

FLOOR AMENDMENT STATEMENT: Yes 12-15-14
12-18-14

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

OTHER: (Empower Our Neighborhoods, et al. v Guadagno, et al. Yes
2014 N.J. Super. Unpub. LEXIS 764
2014 WL 1315198 (Law Div. Mar. 31, 2014)
and Judge Jacobson's Order dated March 31, 2014)

LAW/KR

P.L.2014, CHAPTER 83, *approved December 26, 2014*
Assembly, No. 3629 (*Third Reprint*)

1 AN ACT concerning the voter registration and residency
2 requirements applicable to circulators of petitions and amending
3 ¹[R.S.19:13-7, R.S.19:23-11, and P.L.1995, c.105] various parts
4 of the statutory law¹.

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

8
9 1. R.S.19:13-7 is amended to read as follows:
10 19:13-7. Before any petition shall be filed as hereinafter
11 provided, **[**at least one of the voters signing the same**]** the person
12 who circulates the petition, or a candidate who signs or circulates,
13 or both signs and circulates, such a petition, shall make oath by
14 affidavit before a duly qualified officer that the petition is made in
15 good faith, that the affiant personally circulated the petition and saw
16 all the signatures made thereto and verily believes that the signers
17 are duly qualified voters. The person who circulates the petition
18 shall not be required to be a registered voter, but shall be ²voter
19 eligible, which means² at least 18 years of age ¹**[.** ²**[as of the**
20 date of the election for which the petition is circulated, and¹ **].**² a
21 resident of this State ¹**[, and a citizen of the United States]**¹ ², a
22 citizen of the United States, and not otherwise disqualified under
23 the New Jersey Constitution² .
24 (cf: P.L.2010, c.68, s.2)

25
26 ³**[**¹2. R.S.19:13-13 is amended to read as follows:
27 19:13-13. A candidate whose petition of nomination **[**, or any
28 affidavit or affidavits thereto,**]** is defective may cause such petition
29 **[**, or the affidavit or affidavits thereto,**]** to be amended in matters of
30 substance or of form as may be necessary, but not to add signatures,
31 or such amendment or amendments may be made by filing a new or
32 substitute petition, **[**or affidavit or affidavits,**]** and the same when
33 so amended shall be of the same effect as if originally filed in such
34 amended form; but every amendment shall be made on or before the
35 third day after the last day for the filing of petitions. This provision
36 shall be liberally construed to protect the interest of candidates.
37 ²**[**Notwithstanding the provisions of this section, the failure to
38 submit the affidavit or affidavits required to be submitted with the

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted November 13, 2014.

²Assembly floor amendments adopted December 15, 2014.

³Assembly floor amendments adopted December 18, 2014.

1 petition, or the submission of a defective affidavit or affidavits,
 2 shall cause the petition to be void, and such failure or defect shall
 3 not be curable after the petition is submitted.】²

4 Notwithstanding the above provision, in the case of nomination
 5 petitions for electors for candidates for President and Vice President
 6 of the United States, which candidates have not been nominated at a
 7 convention of a political party as defined by this Title, every
 8 statutorily authorized amendment shall be made on or before the
 9 93rd day before the general election.¹

10 (cf: P.L.2011, c.37, s.2)】³

11

12 ¹【²】³【^{3.1}】^{2.3} R.S.19:23-11 is amended to read as follows:

13 19:23-11. Such petitions shall be verified by the oath or
 14 affirmation by affidavit of [one or more of the signers thereof] the
 15 person who circulates each petition, including a candidate who
 16 signs or circulates, or both signs and circulates, such a petition,
 17 taken and subscribed before a person qualified under the laws of
 18 New Jersey to administer an oath, to the effect that the affiant
 19 personally circulated the petition; that the petition is signed by each
 20 of the signers thereof in his proper handwriting; that the signers are
 21 to the best knowledge and belief of the affiant legal voters of the
 22 State or political subdivision thereof, as the case may be, as stated
 23 in the petition, belong to the political party named in the
 24 petition【.】; and that the petition is prepared and filed in absolute
 25 good faith for the sole purpose of indorsing the person or persons
 26 therein named, in order to secure his or their nomination or
 27 selection as stated in such petition. The person who circulates the
 28 petition shall be a registered voter in this State whose party
 29 affiliation is of the same political party named in the petition.

30 (cf: P.L.2010, c.68, s.4)

31

32 ²【¹⁴. R.S.19:23-20 is amended to read as follows:

33 19:23-20. Such candidate shall be permitted to amend the
 34 petition either in form or in substance, but not to add signatures, so
 35 as to remedy the defect within three days. Notwithstanding the
 36 provisions of this section, the failure to submit the affidavit or
 37 affidavits required to be submitted with the petition, or the
 38 submission of a defective affidavit or affidavits, shall cause the
 39 petition to be void, and such failure or defect shall not be curable
 40 after the petition is submitted.¹

41 (cf: R.S.19:23-20)】²

42

43 ¹【^{3.】²【^{5.1}】³【^{4.2}】^{3.3} Section 3 of P.L.1995, c.105 (C.19:27A-}
 44 3) is amended to read as follows:

45 3. As used in this act:

46 "circulator" means an individual, whether paid or unpaid, who
 47 solicits signatures for a recall petition;

1 "elected official" means any person holding the office of United
2 States Senator or member of the United States House of
3 Representatives elected from this State, or any person holding a
4 State or local government office which, under the State Constitution
5 or by law, is filled by the registered voters of a jurisdiction at an
6 election, including a person appointed, selected or otherwise
7 designated to fill a vacancy in such office, but does not mean an
8 official of a political party;

9 "jurisdiction" means the electoral jurisdiction, including but not
10 limited to the State, or any county or municipality thereof, within
11 which the voters reside who are qualified to vote for an elected
12 official who is sought to be recalled;

13 "notice of intention" means the notice filed with the recall
14 election official by a recall committee for the purpose of initiating a
15 recall effort;

16 "recall committee" means a committee formed by persons
17 sponsoring the recall of an elected official which represents the
18 sponsors and signers of a recall petition in matters relating to the
19 recall effort;

20 "recall election" means an election held for the purpose of
21 allowing the voters of a jurisdiction to decide whether an elected
22 official shall be recalled from office;

23 "recall election official" means the official authorized by law to
24 receive nominating petitions for an elective office, except that with
25 respect to the recall of the county clerk, it means the Secretary of
26 State;

27 "recall petition" means a petition prepared **and circulated** by a
28 recall committee and circulated as provided by this act for the
29 purpose of gathering a sufficient number of valid signatures of
30 registered voters to cause a recall election to be called; and

31 "sponsors" means the proponents of a recall effort who establish
32 a recall committee.

