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P.L. 2022, CHAPTER 7, *approved March 25, 2022*  
Assembly, No. 3587 (*Second Reprint*)

1 AN ACT concerning certain deadlines for primary elections and  
2 amending various parts of the statutory law <sup>2</sup>and supplementing  
3 chapter 23 of Title 19 of the Revised Statutes<sup>2</sup>.  
4

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

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

9 19:13-10. Every petition of nomination in apparent conformity  
10 with the provisions of this Title shall be deemed to be valid, unless  
11 objection thereto be duly made in writing and filed with the officer  
12 with whom the original petition was filed not later than 4:00 p.m. of  
13 the fourth day after the last day for filing of petitions. If such  
14 objection is made, notice thereof signed by such officer shall  
15 forthwith be mailed to the candidate who may be affected thereby,  
16 addressed to **【him at his】** the candidate at the candidate's place of  
17 residence as given in the petition of nomination.<sup>1</sup>

18 (cf: P.L.1985, c.92, s.8)  
19

20 <sup>1</sup>**【1.】** 2.<sup>1</sup> R.S.19:23-12 is amended to read as follows:

21 19:23-12. The signers to petitions for "Choice for President,"  
22 delegates and alternates to national conventions, for Governor,  
23 United States Senator, member of the House of Representatives,  
24 State Senator, member of the General Assembly and any county  
25 office may name three persons in their petition as a committee on  
26 vacancies.

27 This committee shall have power in case of death or resignation  
28 or otherwise of the person indorsed as a candidate in said petition to  
29 fill such vacancy by filing with the Secretary of State in the case of  
30 officers to be voted for by the voters of the entire State or a portion  
31 thereof involving more than one county thereof or any  
32 congressional district, and with the county clerk in the case of  
33 officers to be voted for by the voters of the entire county or any  
34 county election district, a certificate of nomination to fill the  
35 vacancy.

36 Such certificate shall set forth the cause of the vacancy, the name  
37 of the person nominated and that **【he】** the person is a member 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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ASL committee amendments adopted March 17, 2022.

<sup>2</sup>Senate floor amendments adopted March 24, 2022.

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

7 The certificate so made shall be executed and sworn to by the  
8 members of such committee, and shall upon being filed at least  
9 **[55]** 56 days before election have the same force and effect as the  
10 original petition of nomination for the primary election for the  
11 general election and there shall be annexed thereto the oath of  
12 allegiance prescribed in R.S.41:1-1 duly taken and subscribed by  
13 the person so nominated before an officer authorized to take oaths  
14 in this State. The name of the candidate submitted shall be  
15 immediately certified to the proper municipal clerks. In addition, a  
16 person so nominated for the office of Governor or the office of  
17 member of the Senate or General Assembly shall annex to the  
18 certificate a statement signed by the candidate that **[he or she]** the  
19 candidate:

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

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

33 (cf: P.L.2011, c.37, s.7)

34

35 **'[2.] 3.'**<sup>1</sup> R.S.19:23-14 is amended to read as follows:

36 19:23-14. Petitions addressed to the Secretary of State, the  
37 county clerks, or the municipal clerks shall be filed with such  
38 officers, respectively, before 4:00 p.m. of the 64th day next  
39 preceding the day of the holding of the primary election for the  
40 general election.

41 Not later than **'[the close of business]** noon<sup>1</sup> of the **[54th]**  
42 **'[55th]** 54th<sup>1</sup> day preceding the primary election for the general  
43 election, the municipal clerk shall certify to the county clerk the full  
44 and correct names and addresses of all candidates for nomination  
45 for public and party office and the name of the political party of  
46 which such persons are candidates together with their slogan and  
47 designation. The county clerk shall transmit this information to the

1 Election Law Enforcement Commission in the form and manner  
2 prescribed by the commission and shall notify the commission  
3 immediately upon the withdrawal of a petition of nomination.  
4 (cf: P.L.2011, c.37, s.8)

5  
6 <sup>1</sup>4. R.S.19:23-20 is amended to read as follows:

