution of voting machines;

43 c. the administration of voter registration in the county; and

44 d. the cost of conducting elections in the county.

45 The report must be made public and submitted to the secretary
46 no later than the 45th day following the expiration of the
47 suspension.

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1 2) The governing body must decide whether to adopt an
2 ordinance or resolution, as appropriate, within 60 days prior to the
3 expiration of the suspension, with the adoption to be effective on
4 the date of the expiration of the suspension, to either:

5 a. abolish the office of the superintendent of elections and the
6 office of the deputy superintendent of elections; or

7 b. re-establish such offices as they existed prior to the
8 suspension.

9 In the event that the governing body of a participating county
10 fails to decide whether to adopt an ordinance or resolution, as
11 appropriate, to abolish or re-establish the office of the
12 superintendent of elections and the office of the deputy
13 superintendent of elections within 60 days prior to the expiration of
14 the suspension, the suspension provided by the bill will terminate
15 and both of these offices will be deemed abolished as of the date of
16 the expiration of the suspension.

17 Once the office of superintendent of elections and the office of
18 the deputy superintendent has been abolished pursuant to this bill,
19 the county would not be permitted to re-establish the offices and
20 return to them the functions, powers, and duties provided by law
21 until the county provides a written report explaining why the re-
22 establishment of the offices are necessary and the re-establishment
23 is approved by the Secretary of State.

24 If the secretary decides that the office of the superintendent of
25 elections and the office of the deputy superintendent of elections
26 should be re-established in a participating county, qualified
27 individuals to serve in each office must be appointed as provided by
28 law and the functions, powers, and duties of the offices would be
29 re-established within one year after the secretary's decision.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1394

STATE OF NEW JERSEY

DATED: JUNE 21, 2012

The Assembly Budget Committee reports favorably Assembly Bill No. 1394.

This bill establishes a pilot program to suspend the operations of the office of the superintendent of elections and the office of the deputy superintendent of elections in participating counties. The bill gives the governing body of a participating county three years from the effective date of the bill to adopt an ordinance or resolution, as appropriate, to commence its participation in the program.

As used in the bill, “participating counties” means any county of the second class with a population of between 510,000 and 515,000 persons or between 490,000 and 495,000 persons, according to the 2010 federal decennial census for New Jersey.

Once a resolution or an ordinance, as appropriate, is adopted to commence participation in the pilot program, the bill suspends the operations of the office of superintendent of elections and the office of deputy superintendent of elections in the participating county for three years and the functions, powers, and duties of each office will be transferred to and assumed by the county board of elections. The bill requires that the transfer of the functions, powers, and duties of the office of the superintendent of elections and the office of the deputy superintendent of elections be completed no later than the 90th day following the adoption of the ordinance or resolution, as appropriate, and the term of office of each individual holding each office will terminate no later than that 90th day.

The bill requires that within 60 days prior to the expiration of the suspension provided the bill, the governing body of a participating county undertake the following actions.

1) It must prepare a report in writing for the public and the Secretary of State on the impact of the suspension of the office of the superintendent of elections and the office of the deputy superintendent of elections during the three-year period of the suspension with respect to:

- a. the operation and administration of State, county, municipal, school, special and federal elections;
- b. the maintenance and distribution of voting machines;
- c. the administration of voter registration in the county; and
- d. the cost of conducting elections in the county.

The bill requires that the report be made public and submitted to the secretary no later than the 45th day following the expiration of the suspension.

2) The governing body must decide whether to adopt an ordinance or resolution, as appropriate, within 60 days prior to the expiration of the suspension, with the adoption to be effective on the date of the expiration of the suspension, to either:

a. abolish the office of the superintendent of elections and the office of the deputy superintendent of elections; or

b. re-establish such offices as they existed prior to the suspension.

If the governing body of a participating county fails to decide whether to adopt an ordinance or resolution, as appropriate, to abolish or re-establish the office of the superintendent of elections and the office of the deputy superintendent of elections within 60 days prior to the expiration of the suspension, the suspension provided by the bill will terminate and both of these offices will be deemed abolished as of the date of the expiration of the suspension.