33 (cf: P.L.1995, c.105, s.3)

34

35 ¹**[4.]** ²**[6.]** ³**[5.]** ⁴**4.**³ Section 6 of P.L.1995, c.105 (C.19:27A-
36 6) is amended to read as follows:

37 6. Prior to **collecting** the collection of any signatures, the
38 sponsors of a recall petition shall file a notice of intention with the
39 appropriate recall election official. The notice of intention shall
40 contain the following information:

41 a. the name and office of the elected official sought to be
42 recalled;

43 b. the name and business or residence address of at least three
44 sponsors of the recall petition who shall constitute a recall
45 committee which shall represent the sponsors and signers of the
46 recall petition in matters relating to the recall effort, provided that
47 no recall committee shall sponsor the recall of more than one
48 officeholder and, if a recall effort fails at the ballot, the sponsoring

1 recall committee and the members thereof shall not again sponsor,
2 nor shall the recall committee again finance, an effort to recall the
3 targeted officeholder during the same term of office in which the
4 failed recall effort was attempted;

5 c. the name of the recall committee, which shall be expressed
6 in the following form: "COMMITTEE TO RECALL (name of the
7 official sought to be recalled) FROM THE OFFICE OF (name of
8 the office)";

9 d. a statement certified by each member of the recall committee
10 that the member is registered to vote in the jurisdiction of the
11 official sought to be recalled and that the member supports the
12 recall of the named official and accepts the responsibilities
13 associated with serving on the recall committee;

14 e. at the option of the recall committee, a statement, not in
15 excess of 200 words, of the reasons for the recall; and

16 f. a statement as to whether the recall election shall be held at
17 the next general election or regular election, as appropriate, or at a
18 special election, as provided in section 13 of this act.

19 (cf: P.L.1995, c.105, s.6)

20

21 ¹**[5.]** ²**[7.]** ³**[6.]** ^{5.} Section 8 of P.L.1995, c.105 (C.19:27A-
22 8) is amended to read as follows:

23 8. a. No signature appearing on any document other than a
24 recall petition prepared in accordance with the provisions of this
25 section shall be counted among the signatures required under
26 section 5 of this act to determine whether a recall election shall be
27 held.

28 b. A recall petition shall be prepared by the recall committee in
29 accordance with a format, consistent with the provisions of this act,
30 which shall have been approved for such purpose by the Secretary
31 of State. A petition may consist of any number of separate sections
32 which shall be identical except with respect to information required
33 to be entered thereon by the signers and circulators and as otherwise
34 provided herein. The size of the paper used in a recall petition and
35 the number of pages included in each section thereof shall be
36 determined by the recall committee. The back and the front of a
37 piece of paper shall each constitute a page and signatures may be
38 affixed to each such page.

39 c. Each page of each section of a recall petition shall be
40 sequentially numbered and shall include, printed in bold letters in at
41 least 10-point type, the heading "PETITION FOR THE RECALL
42 OF (name of the official sought to be recalled) FROM THE
43 OFFICE OF (name of the office)" and, where appropriate, the
44 information required by subsection e. of this section. The first page
45 of each section also shall bear, in type of uniform size but not less
46 than 8-point type, (1) the information contained in the notice of
47 intention, including any cost estimate prepared and the statement of
48 the reasons for the recall, if one was provided, or a declaration that

1 no such statement of reasons was provided, except that information
2 on only three members of the recall committee need be listed; and
3 (2) a copy of the answer provided by the official sought to be
4 recalled, if one was provided, or a declaration that no such answer
5 was provided, except that no such answer or declaration shall be
6 included if a statement of the reasons for the recall was not
7 provided.

8 d. Each page of a recall petition shall be arranged so that each
9 signer of the petition shall personally affix the signer's signature;
10 printed name and residence address, including street and number, or
11 a designation of residence which is adequate to readily determine
12 location; the municipality of residence; and the date on which the
13 signer signed the petition. A space at least one inch wide shall be
14 left blank after each name for use in verifying signatures when
15 appropriate, as provided by this act. A box shall be provided after
16 each name for the signer to indicate that the signer has had the
17 opportunity to review the information on the first page of that
18 section of the petition.

19 e. (1) Whenever the official sought to be recalled is the
20 Governor or a United States Senator, separate sections of the
21 petition shall be prepared for use by signers registered to vote in
22 each county. Each page of a section shall bear in not less than 10-
23 point type the name of the county in which that section is to be used
24 and the statement, "Only eligible persons residing in (name
25 of county) County shall sign this page." A signer shall not affix the
26 signer's signature to any page of any section unless it bears the
27 name of the county in which the signer is registered to vote.

28 (2) Whenever the official sought to be recalled is a member of
29 the Legislature or a member of the United States House of
30 Representatives and the official's jurisdiction includes parts of more
31 than one county, separate sections of the petition shall be prepared
32 for use by signers registered to vote in each county included within
33 the member's jurisdiction. Each page of a section shall bear in not
34 less than 10-point type the name of the county in which that section
35 is to be used and the statement, "Only eligible persons residing in
36 (name of county) County shall sign this page." A signer shall not
37 affix the signer's signature to any page of any section unless it bears
38 the name of the county in which the signer is registered to vote.

39 (3) The signature of any person to a page of a recall petition
40 bearing the name of a county in which the person is not registered
41 to vote shall be invalid, but the invalidity of such a signature shall
42 not invalidate or otherwise impair the section wherein or page
43 whereon that signature appears, nor shall it invalidate or otherwise
44 impair any other signature to that or any other section of the
45 petition.

46 f. Prior to use, the sections of a recall petition shall be
47 reviewed by the recall election official for compliance with the
48 provisions of this act. The recall election official shall complete the

1 review of the petition within three business days of receipt. No
 2 section of a recall petition shall be used to solicit signatures unless
 3 it has been so approved and a statement of such approval, signed by
 4 the recall election official, has been printed on the first page of that
 5 section.

6 g. No obstruction shall be placed over any portion of a page of
 7 a petition section at the time that page is presented to a voter to be
 8 signed.

9 h. Every member of a recall committee circulating a recall
 10 petition **【and every circulator of that petition】** shall sign the
 11 petition. If any member of the committee shall fail to sign the
 12 petition, the petition shall be deemed void. In the event that the
 13 signature to the petition of a member of the recall committee shall
 14 be deemed invalid, then notwithstanding the provisions of
 15 subsection e. of this section, the petition shall be deemed void. A
 16 circulator of a recall petition who is not a member of the recall
 17 committee shall not be required to sign, or to be qualified to sign,
 18 the recall petition in order to solicit signatures for the recall
 19 petition.