7 19:23-20. Such candidate shall be permitted to amend the  
8 petition either in form or in substance, but not to add signatures, so  
9 as to remedy the defect **【within three days】** not later than 4:00 p.m.  
10 of the third day after the last day for the filing of petitions.<sup>1</sup>  
11 (cf: R.S.19:23-20)

12  
13 <sup>1</sup>**【3.】** 5.<sup>1</sup> R.S.19:23-21 is amended to read as follows:

14 19:23-21. The Secretary of State shall certify the names of the  
15 persons indorsed in the petitions filed in **【his】** the secretary's office  
16 to the clerks of counties concerned thereby not later than <sup>1</sup>noon of<sup>1</sup>  
17 the **【54th】** <sup>1</sup>**【55th】** 54th<sup>1</sup> day prior to the holding of the primary  
18 election, specifying in such certificate the political parties to which  
19 the persons so nominated in the petitions belong. In the case of  
20 candidates for offices other than federal office, the Secretary of  
21 State shall also transmit this information to the Election Law  
22 Enforcement Commission in the form and manner prescribed by the  
23 commission and shall notify the commission immediately upon the  
24 withdrawal of a petition of nomination.  
25 (cf: P.L.2011, c.37, s.9)

26  
27 <sup>1</sup>**【4.】** 6.<sup>1</sup> R.S.19:23-22 is amended to read as follows:

28 19:23-22. The county clerk shall certify all of the persons so  
29 certified to **【him】** the clerk by the Secretary of State and in addition  
30 the names of all persons indorsed in petitions filed in **【his】** the  
31 clerk's office to the clerk of each municipality concerned thereby in  
32 **【his】** the clerk's respective county not later than the close of  
33 business of the **【53rd】** 54th day prior to the time fixed by law for  
34 the holding of the primary election, specifying in such certificate  
35 the political party to which the person or persons so nominated  
36 belong. The county clerk shall also transmit this information with  
37 respect to persons, other than candidates for federal office, indorsed  
38 in petitions filed in **【his】** the clerk's office to the Election Law  
39 Enforcement Commission in the form and manner prescribed by the  
40 commission and shall notify the commission immediately upon the  
41 withdrawal of a petition of nomination filed in **【his】** the clerk's  
42 office.  
43 (cf: P.L.2011, c.37, s.10)

44  
45 <sup>1</sup>**【5.】** 7.<sup>1</sup> R.S.19:23-24 is amended to read as follows:

46 19:23-24. The position which the candidates and bracketed  
47 groups of names of candidates for the primary for the general

1 election shall have upon the ballots used for the primary election for  
2 the general election, in the case of candidates for nomination for  
3 members of the United States Senate, Governor, members of the  
4 House of Representatives, members of the State Senate, members of  
5 the General Assembly, choice for President, delegates and  
6 alternates-at-large to the national conventions of political parties,  
7 district delegates and alternates to conventions of political parties,  
8 candidates for party positions, and county offices or party positions  
9 which are to be voted for by the voters of the entire county or a  
10 portion thereof greater than a single municipality, including a  
11 congressional district which is wholly within a single municipality,  
12 shall be determined by the county clerks in their respective  
13 counties; and, excepting in counties where R.S.19:49-2 applies, the  
14 position on the ballot used for the primary election for the general  
15 election in the case of candidates for nomination for office or party  
16 position wherein the candidates for office or party position to be  
17 filled are to be voted for by the voters of a municipality only, or a  
18 subdivision thereof (excepting in the case of members of the House  
19 of Representatives) shall be determined by the municipal clerk in  
20 such municipalities, in the following manner: The county clerk, or  
21 **his** the county clerk's deputy, or the municipal clerk or **his** the  
22 municipal clerk's deputy, as the case may be, shall at **his** the  
23 clerk's office on the **53rd** 54th day prior to the primary election  
24 for the general election at three o'clock in the afternoon draw from  
25 the box, as hereinafter described, each card separately without  
26 knowledge on **his** the clerk's part as to which card **he** the clerk  
27 is drawing. Any legal voter of the county or municipality, as the  
28 case may be, shall have the privilege of witnessing such drawing.  
29 The person making the drawing shall make public announcement at  
30 the drawing of each name, the order in which same is drawn, and  
31 the office for which the drawing is made. When there is to be but  
32 one person nominated for the office, the names of the several  
33 candidates who have filed petitions for such office shall be written  
34 upon cards (one name on a card) of the same size, substance and  
35 thickness. The cards shall be deposited in a box with an aperture in  
36 the cover of sufficient size to admit a man's hand. The box shall be  
37 well shaken and turned over to thoroughly mix the cards, and the  
38 cards shall then be withdrawn one at a time. The first name drawn  
39 shall have first place, the second name drawn, second place, and so  
40 on; the order of the withdrawal of the cards from the box  
41 determining the order of arrangement in which the names shall  
42 appear upon the primary election ballot. Where there is more than  
43 one person to be nominated to an office where petitions have  
44 designated that certain candidates shall be bracketed, the position of  
45 such bracketed names on the ballot (each bracket to be treated as a  
46 single name), together with individuals who have filed petitions for  
47 nomination for such office, shall be determined as above described.  
48 Where there is more than one person to be nominated for an office