Once the office of superintendent of elections and the office of the deputy superintendent has been abolished pursuant to this bill, the bill does not permit the county to re-establish the offices and return to them the functions, powers, and duties provided by law until the county provides a written report explaining why the re-establishment of the offices is necessary and the re-establishment is approved by the Secretary of State.

If the secretary decides that the office of the superintendent of elections and the office of the deputy superintendent of elections should be re-established in a participating county, qualified individuals to serve in each office must be appointed as provided by law and the functions, powers, and duties of the offices will be re-established within one year after the secretary's decision.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

FISCAL IMPACT:

The Office of Legislative Services is not able to determine with certainty the savings that would be associated with suspending the operations of the offices of superintendent and the deputy superintendent of elections in certain second class counties because county participation is optional.

While the bill could potentially achieve local government savings in salary costs, no workload information is available to assess the operational and administrative costs of running a superintendent's office. In addition, the decisions a county would make with regard to the transfer and consolidation of the operations and administration of the offices of the superintendent of elections into the existing county board of elections offices is not known.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1394

STATE OF NEW JERSEY

DATED: DECEMBER 17, 2012

The Senate Transportation Committee reports favorably Assembly Bill No. 1394.

As reported, this bill establishes a pilot program to suspend the operations of the office of the superintendent of elections and the office of the deputy superintendent of elections in participating counties. The governing body of a participating county has three years from the effective date of the bill to adopt an ordinance or resolution, as appropriate, to commence its participation in the program.

As used in the bill, "participating counties" means any county of the second class with a population of between 510,000 and 515,000 persons or between 490,000 and 495,000 persons, according to the 2010 federal decennial census for New Jersey.

Once a resolution or ordinance, as appropriate, is adopted to commence participation in the pilot program, the operations of the office of superintendent of elections and the office of deputy superintendent of elections in the participating county would be suspended for three years and the functions, powers, and duties of each office would be transferred to and assumed by the county board of elections. The transfer of the functions, powers, and duties of the office of the superintendent of elections and the office of the deputy superintendent of elections must be completed no later than the 90th day following the adoption of the ordinance or resolution, as appropriate, and the term of office of each individual holding each office would terminate no later than that 90th day.

Within 60 days prior to the expiration of the suspension provided by the bill, the governing body of a participating county would be required to undertake the following actions:

- 1) prepare a report in writing for the public and the Secretary of State on the impact of the suspension of the office of the superintendent of elections and the office of the deputy superintendent of elections during the three-year period of the suspension with respect to the operation and administration of State, county, municipal, school, special, and federal elections; the maintenance and distribution of voting machines; the administration of voter registration in the county; and the cost of conducting elections in the county, to be made public and submitted to the secretary no later than the 45th day following the expiration of the suspension; and

2) decide whether to adopt an ordinance or resolution, as appropriate, with the adoption to be effective on the date of the expiration of the suspension, to either: abolish the office of the superintendent of elections and the office of the deputy superintendent of elections; or re-establish such offices as they existed prior to the suspension.

In the event that the governing body of a participating county fails to decide whether to adopt an ordinance or resolution, as appropriate, to abolish or re-establish the office of the superintendent of elections and the office of the deputy superintendent of elections within 60 days prior to the expiration of the suspension, the suspension provided by the bill will terminate and both of these offices will be deemed abolished as of the date of the expiration of the suspension.

Once the office of superintendent of elections and the office of the deputy superintendent has been abolished pursuant to this bill, the county would not be permitted to re-establish the offices and return to them the functions, powers, and duties provided by law until the county provides a written report explaining why the re-establishment of the offices are necessary and the re-establishment is approved by the Secretary of State.

If the secretary decides that the office of the superintendent of elections and the office of the deputy superintendent of elections should be re-established in a participating county, qualified individuals to serve in each office must be appointed as provided by law and the functions, powers, and duties of the offices would be re-established within one year after the secretary's decision.