20 i. If a solicitation for signatures to a recall petition is presented
 21 to prospective petition signers by a paid print advertisement or paid
 22 mailing, or if a recall petition is presented to such a prospective
 23 signer by a paid circulator, the solicitation or petition, respectively,
 24 shall disclose prominently in a statement printed in at least 10-point
 25 type (1) the identity of the person paying for the printed or personal
 26 solicitation, and (2) that the circulator is paid. The Election Law
 27 Enforcement Commission shall promulgate such rules and
 28 regulations as are necessary to implement the provisions and
 29 effectuate the purposes of this subsection.

30 j. No person who is ineligible to sign a recall petition shall,
 31 with knowledge of that ineligibility, sign such a petition. No person
 32 shall offer to pay or pay another to sign or to refrain from signing a
 33 recall petition or to vote or to refrain from voting in a recall
 34 election. A person who violates any of the foregoing provisions of
 35 this subsection is guilty of a crime of the fourth degree.

36 (cf: P.L.1995, c.105, s.8)

37

38 ¹**【6.】** ²**【8.1】** ³**【7.2】** ^{6.3} Section 9 of P.L.1995, c.105 (C.19:27A-
 39 9) is amended to read as follows:

40 9. a. **【No person shall act as the circulator of a petition who is**
 41 **not a registered voter in the jurisdiction from which the official**
 42 **sought to be recalled was elected】** A circulator of a recall petition
 43 shall not be required to be a registered voter, but shall be ²voter
 44 eligible, which means² at least 18 years of age ¹**【.】** ²**【as of the**
 45 **date of the election for which the petition is circulated, and**¹ ²**】.** ² a
 46 resident of this State ¹**【, and a citizen of the United States】**¹ ², a

1 citizen of the United States, and not otherwise disqualified under
2 the New Jersey Constitution² .

3 b. Each completed page of any section of a recall petition
4 which is filed with the recall election official shall include at the
5 bottom of that page an affidavit signed by the circulator of that
6 section which sets forth the following:

7 (1) the printed name of the circulator;

8 (2) the address of the circulator;

9 (3) a statement that the circulator assumed responsibility for
10 circulating that section, that the circulator witnessed the signing of
11 that page by each person whose signature appears thereon, that, to
12 the best information and belief of the circulator, the signers are
13 legal residents of the State and of the county in which the section
14 was circulated, and that the section was circulated in absolute good
15 faith for the purpose of causing the recall of the elected official
16 named in the petition;

17 (4) the dates between which all signatures to that page were
18 collected; and

19 (5) a statement, signed by the circulator, as to the truth and
20 correctness of the aforesaid information.

21 (cf: P.L.1995, c.105, s.9)

22

23 ²**[**¹⁹. Section 11 of P.L.1995, c.105 (C.19:27A-11) is amended
24 to read as follows:

25 11. All sections of a completed recall petition shall be filed with
26 the recall election official at the same time. When a petition is
27 presented for filing, the recall election official, within 10 business
28 days, shall determine the total number of signatures affixed thereto
29 and whether the completed petition complies with the other
30 provisions of this act. A petition which contains an insufficient
31 number of signatures , which fails to include the affidavit or
32 affidavits required to be submitted with the petition, which includes
33 a defective affidavit or affidavits, or otherwise fails to comply with
34 the provisions of this act shall be void. The failure to submit the
35 required affidavit or affidavits or the submission of a defective
36 affidavit or affidavits shall not be curable after the petition is
37 submitted.¹

38 (cf: P.L.1995, c.105, s.11)**]**²

39

40 ¹**[**^{7.}²**[**^{10.}¹[]] ³**[**^{8.}²[]] ^{7.}³ This act shall take effect immediately.

41

42

43

44

45 Eliminates voter registration and in-district residency
46 requirements for certain petition circulators; eliminates in-district
47 residency requirement for petition circulators for partisan primary
48 nominations; establishes petition circulator criteria.

ASSEMBLY, No. 3629

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED SEPTEMBER 15, 2014

Sponsored by:

Assemblywoman LINDA STENDER

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Eliminates voter registration and in-district residency requirements for certain petition circulators; eliminates in-district residency requirement for petition circulators for partisan primary nominations; establishes petition circulator criteria.

CURRENT VERSION OF TEXT

As introduced.



A3629 STENDER

2

1 AN ACT concerning the voter registration and residency
2 requirements applicable to circulators of petitions and amending
3 R.S.19:13-7, R.S.19:23-11, and P.L.1995, c.105.

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

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

9 19:13-7. Before any petition shall be filed as hereinafter
10 provided, **[at least one of the voters signing the same]** the person
11 who circulates the petition, or a candidate who signs or circulates,
12 or both signs and circulates, such a petition, shall make oath by
13 affidavit before a duly qualified officer that the petition is made in
14 good faith, that the affiant personally circulated the petition and saw
15 all the signatures made thereto and verily believes that the signers
16 are duly qualified voters. The person who circulates the petition
17 shall not be required to be a registered voter, but shall be at least 18
18 years of age, a resident of this State, and a citizen of the United
19 States.

20 (cf: P.L.2010, c.68, s.2)

21
22 2. R.S.19:23-11 is amended to read as follows:

23 19:23-11. Such petitions shall be verified by the oath or
24 affirmation by affidavit of **[one or more of the signers thereof]** the
25 person who circulates each petition, including a candidate who
26 signs or circulates, or both signs and circulates, such a petition,
27 taken and subscribed before a person qualified under the laws of
28 New Jersey to administer an oath, to the effect that the affiant
29 personally circulated the petition; that the petition is signed by each
30 of the signers thereof in his proper handwriting; that the signers are
31 to the best knowledge and belief of the affiant legal voters of the
32 State or political subdivision thereof, as the case may be, as stated
33 in the petition, belong to the political party named in the
34 petition**[,];** and that the petition is prepared and filed in absolute
35 good faith for the sole purpose of indorsing the person or persons
36 therein named, in order to secure his or their nomination or
37 selection as stated in such petition. The person who circulates the
38 petition shall be a registered voter in this State whose party
39 affiliation is of the same political party named in the petition.

40 (cf: P.L.2010, c.68, s.4)

41
42 3. Section 3 of P.L.1995, c.105 (C.19:27A-3) is amended to read
43 as follows:

44 3. As used in this act:

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

Matter underlined thus is new matter.