1 and there are more candidates who have filed petitions than there  
 2 are persons to be nominated, the order of the printing of such names  
 3 upon the primary election ballots shall be determined as above  
 4 described.

5 The county clerk in certifying to the municipal clerk the offices  
 6 to be filled and the names of candidates to be printed upon the  
 7 ballots used for the primary election for the general election, shall  
 8 certify them in the order as drawn in accordance with the above  
 9 described procedure, and the municipal clerk shall print the names  
 10 upon the ballots as so certified and in addition shall print the names  
 11 of such candidates as have filed petitions with him in the order as  
 12 determined as a result of the drawing as above described.  
 13 Candidates for the office of the county executive in counties that  
 14 have adopted the county executive plan of the "Optional County  
 15 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall precede  
 16 the candidates for other county offices for which there are  
 17 candidates on the ballot used for the primary election for the  
 18 general election.

19 (cf: P.L.2011, c.134, s.24)

20

21 <sup>2</sup>8. (New section) Every petition of nomination in apparent  
 22 conformity with the provisions of this Title shall be deemed to be  
 23 valid, unless objection thereto be duly made in writing and filed  
 24 with the officer with whom the original petition was filed not later  
 25 than 4:00 p.m. of the fourth day after the last day for filing of  
 26 petitions. If such objection is made, notice thereof signed by such  
 27 officer shall forthwith be mailed to the candidate who may be  
 28 affected thereby, addressed to the candidate at the candidate's place  
 29 of residence as given in the petition of nomination.<sup>2</sup>

30

31 <sup>2</sup>9. (New section) The officer with whom the original petition  
 32 was filed shall in the first instance pass upon the validity of such  
 33 objection in a summary way unless an order shall be made in the  
 34 matter by a court of competent jurisdiction and for this purpose  
 35 such officer shall have power to subpoena witnesses and take  
 36 testimony or depositions. The officer shall file a determination in  
 37 writing in the officer's office on or before the ninth day after the  
 38 last day for the filing of petitions, which determination shall be  
 39 open for public inspection.<sup>2</sup>

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41 <sup>1</sup>[6.] <sup>2</sup>[8.1] 10.<sup>2</sup> This act shall take effect immediately.

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Changes certain primary election deadlines.

**ASSEMBLY, No. 3587**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED MARCH 10, 2022

**Sponsored by:**

**Assemblyman ROY FREIMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**SYNOPSIS**

Changes certain primary election deadlines.

**CURRENT VERSION OF TEXT**

As introduced.





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

3

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

6

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

8 19:23-12. The signers to petitions for "Choice for President,"  
9 delegates and alternates to national conventions, for Governor,  
10 United States Senator, member of the House of Representatives,  
11 State Senator, member of the General Assembly and any county  
12 office may name three persons in their petition as a committee on  
13 vacancies.