Assembly Bill No. 1394 is identical to Senate Bill No. 1856, which was also reported by the committee on this day.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 1394
STATE OF NEW JERSEY
215th LEGISLATURE

DATED: DECEMBER 28, 2012

SUMMARY

- Synopsis:** Establishes pilot program suspending operations of superintendent and deputy superintendent of elections in certain second class counties.
- Type of Impact:** Expenditure Decrease to local government funds.
- Agencies Affected:** Certain County Boards of Election; Certain Offices of County Superintendents of Elections.

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2013</u>	<u>FY 2014</u>	<u>FY 2015</u>
Local Savings		Indeterminate	

- This bill establishes a pilot program suspending operations of superintendent and deputy superintendent of elections in certain second class counties.
- The Office of Legislative Services (OLS) is not able to determine with certainty the savings that would be associated with suspending the operations of the offices of superintendent and the deputy superintendent of elections in certain second class counties.
- While the bill would achieve local government savings in superintendent salary costs, no workload information was available to assess the operational and administrative costs of running a superintendent's office. In addition, we do not know the decisions the county would make with regard to the transfer and consolidation of the operations and administration of the offices of the superintendent of elections into the existing county board of elections offices. Hence, the costs are indeterminate at this time.

BILL DESCRIPTION

The Assembly Bill No. 1394 of 2012 establishes a pilot program to suspend the operations of the office of the superintendent of elections and the office of the deputy superintendent of elections in participating counties. The governing body of a participating county would have

three years from the effective date of the bill to adopt an ordinance or resolution, as appropriate, to commence its participation in the program.

As used in the bill, “participating counties” means any county of the second class with a population of between 510,000 and 515,000 persons or between 490,000 and 495,000 persons, according to the 2010 federal decennial census for New Jersey.

Once an resolution or ordinance, as appropriate, is adopted to commence participation in the pilot program, the operations of the office of superintendent of elections and the office of deputy superintendent of elections in the participating county would be suspended for three years and the functions, powers, and duties of each office would be transferred to and assumed by the county board of elections. The transfer of the functions, powers, and duties of the office of the superintendent of elections and the office of the deputy superintendent of elections must be completed no later than the 90th day following the adoption of the ordinance or resolution, as appropriate, and the term of office of each individual holding each office would terminate no later than that 90th day.

Within 60 days prior to the expiration of the suspension provided the bill, the governing body of a participating county must undertake the following actions.

1) It must prepare a report in writing for the public and the Secretary of State on the impact of the suspension of the office of the superintendent of elections and the office of the deputy superintendent of elections during the three-year period of the suspension with respect to:

- a. the operation and administration of State, county, municipal, school, special and federal elections;
- b. the maintenance and distribution of voting machines;
- c. the administration of voter registration in the county; and
- d. the cost of conducting elections in the county.

The report must be made public and submitted to the secretary no later than the 45th day following the expiration of the suspension.

2) The governing body must decide whether to adopt an ordinance or resolution, as appropriate, within 60 days prior to the expiration of the suspension, with the adoption to be effective on the date of the expiration of the suspension, to either:

- a. abolish the office of the superintendent of elections and the office of the deputy superintendent of elections; or
- b. re-establish such offices as they existed prior to the suspension.

In the event that the governing body of a participating county fails to decide whether to adopt an ordinance or resolution, as appropriate, to abolish or re-establish the office of the superintendent of elections and the office of the deputy superintendent of elections within 60 days prior to the expiration of the suspension, the suspension provided by the bill will terminate and both of these offices will be deemed abolished as of the date of the expiration of the suspension.

Once the office of superintendent of elections and the office of the deputy superintendent has been abolished pursuant to this bill, the county would not be permitted to re-establish the offices and return to them the functions, powers, and duties provided by law until the county provides a written report explaining why the re-establishment of the offices are necessary and the re-establishment is approved by the Secretary of State.

If the secretary decides that the office of the superintendent of elections and the office of the deputy superintendent of elections should be re-established in a participating county, qualified individuals to serve in each office must be appointed as provided by law and the functions, powers, and duties of the offices would be re-established within one year after the secretary’s decision.