1 "circulator" means an individual, whether paid or unpaid, who
2 solicits signatures for a recall petition;

3 "elected official" means any person holding the office of United
4 States Senator or member of the United States House of
5 Representatives elected from this State, or any person holding a
6 State or local government office which, under the State Constitution
7 or by law, is filled by the registered voters of a jurisdiction at an
8 election, including a person appointed, selected or otherwise
9 designated to fill a vacancy in such office, but does not mean an
10 official of a political party;

11 "jurisdiction" means the electoral jurisdiction, including but not
12 limited to the State, or any county or municipality thereof, within
13 which the voters reside who are qualified to vote for an elected
14 official who is sought to be recalled;

15 "notice of intention" means the notice filed with the recall
16 election official by a recall committee for the purpose of initiating a
17 recall effort;

18 "recall committee" means a committee formed by persons
19 sponsoring the recall of an elected official which represents the
20 sponsors and signers of a recall petition in matters relating to the
21 recall effort;

22 "recall election" means an election held for the purpose of
23 allowing the voters of a jurisdiction to decide whether an elected
24 official shall be recalled from office;

25 "recall election official" means the official authorized by law to
26 receive nominating petitions for an elective office, except that with
27 respect to the recall of the county clerk, it means the Secretary of
28 State;

29 "recall petition" means a petition prepared **and circulated** by a
30 recall committee and circulated as provided by this act for the
31 purpose of gathering a sufficient number of valid signatures of
32 registered voters to cause a recall election to be called; and

33 "sponsors" means the proponents of a recall effort who establish
34 a recall committee.

35 (cf: P.L.1995, c.105, s.3)

36

37 4. Section 6 of P.L.1995, c.105 (C.19:27A-6) is amended to read
38 as follows:

39 6. Prior to **collecting** the collection of any signatures, the
40 sponsors of a recall petition shall file a notice of intention with the
41 appropriate recall election official. The notice of intention shall
42 contain the following information:

43 a. the name and office of the elected official sought to be
44 recalled;

45 b. the name and business or residence address of at least three
46 sponsors of the recall petition who shall constitute a recall
47 committee which shall represent the sponsors and signers of the
48 recall petition in matters relating to the recall effort, provided that

1 no recall committee shall sponsor the recall of more than one
2 officeholder and, if a recall effort fails at the ballot, the sponsoring
3 recall committee and the members thereof shall not again sponsor,
4 nor shall the recall committee again finance, an effort to recall the
5 targeted officeholder during the same term of office in which the
6 failed recall effort was attempted;

7 c. the name of the recall committee, which shall be expressed in
8 the following form: "COMMITTEE TO RECALL (name of the
9 official sought to be recalled) FROM THE OFFICE OF (name of
10 the office)";

11 d. a statement certified by each member of the recall committee
12 that the member is registered to vote in the jurisdiction of the
13 official sought to be recalled and that the member supports the
14 recall of the named official and accepts the responsibilities
15 associated with serving on the recall committee;

16 e. at the option of the recall committee, a statement, not in
17 excess of 200 words, of the reasons for the recall; and

18 f. a statement as to whether the recall election shall be held at
19 the next general election or regular election, as appropriate, or at a
20 special election, as provided in section 13 of this act.

21 (cf: P.L.1995, c.105, s.6)

22

23 5. Section 8 of P.L.1995, c.105 (C.19:27A-8) is amended to read
24 as follows:

25 8. a. No signature appearing on any document other than a
26 recall petition prepared in accordance with the provisions of this
27 section shall be counted among the signatures required under
28 section 5 of this act to determine whether a recall election shall be
29 held.

30 b. A recall petition shall be prepared by the recall committee in
31 accordance with a format, consistent with the provisions of this act,
32 which shall have been approved for such purpose by the Secretary
33 of State. A petition may consist of any number of separate sections
34 which shall be identical except with respect to information required
35 to be entered thereon by the signers and circulators and as otherwise
36 provided herein. The size of the paper used in a recall petition and
37 the number of pages included in each section thereof shall be
38 determined by the recall committee. The back and the front of a
39 piece of paper shall each constitute a page and signatures may be
40 affixed to each such page.

41 c. Each page of each section of a recall petition shall be
42 sequentially numbered and shall include, printed in bold letters in at
43 least 10-point type, the heading "PETITION FOR THE RECALL
44 OF (name of the official sought to be recalled) FROM THE
45 OFFICE OF (name of the office)" and, where appropriate, the
46 information required by subsection e. of this section. The first page
47 of each section also shall bear, in type of uniform size but not less
48 than 8-point type, (1) the information contained in the notice of

1 intention, including any cost estimate prepared and the statement of
2 the reasons for the recall, if one was provided, or a declaration that
3 no such statement of reasons was provided, except that information
4 on only three members of the recall committee need be listed; and
5 (2) a copy of the answer provided by the official sought to be
6 recalled, if one was provided, or a declaration that no such answer
7 was provided, except that no such answer or declaration shall be
8 included if a statement of the reasons for the recall was not
9 provided.

10 d. Each page of a recall petition shall be arranged so that each
11 signer of the petition shall personally affix the signer's signature;
12 printed name and residence address, including street and number, or
13 a designation of residence which is adequate to readily determine
14 location; the municipality of residence; and the date on which the
15 signer signed the petition. A space at least one inch wide shall be
16 left blank after each name for use in verifying signatures when
17 appropriate, as provided by this act. A box shall be provided after
18 each name for the signer to indicate that the signer has had the
19 opportunity to review the information on the first page of that
20 section of the petition.

21 e. (1) Whenever the official sought to be recalled is the
22 Governor or a United States Senator, separate sections of the
23 petition shall be prepared for use by signers registered to vote in
24 each county. Each page of a section shall bear in not less than 10-
25 point type the name of the county in which that section is to be used
26 and the statement, "Only eligible persons residing in (name
27 of county) County shall sign this page." A signer shall not affix the
28 signer's signature to any page of any section unless it bears the
29 name of the county in which the signer is registered to vote.

30 (2) Whenever the official sought to be recalled is a member of
31 the Legislature or a member of the United States House of
32 Representatives and the official's jurisdiction includes parts of more
33 than one county, separate sections of the petition shall be prepared
34 for use by signers registered to vote in each county included within
35 the member's jurisdiction. Each page of a section shall bear in not
36 less than 10-point type the name of the county in which that section
37 is to be used and the statement, "Only eligible persons residing in
38 (name of county) County shall sign this page." A signer shall not
39 affix the signer's signature to any page of any section unless it bears
40 the name of the county in which the signer is registered to vote.