14 This committee shall have power in case of death or resignation  
15 or otherwise of the person indorsed as a candidate in said petition to  
16 fill such vacancy by filing with the Secretary of State in the case of  
17 officers to be voted for by the voters of the entire State or a portion  
18 thereof involving more than one county thereof or any  
19 congressional district, and with the county clerk in the case of  
20 officers to be voted for by the voters of the entire county or any  
21 county election district, a certificate of nomination to fill the  
22 vacancy.

23 Such certificate shall set forth the cause of the vacancy, the name  
24 of the person nominated and that **[he]** the person is a member of  
25 the same political party as the candidate for whom **[he]** the person  
26 is substituted, the office for which **[he]** the person is nominated,  
27 the name of the person for whom the new nominee is to be  
28 substituted, the fact that the committee is authorized to fill  
29 vacancies and such further information as is required to be given in  
30 any original petition of nomination.

31 The certificate so made shall be executed and sworn to by the  
32 members of such committee, and shall upon being filed at least  
33 **[55]** 56 days before election have the same force and effect as the  
34 original petition of nomination for the primary election for the  
35 general election and there shall be annexed thereto the oath of  
36 allegiance prescribed in R.S.41:1-1 duly taken and subscribed by  
37 the person so nominated before an officer authorized to take oaths  
38 in this State. The name of the candidate submitted shall be  
39 immediately certified to the proper municipal clerks. In addition, a  
40 person so nominated for the office of Governor or the office of  
41 member of the Senate or General Assembly shall annex to the  
42 certificate a statement signed by the candidate that **[he or she]** the  
43 candidate:

44 a. has not been convicted of any offense graded by Title 2C of  
45 the New Jersey Statutes as a crime of the first, second, third or

**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 fourth degree, or any offense in any other jurisdiction which, if  
2 committed in this State, would constitute such a crime; or

3 b. has been so convicted, in which case, the candidate shall  
4 disclose on the statement the crime for which convicted, the date  
5 and place of the conviction and the penalties imposed for the  
6 conviction. Such a candidate may, as an alternative, submit with  
7 the statement a copy of an official document that provides such  
8 information. If the candidate has been convicted of more than one  
9 criminal offense, such information about each conviction shall be  
10 provided. Records expunged pursuant to chapter 52 of Title 2C of  
11 the New Jersey Statutes shall not be subject to disclosure.

12 (cf: P.L.2011, c.37, s.7)

13

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

15 19:23-14. Petitions addressed to the Secretary of State, the  
16 county clerks, or the municipal clerks shall be filed with such  
17 officers, respectively, before 4:00 p.m. of the 64th day next  
18 preceding the day of the holding of the primary election for the  
19 general election.

20 Not later than the close of business of the **[54th]** 55th day  
21 preceding the primary election for the general election, the  
22 municipal clerk shall certify to the county clerk the full and correct  
23 names and addresses of all candidates for nomination for public and  
24 party office and the name of the political party of which such  
25 persons are candidates together with their slogan and designation.  
26 The county clerk shall transmit this information to the Election Law  
27 Enforcement Commission in the form and manner prescribed by the  
28 commission and shall notify the commission immediately upon the  
29 withdrawal of a petition of nomination.

30 (cf: P.L.2011, c.37, s.8)

31

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

33 19:23-21. The Secretary of State shall certify the names of the  
34 persons indorsed in the petitions filed in **[his]** the secretary's office  
35 to the clerks of counties concerned thereby not later than the **[54th]**  
36 55th day prior to the holding of the primary election, specifying in  
37 such certificate the political parties to which the persons so  
38 nominated in the petitions belong. In the case of candidates for  
39 offices other than federal office, the Secretary of State shall also  
40 transmit this information to the Election Law Enforcement  
41 Commission in the form and manner prescribed by the commission  
42 and shall notify the commission immediately upon the withdrawal  
43 of a petition of nomination.