FISCAL ANALYSIS***EXECUTIVE BRANCH***

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS is not able to determine with certainty the savings that would be associated with suspending the operations of the offices of superintendent and the deputy superintendent of elections in certain second class counties. If Morris County participates in the program, the bill would save \$75,000 annually in superintendent salary costs. If Camden County participates in the program, the bill would save \$119,908 in superintendent salary costs. While the bill would achieve savings in superintendent salary costs, no workload information was available to assess the operational and administrative costs of running a superintendent's office. In addition, we do not know the decisions the county would make with regard to the transfer and consolidation of the operations and administration of the offices of the superintendent of elections into the existing county board of elections offices. Hence, the costs are indeterminate at this time. According to information provided informally by the Division of Elections in the Department of State, county boards of elections are responsible for the following functions in all counties: polling place selection; election district designation; recruitment appointment and training of district board workers; supervision and direction of district boards of election; canvassing the vote; canvassing and counting mail-in and provisional ballots; challenger appointments; publication of legal notices; drawing of municipal wards; and paper ballot reports. In counties where a superintendent of elections has been appointed, the superintendent of elections is responsible for two main functions: voter registration and the custody and care of voting machines. In counties where no superintendent of elections has been appointed the county board of elections is responsible for voter registration and the custody and care of voting machines.

Section: State Government

Analyst: Kimberly McCord Clemmensen
Senior Fiscal Analyst

Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 1856

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED MAY 3, 2012

Sponsored by:

Senator ANTHONY R. BUCCO

District 25 (Morris and Somerset)

SYNOPSIS

Establishes pilot program suspending operations of superintendent and deputy superintendent of elections in certain second class counties.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing a pilot program to suspend the operations of
2 the offices of superintendent of elections and deputy
3 superintendent of elections in certain counties, and
4 supplementing chapter 32 of Title 19 of the Revised Statutes.

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

8
9 1. There is established a pilot program to suspend the operations
10 of the office of the superintendent of elections and the office of the
11 deputy superintendent of elections in participating counties. The
12 governing body of a participating county shall have three years
13 from the effective date of P.L. , c. (C.)(pending before the
14 Legislature as this bill) to adopt an ordinance or resolution, as
15 appropriate, to commence its participation in the program. A
16 certified copy of the ordinance or resolution, as appropriate, shall
17 be transmitted to the Secretary of State as soon as possible after it is
18 adopted.

19 As used in P.L. , c. (C.) (pending before the Legislature as
20 this bill), “participating counties” shall mean any county of the
21 second class with a population of between 510,000 and 515,000
22 persons or between 490,000 and 495,000 persons, according to the
23 2010 federal decennial census for New Jersey.

24
25 2. a. Upon the adoption of a resolution or ordinance, as
26 appropriate, to commence participation in the pilot program by a
27 participating county, the operations of the office of superintendent
28 of elections and the office of deputy superintendent of elections in
29 the participating county shall be suspended for a period of three
30 years and the functions, powers, and duties of each office shall be
31 transferred to and assumed by the county board of elections. The
32 transfer of the functions, powers, and duties of the office of the
33 superintendent of elections and the office of the deputy
34 superintendent of elections shall be completed no later than the 90th
35 day following the adoption of the ordinance or resolution, as
36 appropriate, and the term of office of each individual holding each
37 office shall be terminated no later than that 90th day.

38 b. For the period that the suspension is in effect, whenever
39 reference is made in any statute, regulation, document or judicial
40 proceeding to the office of the superintendent of elections or the
41 office of the deputy superintendent of elections concerning the
42 functions, powers, and duties that had been vested therein prior to
43 the suspension, the same shall mean and refer to the county board of
44 elections.

45
46 3. Within 60 days prior to the expiration of the suspension
47 provided for by section 2 of P.L. , c. (C.) (pending before

1 the Legislature as this bill), the governing body of a participating
2 county shall undertake the following actions.