41 (3) The signature of any person to a page of a recall petition
42 bearing the name of a county in which the person is not registered
43 to vote shall be invalid, but the invalidity of such a signature shall
44 not invalidate or otherwise impair the section wherein or page
45 whereon that signature appears, nor shall it invalidate or otherwise
46 impair any other signature to that or any other section of the
47 petition.

1 f. Prior to use, the sections of a recall petition shall be reviewed
2 by the recall election official for compliance with the provisions of
3 this act. The recall election official shall complete the review of the
4 petition within three business days of receipt. No section of a recall
5 petition shall be used to solicit signatures unless it has been so
6 approved and a statement of such approval, signed by the recall
7 election official, has been printed on the first page of that section.

8 g. No obstruction shall be placed over any portion of a page of a
9 petition section at the time that page is presented to a voter to be
10 signed.

11 h. Every member of a recall committee circulating a recall
12 petition **【and every circulator of that petition】** shall sign the
13 petition. If any member of the committee shall fail to sign the
14 petition, the petition shall be deemed void. In the event that the
15 signature to the petition of a member of the recall committee shall
16 be deemed invalid, then notwithstanding the provisions of
17 subsection e. of this section, the petition shall be deemed void. A
18 circulator of a recall petition who is not a member of the recall
19 committee shall not be required to sign, or to be qualified to sign,
20 the recall petition in order to solicit signatures for the recall
21 petition.

22 i. If a solicitation for signatures to a recall petition is presented
23 to prospective petition signers by a paid print advertisement or paid
24 mailing, or if a recall petition is presented to such a prospective
25 signer by a paid circulator, the solicitation or petition, respectively,
26 shall disclose prominently in a statement printed in at least 10-point
27 type (1) the identity of the person paying for the printed or personal
28 solicitation, and (2) that the circulator is paid. The Election Law
29 Enforcement Commission shall promulgate such rules and
30 regulations as are necessary to implement the provisions and
31 effectuate the purposes of this subsection.

32 j. No person who is ineligible to sign a recall petition shall, with
33 knowledge of that ineligibility, sign such a petition. No person shall
34 offer to pay or pay another to sign or to refrain from signing a recall
35 petition or to vote or to refrain from voting in a recall election. A
36 person who violates any of the foregoing provisions of this
37 subsection is guilty of a crime of the fourth degree.

38 (cf: P.L.1995, c.105, s.8)

39
40 6. Section 9 of P.L.1995, c.105 (C.19:27A-9) is amended to read
41 as follows:

42 9. a. **【No person shall act as the circulator of a petition who is**
43 **not a registered voter in the jurisdiction from which the official**
44 **sought to be recalled was elected】** A circulator of a recall petition
45 shall not be required to be a registered voter, but shall be at least 18
46 years of age, a resident of this State, and a citizen of the United
47 States.

- 1 b. Each completed page of any section of a recall petition which
2 is filed with the recall election official shall include at the bottom of
3 that page an affidavit signed by the circulator of that section which
4 sets forth the following:
- 5 (1) the printed name of the circulator;
 - 6 (2) the address of the circulator;
 - 7 (3) a statement that the circulator assumed responsibility for
8 circulating that section, that the circulator witnessed the signing of
9 that page by each person whose signature appears thereon, that, to
10 the best information and belief of the circulator, the signers are
11 legal residents of the State and of the county in which the section
12 was circulated, and that the section was circulated in absolute good
13 faith for the purpose of causing the recall of the elected official
14 named in the petition;
 - 15 (4) the dates between which all signatures to that page were
16 collected; and
 - 17 (5) a statement, signed by the circulator, as to the truth and
18 correctness of the aforesaid information.
- 19 (cf: P.L.1995, c.105, s.9)

20

21 7. This act shall take effect immediately.

22

23

24

STATEMENT

25

26 Under current law, a person who gathers voter signatures on a
27 petition seeking the direct nomination of a candidate for an election,
28 or on a petition used to nominate a candidate in a school election, a
29 partisan primary election, or seeking to recall a candidate, is
30 required to be a signatory of that petition. The requirement that a
31 petition's circulator also sign the petition imposes a voter
32 registration and in-district residency requirement on the circulator.

33 This bill removes the voter registration and in-district residency
34 requirements for petition circulators for the direct nomination of
35 candidates by petition, school elections, and recall elections.
36 Instead, the bill establishes age, citizenship, and State residency
37 requirements. Although a circulator would not be required to be a
38 registered voter, this bill requires that a circulator of such petitions
39 must be at least 18 years of age, a resident of this State, and a
40 citizen of the United States.

41 This bill also eliminates the in-district residency requirement for
42 petition circulators for partisan primary nominations, while
43 establishing a requirement for the circulator to be a registered voter
44 in this State who is a member of the political party named in the
45 petition.

46 When not specified in the current law, the bill also requires that
47 the oath that circulators must take to attest the veracity of the

1 signatures on the petition be done by affidavit, and that the affiant
2 must attest that he or she circulated the petition.

3 This bill conforms current law to the unpublished decision of the
4 Superior Court of New Jersey, Law Division, Mercer County in
5 Empower Our Neighborhoods, et al. v Guadagno, et al. The court
6 ruled that voter registration and in-district residency requirements
7 imposed on petition circulators violate both the New Jersey and
8 federal constitutional provisions that protect freedom of speech and
9 freedom of association. However, the court upheld the
10 constitutionality of a voter registration requirement for circulators
11 who gather signatures in partisan primaries as a legitimate way of
12 verifying that the person who circulates a partisan primary petition
13 is a member of the political party named in that petition.

14 In its opinion, the court also imposed a temporary requirement
15 until December 31, 2014 for petitions circulators to be “voter
16 eligible.” This bill permanently establishes certain criteria for
17 petition circulators. Specifically, the bill provides that the
18 circulator must not be required to be a registered voter, but must be
19 at least 18 years of age, a resident of this State, and a citizen of the
20 United States. In addition, a circulator of partisan primary petition
21 is required under the bill to be a registered voter in this State whose
22 party affiliation is of the same political party named in the petition.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3629

STATE OF NEW JERSEY

DATED: SEPTEMBER 22, 2014

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 3629.

Under current law, a person who gathers voter signatures on a petition seeking the direct nomination of a candidate for an election, or on a petition used to nominate a candidate in a school election, a partisan primary election, or seeking to recall a candidate, is required to be a signatory of that petition. The requirement that a petition's circulator also sign the petition imposes a voter registration and in-district residency requirement on the circulator.

This bill removes the voter registration and in-district residency requirements for petition circulators for the direct nomination of candidates by petition, school elections, and recall elections. Instead, the bill requires that a circulator of such petitions must be at least 18 years of age, a resident of this State, and a citizen of the United States. In addition, it eliminates the in-district residency requirement for petition circulators for partisan primary nominations, while establishing a requirement for the circulator to be a registered voter in this State who is a member of the political party named in the petition. When not specified in the current law, the bill also requires that the oath that circulators must take to attest the veracity of the signatures on the petition be done by affidavit, and that the affiant must attest that he or she circulated the petition.

The bill conforms current law to the March 2014 unpublished decision of the Superior Court of New Jersey, Law Division, Mercer County in Empower Our Neighborhoods, et al. v. Guadagno, et al. The court ruled that voter registration and in-district residency requirements imposed on petition circulators violate both the New Jersey and federal constitutional provisions that protect freedom of speech and freedom of association. The court, however, upheld the constitutionality of a voter registration requirement for circulators who gather signatures in partisan primaries as a legitimate way of verifying that the person who circulates a partisan primary petition is a member of the political party named in that petition. In its opinion, the court also imposed a temporary requirement until December 31, 2014 for petitions circulators to be "voter eligible."

STATEMENT TO
ASSEMBLY, No. 3629

with Assembly Floor Amendments
(Proposed by Assemblywoman STENDER)

ADOPTED: NOVEMBER 13, 2014

These Assembly amendments:

(1) clarify that the petition circulator must be at least 18 years of age as of the date of the election for which the petition is circulated;

(2) eliminate the citizenship requirement for circulators of direct nomination and recall petitions; and

(3) provide that petitions that fail to include the affidavit or affidavits required to be submitted with the petition, or which include a defective affidavit or affidavits, would be void, and that such failure or defect would not be curable after the petition is submitted.

It is the Legislature's intent to have petition circulators be residents of this State because it is an important State interest for residents to control the petition process. It is also the Legislature's intent to have petition circulators be at least 18 years of age as of the date of the election for which the petition is circulated because that age represents the age of maturity.

STATEMENT TO
ASSEMBLY, No. 3629

with Assembly Floor Amendments
(Proposed by Assemblywoman STENDER)

ADOPTED: NOVEMBER 13, 2014

These Assembly amendments:

(1) clarify that the petition circulator must be at least 18 years of age as of the date of the election for which the petition is circulated;

(2) eliminate the citizenship requirement for circulators of direct nomination and recall petitions; and

(3) provide that petitions that fail to include the affidavit or affidavits required to be submitted with the petition, or which include a defective affidavit or affidavits, would be void, and that such failure or defect would not be curable after the petition is submitted.

It is the Legislature's intent to have petition circulators be residents of this State because it is an important State interest for residents to control the petition process. It is also the Legislature's intent to have petition circulators be at least 18 years of age as of the date of the election for which the petition is circulated because that age represents the age of maturity.

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 3629

with Assembly Floor Amendments

(Proposed by Assemblywoman STENDER)

ADOPTED: DECEMBER 18, 2014

These Assembly Amendments remove from the bill a section that would have deleted references to petition affidavits in a current law concerning the correction of certain defective petitions and affidavits.

SENATE, No. 2078

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED MAY 12, 2014

Sponsored by:
Senator JIM WHELAN
District 2 (Atlantic)

SYNOPSIS

Eliminates voter registration and residency requirements for petition circulators for direct nomination of candidates and school and recall elections; eliminates in-district residency requirement for petition circulators for partisan primary nominations.

CURRENT VERSION OF TEXT

As introduced.



S2078 WHELAN

2

1 AN ACT concerning the voter registration and residency
2 requirements applicable to circulators of petitions and amending
3 R.S.19:13-7, R.S.19:23-11, and P.L.1995, c.105.

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

7
8 1. R.S.19:13-7 is amended to read as follows:
9 19:13-7. Before any petition shall be filed as hereinafter
10 provided, **[at least one of the voters signing the same]** the person
11 who circulates the petition, or a candidate who signs or circulates,
12 or both signs and circulates, such a petition, shall make oath by
13 affidavit before a duly qualified officer that the petition is made in
14 good faith, that the affiant personally circulated the petition and saw
15 all the signatures made thereto and verily believes that the signers
16 are duly qualified voters.
17 (cf: P.L.2010, c.68, s.2)

18
19 2. R.S.19:23-11 is amended to read as follows:
20 19:23-11. Such petitions shall be verified by the oath or
21 affirmation by affidavit of **[one or more of the signers thereof]** the
22 person who circulates each petition, including a candidate who
23 signs or circulates, or both signs and circulates, such a petition,
24 taken and subscribed before a person qualified under the laws of
25 New Jersey to administer an oath, to the effect that the affiant
26 personally circulated the petition; that the petition is signed by each
27 of the signers thereof in his proper handwriting; that the signers are
28 to the best knowledge and belief of the affiant legal voters of the
29 State or political subdivision thereof, as the case may be, as stated
30 in the petition, belong to the political party named in the
31 petition**[,];** and that the petition is prepared and filed in absolute
32 good faith for the sole purpose of indorsing the person or persons
33 therein named, in order to secure his or their nomination or
34 selection as stated in such petition. The person who circulates the
35 petition shall be a registered voter in this State whose party
36 affiliation is of the same political party named in the petition.
37 (cf: P.L.2010, c.68, s.4)

38
39 3. Section 3 of P.L.1995, c.105 (C.19:27A-3) is amended to
40 read as follows:

41 3. As used in this act:

42 "circulator" means an individual, whether paid or unpaid, who
43 solicits signatures for a recall petition;

44 "elected official" means any person holding the office of United
45 States Senator or member of the United States House of

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

Matter underlined thus is new matter.

1 Representatives elected from this State, or any person holding a
2 State or local government office which, under the State Constitution
3 or by law, is filled by the registered voters of a jurisdiction at an
4 election, including a person appointed, selected or otherwise
5 designated to fill a vacancy in such office, but does not mean an
6 official of a political party;

7 "jurisdiction" means the electoral jurisdiction, including but not
8 limited to the State, or any county or municipality thereof, within
9 which the voters reside who are qualified to vote for an elected
10 official who is sought to be recalled;

11 "notice of intention" means the notice filed with the recall
12 election official by a recall committee for the purpose of initiating a
13 recall effort;

14 "recall committee" means a committee formed by persons
15 sponsoring the recall of an elected official which represents the
16 sponsors and signers of a recall petition in matters relating to the
17 recall effort;

18 "recall election" means an election held for the purpose of
19 allowing the voters of a jurisdiction to decide whether an elected
20 official shall be recalled from office;

21 "recall election official" means the official authorized by law to
22 receive nominating petitions for an elective office, except that with
23 respect to the recall of the county clerk, it means the Secretary of
24 State;

25 "recall petition" means a petition prepared **and circulated** by a
26 recall committee and circulated as provided by this act for the
27 purpose of gathering a sufficient number of valid signatures of
28 registered voters to cause a recall election to be called; and

29 "sponsors" means the proponents of a recall effort who establish
30 a recall committee.