3 a. The governing body shall prepare a report in writing for the
4 public and the Secretary of State on the impact of the suspension of
5 the office of the superintendent of elections and the office of the
6 deputy superintendent of elections during the three-year period of
7 the suspension with respect to:

8 (1) the operation and administration of State, county, municipal,
9 school, special and federal elections;

10 (2) the maintenance and distribution of voting machines;

11 (3) the administration of voter registration in the county; and

12 (4) the cost of conducting elections in the county.

13 The report shall be made public and submitted to the secretary no
14 later than the 45th day following the expiration of the suspension.

15 b. The governing body shall decide whether to adopt an
16 ordinance or resolution, as appropriate, within 60 days prior to the
17 expiration of the suspension, with the adoption to be effective on
18 the date of the expiration of the suspension, to either:

19 (1) abolish the office of the superintendent of elections and the
20 office of the deputy superintendent of elections; or

21 (2) re-establish such offices as they existed prior to the
22 suspension.

23

24 4. In the event that the governing body of a participating county
25 fails to decide whether to adopt an ordinance or resolution, as
26 appropriate, to abolish or re-establish the office of the
27 superintendent of elections and the office of the deputy
28 superintendent of elections within 60 days prior to the expiration of
29 the suspension, as provided for by section 3 of P.L. , c. (C.)
30 (pending before the Legislature as this bill), the suspension
31 provided by section 2 of P.L. , c. (C.) shall terminate and
32 both of these offices shall be deemed abolished as of the date of the
33 expiration of the suspension.

34

35 5. Once the office of superintendent of elections and the office of
36 the deputy superintendent has been abolished in a participating
37 county pursuant to P.L. , c. (C.)(pending before the
38 Legislature as this bill), the county shall not be permitted to re-
39 establish the offices and return to them the functions, powers, and
40 duties provided by law until the following requirements have been
41 met in the following order:

42 a. at least five years shall have passed since the offices were
43 abolished;

44 b. a new ordinance or resolution, as appropriate, providing for
45 the re-establishment of the office of superintendent of elections and
46 the office of deputy superintendent of elections, and the return of
47 the functions, powers, and duties of each office provided by law
48 from the county board of elections, shall be adopted by the county's

1 governing body and a certified copy of the ordinance or resolution,
2 as appropriate, together with a tally of the vote to adopt it, shall be
3 filed with the Secretary of State within 10 days after the adoption;

4 c. a written report shall be prepared for the secretary that:

5 (1) explains why the governing body of the county believes the
6 re-establishment of the office of superintendent and the office of
7 deputy superintendent are necessary;

8 (2) presents a plan for how the offices shall be re-established and
9 shall work in conjunction with the county clerk and the county
10 board of elections; and

11 (3) includes the financial information necessary to prove that re-
12 establishing the offices shall improve the efficiency and reduce the
13 cost of:

14 (a) operating and administering State, county, school, municipal,
15 special and federal elections;

16 (b) maintaining and distributing voting machines; and

17 (c) overseeing the administration of voter registration in the
18 county; and

19 d. the re-establishment of the office of superintendent of
20 elections and the office of deputy superintendent of elections shall
21 be approved by the secretary after the secretary has had a maximum
22 of 90 days to review the report. The secretary shall be authorized to
23 receive answers to such questions that the secretary deems
24 necessary to ask to ensure that the operation and administration of
25 elections, maintenance and distribution of voting machines and
26 administration of voter registration shall be conducted by the
27 county in the most efficient and cost-effective manner possible.

28 In the event that the secretary decides that the office of the
29 superintendent of elections and the office of the deputy
30 superintendent of elections should be re-established in a
31 participating county, qualified individuals to serve in each office
32 shall be appointed as provided by law and the functions, powers,
33 and duties of the offices shall be re-established within one year after
34 the secretary's decision.

35
36 6. a. An individual shall be appointed to fill the office of
37 superintendent of elections, pursuant to section 1 of P.L.1947, c.167
38 (C.19:32-26) and an individual shall be appointed to fill the office
39 of deputy superintendent of elections, pursuant to section 1 of
40 P.L.1992, c.17 (C.19:32-26.1), in a participating county if the
41 offices are re-established pursuant to either section 3 or section 5 of
42 P.L. , c. (C.) (pending before the Legislature as this bill), as
43 the case may be.