31 (cf:P.L.1995, c.105, s.3)

32

33 4. Section 6 of P.L.1995, c.105 (C.19:27A-6) is amended to
34 read as follows:

35 6. Prior to **collecting** the collection of any signatures, the
36 sponsors of a recall petition shall file a notice of intention with the
37 appropriate recall election official. The notice of intention shall
38 contain the following information:

39 a. the name and office of the elected official sought to be
40 recalled;

41 b. the name and business or residence address of at least three
42 sponsors of the recall petition who shall constitute a recall
43 committee which shall represent the sponsors and signers of the
44 recall petition in matters relating to the recall effort, provided that
45 no recall committee shall sponsor the recall of more than one
46 officeholder and, if a recall effort fails at the ballot, the sponsoring
47 recall committee and the members thereof shall not again sponsor,
48 nor shall the recall committee again finance, an effort to recall the

S2078 WHELAN

4

1 targeted officeholder during the same term of office in which the
2 failed recall effort was attempted;

3 c. the name of the recall committee, which shall be expressed
4 in the following form: "COMMITTEE TO RECALL (name of the
5 official sought to be recalled) FROM THE OFFICE OF (name of
6 the office)";

7 d. a statement certified by each member of the recall committee
8 that the member is registered to vote in the jurisdiction of the
9 official sought to be recalled and that the member supports the
10 recall of the named official and accepts the responsibilities
11 associated with serving on the recall committee;

12 e. at the option of the recall committee, a statement, not in
13 excess of 200 words, of the reasons for the recall; and

14 f. a statement as to whether the recall election shall be held at
15 the next general election or regular election, as appropriate, or at a
16 special election, as provided in section 13 of this act.

17 (cf: P.L.1995, c.105, s.6)

18

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

21 8. a. No signature appearing on any document other than a
22 recall petition prepared in accordance with the provisions of this
23 section shall be counted among the signatures required under
24 section 5 of this act to determine whether a recall election shall be
25 held.

26 b. A recall petition shall be prepared by the recall committee in
27 accordance with a format, consistent with the provisions of this act,
28 which shall have been approved for such purpose by the Secretary
29 of State. A petition may consist of any number of separate sections
30 which shall be identical except with respect to information required
31 to be entered thereon by the signers and circulators and as otherwise
32 provided herein. The size of the paper used in a recall petition and
33 the number of pages included in each section thereof shall be
34 determined by the recall committee. The back and the front of a
35 piece of paper shall each constitute a page and signatures may be
36 affixed to each such page.

37 c. Each page of each section of a recall petition shall be
38 sequentially numbered and shall include, printed in bold letters in at
39 least 10-point type, the heading "PETITION FOR THE RECALL
40 OF (name of the official sought to be recalled) FROM THE
41 OFFICE OF (name of the office)" and, where appropriate, the
42 information required by subsection e. of this section. The first page
43 of each section also shall bear, in type of uniform size but not less
44 than 8-point type, (1) the information contained in the notice of
45 intention, including any cost estimate prepared and the statement of
46 the reasons for the recall, if one was provided, or a declaration that
47 no such statement of reasons was provided, except that information
48 on only three members of the recall committee need be listed; and

1 (2) a copy of the answer provided by the official sought to be
2 recalled, if one was provided, or a declaration that no such answer
3 was provided, except that no such answer or declaration shall be
4 included if a statement of the reasons for the recall was not
5 provided.

6 d. Each page of a recall petition shall be arranged so that each
7 signer of the petition shall personally affix the signer's signature;
8 printed name and residence address, including street and number, or
9 a designation of residence which is adequate to readily determine
10 location; the municipality of residence; and the date on which the
11 signer signed the petition. A space at least one inch wide shall be
12 left blank after each name for use in verifying signatures when
13 appropriate, as provided by this act. A box shall be provided after
14 each name for the signer to indicate that the signer has had the
15 opportunity to review the information on the first page of that
16 section of the petition.

17 e. (1) Whenever the official sought to be recalled is the
18 Governor or a United States Senator, separate sections of the
19 petition shall be prepared for use by signers registered to vote in
20 each county. Each page of a section shall bear in not less than 10-
21 point type the name of the county in which that section is to be used
22 and the statement, "Only eligible persons residing in (name
23 of county) County shall sign this page." A signer shall not affix the
24 signer's signature to any page of any section unless it bears the
25 name of the county in which the signer is registered to vote.

26 (2) Whenever the official sought to be recalled is a member of
27 the Legislature or a member of the United States House of
28 Representatives and the official's jurisdiction includes parts of more
29 than one county, separate sections of the petition shall be prepared
30 for use by signers registered to vote in each county included within
31 the member's jurisdiction. Each page of a section shall bear in not
32 less than 10-point type the name of the county in which that section
33 is to be used and the statement, "Only eligible persons residing in
34 (name of county) County shall sign this page." A signer shall not
35 affix the signer's signature to any page of any section unless it bears
36 the name of the county in which the signer is registered to vote.

37 (3) The signature of any person to a page of a recall petition
38 bearing the name of a county in which the person is not registered
39 to vote shall be invalid, but the invalidity of such a signature shall
40 not invalidate or otherwise impair the section wherein or page
41 whereon that signature appears, nor shall it invalidate or otherwise
42 impair any other signature to that or any other section of the
43 petition.

44 f. Prior to use, the sections of a recall petition shall be
45 reviewed by the recall election official for compliance with the
46 provisions of this act. The recall election official shall complete the
47 review of the petition within three business days of receipt. No
48 section of a recall petition shall be used to solicit signatures unless

1 it has been so approved and a statement of such approval, signed by
2 the recall election official, has been printed on the first page of that
3 section.

4 g. No obstruction shall be placed over any portion of a page of
5 a petition section at the time that page is presented to a voter to be
6 signed.

7 h. Every member of a recall committee circulating a recall
8 petition **【and every circulator of that petition】** shall sign the
9 petition. If any member of the committee shall fail to sign the
10 petition, the petition shall be deemed void. In the event that the
11 signature to the petition of a member of the recall committee shall
12 be deemed invalid, then notwithstanding the provisions of
13 subsection e. of this section, the petition shall be deemed void. A
14 circulator of a recall petition who is not a member of the recall
15 committee shall not be required to sign, or to be qualified to sign,
16 the recall petition in order to solicit signatures for the recall
17 petition.

18 i. If a solicitation for signatures to a recall petition is presented
19 to prospective petition signers by a paid print advertisement or paid
20 mailing, or if a recall petition is presented to such a prospective
21 signer by a paid circulator, the solicitation or petition, respectively,
22 shall disclose prominently in a statement printed in at least 10-point
23 type (1) the identity of the person paying for the printed or personal
24 solicitation, and (2) that the circulator is paid. The Election Law
25 Enforcement Commission shall promulgate such rules and
26 regulations as are necessary to implement the provisions and
27 effectuate the purposes of this subsection.

28 j. No person who is ineligible to sign a recall petition shall,
29 with knowledge of that ineligibility, sign such a petition. No person
30 shall offer to pay or pay another to sign or to refrain from signing a
31 recall petition or to vote or to refrain from voting in a recall
32 election. A person who violates any of the foregoing provisions of
33 this subsection is guilty of a crime of the fourth degree.

34 (P.L.1995, c.105, s.8.)

35

36 6. Section 9 of P.L.1995, c.105 (C.19:27A-9) is amended to
37 read as follows:

38 9. a. **【No person shall act as the circulator of a petition who is**
39 **not a registered voter in the jurisdiction from which the official**
40 **sought to be recalled was elected】** Deleted by amendment, P.L. , c.
41 (pending before the Legislature as this bill).

42 b. Each completed page of any section of a recall petition
43 which is filed with the recall election official shall include at the
44 bottom of that page an affidavit signed by the circulator of that
45 section which sets forth the following:

46 (1) the printed name of the circulator;

47 (2) the address of the circulator;

1 (3) a statement that the circulator assumed responsibility for
2 circulating that section, that the circulator witnessed the signing of
3 that page by each person whose signature appears thereon, that, to
4 the best information and belief of the circulator, the signers are
5 legal residents of the State and of the county in which the section
6 was circulated, and that the section was circulated in absolute good
7 faith for the purpose of causing the recall of the elected official
8 named in the petition;

9 (4) the dates between which all signatures to that page were
10 collected; and

11 (5) a statement, signed by the circulator, as to the truth and
12 correctness of the aforesaid information.

13 (cf: P.L.1995, c.105, s.9)

14

15 7. This act shall take effect immediately.

16

17

18

STATEMENT

19

20 Under current law, a person who gathers voter signatures on a
21 petition seeking the direct nomination of a candidate for an election,
22 or on a petition used to nominate a candidate in a school election, a
23 partisan primary election, or seeking to recall a candidate, is
24 required to be a signatory of that petition. The requirement that a
25 petition's circulator also sign the petition imposes a voter
26 registration and in-district residency requirement on the circulator.

27 This bill removes the voter registration and in-district residency
28 requirements for petition circulators for the direct nomination of
29 candidates by petition, school elections, and recall elections. This
30 bill also eliminates the in-district residency requirement for petition
31 circulators for partisan primary nominations, while establishing a
32 requirement for the circulator to be a registered voter in this State
33 who is a member of the political party named in the petition. When
34 not specified in the current law, the bill also requires that the oath
35 that circulators must take to attest the veracity of the signatures on
36 the petition be done by affidavit, and that the affiant must attest that
37 he or she circulated the petition.

38 This bill conforms current law to the unpublished decision of the
39 Superior Court of New Jersey, Law Division, Mercer County in
40 Empower Our Neighborhoods, et al. v Guadagno, et al. The court
41 ruled that voter registration and in-district residency requirements
42 imposed on petition circulators violate both the New Jersey and
43 federal constitutional provisions that protect freedom of speech and
44 freedom of association. However, the court upheld the
45 constitutionality of a voter registration requirement for circulators
46 who gather signatures in partisan primaries as a legitimate way of
47 verifying that the person who circulates a partisan primary petition
48 is a member of the political party named in that petition.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE, No. 2078

STATE OF NEW JERSEY

DATED: JUNE 9, 2014

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Senate Bill No. 2078.

Under current law, a person who gathers voter signatures on a petition seeking the direct nomination of a candidate for an election, or on a petition used to nominate a candidate in a school election, a partisan primary election, or seeking to recall a candidate, is required to be a signatory of that petition. The requirement that a petition's circulator also sign the petition imposes a voter registration and in-district residency requirement on the circulator.

This bill removes the voter registration and in-district residency requirements for petition circulators for the direct nomination of candidates by petition, school elections, and recall elections. This bill also eliminates the in-district residency requirement for petition circulators for partisan primary nominations, while establishing a requirement for the circulator to be a registered voter in this State who is a member of the political party named in the petition. When not specified in the current law, the bill also requires that the oath that circulators must take to attest the veracity of the signatures on the petition be done by affidavit, and that the affiant must attest that he or she circulated the petition.

This bill conforms current law to the unpublished decision of the Superior Court of New Jersey, Law Division, Mercer County in Empower Our Neighborhoods, et al. v Guadagno, et al. The court ruled that voter registration and in-district residency requirements imposed on petition circulators violate both the New Jersey and federal constitutional provisions that protect freedom of speech and freedom of association. However, the court upheld the constitutionality of a voter registration requirement for circulators who gather signatures in partisan primaries as a legitimate way of verifying that the person who circulates a partisan primary petition is a member of the political party named in that petition.

STATEMENT TO
SENATE, No. 2078

with Senate Floor Amendments
(Proposed by Senator WHELAN)

ADOPTED: DECEMBER 15, 2014

These Senate Amendments establish criteria for eligibility to serve as a petition circulator for direct nomination of candidates, school elections, and recall elections. The amendments provide that a circulator of such a petition must be “voter eligible,” which means at least 18 years of age, a resident of this State, a citizen of the United States, and not otherwise disqualified under the New Jersey Constitution.

The amendments also remove a reference to affidavits in a provision of current law concerning the process for amending a defective petition.

STATEMENT TO
[First Reprint]
SENATE, No. 2078

with Senate Floor Amendments
(Proposed by Senator WHELAN)

ADOPTED: DECEMBER 18, 2014

These Senate Amendments remove from the bill a section that would have deleted references to petition affidavits in a current law concerning the correction of certain defective petitions and affidavits.