44 b. A participating county is hereby authorized to abolish the
45 office of the superintendent of elections and the office of the deputy
46 superintendent of elections, pursuant to P.L. , c. (C.)
47 (pending before the Legislature as this bill), notwithstanding the
48 provisions of section 1 of P.L.1947, c.167 (C.19:32-26).

1 7. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill establishes a pilot program to suspend the operations of
7 the office of the superintendent of elections and the office of the
8 deputy superintendent of elections in participating counties. The
9 governing body of a participating county would have three years
10 from the effective date of the bill to adopt an ordinance or
11 resolution, as appropriate, to commence its participation in the
12 program.

13 As used in the bill, “participating counties” means any county of
14 the second class with a population of between 510,000 and 515,000
15 persons or between 490,000 and 495,000 persons, according to the
16 2010 federal decennial census for New Jersey.

17 Once an resolution or ordinance, as appropriate, is adopted to
18 commence participation in the pilot program, the operations of the
19 office of superintendent of elections and the office of deputy
20 superintendent of elections in the participating county would be
21 suspended for three years and the functions, powers, and duties of
22 each office would be transferred to and assumed by the county
23 board of elections. The transfer of the functions, powers, and duties
24 of the office of the superintendent of elections and the office of the
25 deputy superintendent of elections must be completed no later than
26 the 90th day following the adoption of the ordinance or resolution,
27 as appropriate, and the term of office of each individual holding
28 each office would terminate no later than that 90th day.

29 Within 60 days prior to the expiration of the suspension provided
30 the bill, the governing body of a participating county must
31 undertake the following actions.

32 1) It must prepare a report in writing for the public and the
33 Secretary of State on the impact of the suspension of the office of
34 the superintendent of elections and the office of the deputy
35 superintendent of elections during the three-year period of the
36 suspension with respect to:

37 a. the operation and administration of State, county, municipal,
38 school, special and federal elections;

39 b. the maintenance and distribution of voting machines;

40 c. the administration of voter registration in the county; and

41 d. the cost of conducting elections in the county.

42 The report must be made public and submitted to the secretary
43 no later than the 45th day following the expiration of the
44 suspension.

45 2) The governing body must decide whether to adopt an
46 ordinance or resolution, as appropriate, within 60 days prior to the
47 expiration of the suspension, with the adoption to be effective on
48 the date of the expiration of the suspension, to either:

1 a. abolish the office of the superintendent of elections and the
2 office of the deputy superintendent of elections; or

3 b. re-establish such offices as they existed prior to the
4 suspension.

5 In the event that the governing body of a participating county
6 fails to decide whether to adopt an ordinance or resolution, as
7 appropriate, to abolish or re-establish the office of the
8 superintendent of elections and the office of the deputy
9 superintendent of elections within 60 days prior to the expiration of
10 the suspension, the suspension provided by the bill will terminate
11 and both of these offices will be deemed abolished as of the date of
12 the expiration of the suspension.

13 Once the office of superintendent of elections and the office of
14 the deputy superintendent has been abolished pursuant to this bill,
15 the county would not be permitted to re-establish the offices and
16 return to them the functions, powers, and duties provided by law
17 until the county provides a written report explaining why the re-
18 establishment of the offices are necessary and the re-establishment
19 is approved by the Secretary of State.

20 If the secretary decides that the office of the superintendent of
21 elections and the office of the deputy superintendent of elections
22 should be re-established in a participating county, qualified
23 individuals to serve in each office must be appointed as provided by
24 law and the functions, powers, and duties of the offices would be
25 re-established within one year after the secretary's decision.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 1856

STATE OF NEW JERSEY

DATED: DECEMBER 17, 2012

The Senate Transportation Committee reports favorably Senate Bill No. 1856.

As reported, this bill establishes a pilot program to suspend the operations of the office of the superintendent of elections and the office of the deputy superintendent of elections in participating counties. The governing body of a participating county has three years from the effective date of the bill to adopt an ordinance or resolution, as appropriate, to commence its participation in the program.

As used in the bill, "participating counties" means any county of the second class with a population of between 510,000 and 515,000 persons or between 490,000 and 495,000 persons, according to the 2010 federal decennial census for New Jersey.

Once a resolution or ordinance, as appropriate, is adopted to commence participation in the pilot program, the operations of the office of superintendent of elections and the office of deputy superintendent of elections in the participating county would be suspended for three years and the functions, powers, and duties of each office would be transferred to and assumed by the county board of elections. The transfer of the functions, powers, and duties of the office of the superintendent of elections and the office of the deputy superintendent of elections must be completed no later than the 90th day following the adoption of the ordinance or resolution, as appropriate, and the term of office of each individual holding each office would terminate no later than that 90th day.

Within 60 days prior to the expiration of the suspension provided by the bill, the governing body of a participating county would be required to undertake the following actions:

- 1) prepare a report in writing for the public and the Secretary of State on the impact of the suspension of the office of the superintendent of elections and the office of the deputy superintendent of elections during the three-year period of the suspension with respect to the operation and administration of State, county, municipal, school, special, and federal elections; the maintenance and distribution of voting machines; the administration of voter registration in the county; and the cost of conducting elections in the county, to be made public and submitted to the secretary no later than the 45th day following the expiration of the suspension; and

2) decide whether to adopt an ordinance or resolution, as appropriate, with the adoption to be effective on the date of the expiration of the suspension, to either: abolish the office of the superintendent of elections and the office of the deputy superintendent of elections; or re-establish such offices as they existed prior to the suspension.

In the event that the governing body of a participating county fails to decide whether to adopt an ordinance or resolution, as appropriate, to abolish or re-establish the office of the superintendent of elections and the office of the deputy superintendent of elections within 60 days prior to the expiration of the suspension, the suspension provided by the bill will terminate and both of these offices will be deemed abolished as of the date of the expiration of the suspension.

Once the office of superintendent of elections and the office of the deputy superintendent has been abolished pursuant to this bill, the county would not be permitted to re-establish the offices and return to them the functions, powers, and duties provided by law until the county provides a written report explaining why the re-establishment of the offices are necessary and the re-establishment is approved by the Secretary of State.

If the secretary decides that the office of the superintendent of elections and the office of the deputy superintendent of elections should be re-established in a participating county, qualified individuals to serve in each office must be appointed as provided by law and the functions, powers, and duties of the offices would be re-established within one year after the secretary's decision.

Senate Bill No. 1856 is identical to Assembly Bill No. 1394, which was also reported by the committee on this day.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 1856
STATE OF NEW JERSEY
215th LEGISLATURE

DATED: JANUARY 4, 2013

SUMMARY

- Synopsis:** Establishes pilot program suspending operations of superintendent and deputy superintendent of elections in certain second class counties.
- Type of Impact:** Expenditure Decrease to local government funds.
- Agencies Affected:** Certain County Boards of Election; Certain Offices of County Superintendents of Elections.

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2013</u>	<u>FY 2014</u>	<u>FY 2015</u>
Local Savings		Indeterminate	

- This bill establishes a pilot program suspending operations of superintendent and deputy superintendent of elections in certain second class counties.
- The Office of Legislative Services (OLS) is not able to determine with certainty the savings that would be associated with suspending the operations of the offices of superintendent and the deputy superintendent of elections in certain second class counties.
- While the bill would achieve local government savings in superintendent salary costs, no workload information was available to assess the operational and administrative costs of running a superintendent's office. In addition, we do not know the decisions the county would make with regard to the transfer and consolidation of the operations and administration of the offices of the superintendent of elections into the existing county board of elections offices. Hence, the costs are indeterminate at this time.

BILL DESCRIPTION

Senate Bill No. 1856 of 2012 establishes a pilot program to suspend the operations of the office of the superintendent of elections and the office of the deputy superintendent of elections

in participating counties. The governing body of a participating county would have three years from the effective date of the bill to adopt an ordinance or resolution, as appropriate, to commence its participation in the program.

As used in the bill, “participating counties” means any county of the second class with a population of between 510,000 and 515,000 persons or between 490,000 and 495,000 persons, according to the 2010 federal decennial census for New Jersey.

Once an resolution or ordinance, as appropriate, is adopted to commence participation in the pilot program, the operations of the office of superintendent of elections and the office of deputy superintendent of elections in the participating county would be suspended for three years and the functions, powers, and duties of each office would be transferred to and assumed by the county board of elections. The transfer of the functions, powers, and duties of the office of the superintendent of elections and the office of the deputy superintendent of elections must be completed no later than the 90th day following the adoption of the ordinance or resolution, as appropriate, and the term of office of each individual holding each office would terminate no later than that 90th day.

Within 60 days prior to the expiration of the suspension provided the bill, the governing body of a participating county must undertake the following actions.

1) It must prepare a report in writing for the public and the Secretary of State on the impact of the suspension of the office of the superintendent of elections and the office of the deputy superintendent of elections during the three-year period of the suspension with respect to:

- a. the operation and administration of State, county, municipal, school, special and federal elections;
- b. the maintenance and distribution of voting machines;
- c. the administration of voter registration in the county; and
- d. the cost of conducting elections in the county.

The report must be made public and submitted to the secretary no later than the 45th day following the expiration of the suspension.

2) The governing body must decide whether to adopt an ordinance or resolution, as appropriate, within 60 days prior to the expiration of the suspension, with the adoption to be effective on the date of the expiration of the suspension, to either:

- a. abolish the office of the superintendent of elections and the office of the deputy superintendent of elections; or
- b. re-establish such offices as they existed prior to the suspension.

In the event that the governing body of a participating county fails to decide whether to adopt an ordinance or resolution, as appropriate, to abolish or re-establish the office of the superintendent of elections and the office of the deputy superintendent of elections within 60 days prior to the expiration of the suspension, the suspension provided by the bill will terminate and both of these offices will be deemed abolished as of the date of the expiration of the suspension.

Once the office of superintendent of elections and the office of the deputy superintendent has been abolished pursuant to this bill, the county would not be permitted to re-establish the offices and return to them the functions, powers, and duties provided by law until the county provides a written report explaining why the re-establishment of the offices are necessary and the re-establishment is approved by the Secretary of State.

If the secretary decides that the office of the superintendent of elections and the office of the deputy superintendent of elections should be re-established in a participating county, qualified individuals to serve in each office must be appointed as provided by law and the functions, powers, and duties of the offices would be re-established within one year after the secretary’s decision.

FISCAL ANALYSIS***EXECUTIVE BRANCH***

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS is not able to determine with certainty the savings that would be associated with suspending the operations of the offices of superintendent and the deputy superintendent of elections in certain second class counties. If Morris County participates in the program, the bill would save \$75,000 annually in superintendent salary costs. If Camden County participates in the program, the bill would save \$119,908 in superintendent salary costs. While the bill would achieve savings in superintendent salary costs, no workload information was available to assess the operational and administrative costs of running a superintendent's office. In addition, we do not know the decisions the county would make with regard to the transfer and consolidation of the operations and administration of the offices of the superintendent of elections into the existing county board of elections offices. Hence, the costs are indeterminate at this time. According to information provided informally by the Division of Elections in the Department of State, county boards of elections are responsible for the following functions in all counties: polling place selection; election district designation; recruitment appointment and training of district board workers; supervision and direction of district boards of election; canvassing the vote; canvassing and counting mail-in and provisional ballots; challenger appointments; publication of legal notices; drawing of municipal wards; and paper ballot reports. In counties where a superintendent of elections has been appointed, the superintendent of elections is responsible for two main functions: voter registration and the custody and care of voting machines. In counties where no superintendent of elections has been appointed the county board of elections is responsible for voter registration and the custody and care of voting machines.

Section: State Government

*Analyst: Kimberly McCord Clemmensen
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).