44 (cf: P.L.2011, c.37, s.9)

45

46 4. R.S.19:23-22 is amended to read as follows:

47 19:23-22. The county clerk shall certify all of the persons so  
48 certified to **[him]** the clerk by the Secretary of State and in addition

1 the names of all persons indorsed in petitions filed in **his** the  
2 clerk's office to the clerk of each municipality concerned thereby in  
3 **his** the clerk's respective county not later than the close of  
4 business of the **53rd** 54th day prior to the time fixed by law for  
5 the holding of the primary election, specifying in such certificate  
6 the political party to which the person or persons so nominated  
7 belong. The county clerk shall also transmit this information with  
8 respect to persons, other than candidates for federal office, indorsed  
9 in petitions filed in **his** the clerk's office to the Election Law  
10 Enforcement Commission in the form and manner prescribed by the  
11 commission and shall notify the commission immediately upon the  
12 withdrawal of a petition of nomination filed in **his** the clerk's  
13 office.

14 (cf: P.L.2011, c.37, s.10)

15

16 5. R.S.19:23-24 is amended to read as follows:

17 19:23-24. The position which the candidates and bracketed  
18 groups of names of candidates for the primary for the general  
19 election shall have upon the ballots used for the primary election for  
20 the general election, in the case of candidates for nomination for  
21 members of the United States Senate, Governor, members of the  
22 House of Representatives, members of the State Senate, members of  
23 the General Assembly, choice for President, delegates and  
24 alternates-at-large to the national conventions of political parties,  
25 district delegates and alternates to conventions of political parties,  
26 candidates for party positions, and county offices or party positions  
27 which are to be voted for by the voters of the entire county or a  
28 portion thereof greater than a single municipality, including a  
29 congressional district which is wholly within a single municipality,  
30 shall be determined by the county clerks in their respective  
31 counties; and, excepting in counties where R.S.19:49-2 applies, the  
32 position on the ballot used for the primary election for the general  
33 election in the case of candidates for nomination for office or party  
34 position wherein the candidates for office or party position to be  
35 filled are to be voted for by the voters of a municipality only, or a  
36 subdivision thereof (excepting in the case of members of the House  
37 of Representatives) shall be determined by the municipal clerk in  
38 such municipalities, in the following manner: The county clerk, or  
39 **his** the county clerk's deputy, or the municipal clerk or **his** the  
40 municipal clerk's deputy, as the case may be, shall at **his** the  
41 clerk's office on the **53rd** 54th day prior to the primary election  
42 for the general election at three o'clock in the afternoon draw from  
43 the box, as hereinafter described, each card separately without  
44 knowledge on **his** the clerk's part as to which card **he** the clerk  
45 is drawing. Any legal voter of the county or municipality, as the  
46 case may be, shall have the privilege of witnessing such drawing.  
47 The person making the drawing shall make public announcement at

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

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

38 (cf: P.L.2011, c.134, s.24)

39

40 6. This act shall take effect immediately.

41

42

43

#### STATEMENT

44

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

46 Under current law, the deadline for filing a certificate to fill a  
47 vacancy of a primary election candidate by the appointed vacancy  
48 committee is 55 days before the primary election. Additionally, the

**A3587 FREIMAN**

6

1 deadline for the municipal clerk to certify to the county clerk the  
2 names of the candidates who filed a primary election nomination  
3 petition with the clerk and the transmittal of the Secretary of State  
4 certification of federal and State primary election candidates to the  
5 county clerks is 54 days before the primary election. Finally, the  
6 deadline for the certification of nominees and the drawing of ballot  
7 positions is 53 days before the primary election.

8 This bill would change the deadline for filing a certificate to fill  
9 a vacancy from 55 days to 56 days before the primary election.  
10 This bill would also change the deadline for municipal clerks to  
11 certify names of candidates to the county clerks and the transmittal  
12 of the Secretary of State certification from 54 days to 55 days  
13 before the primary election. This bill would also change the  
14 deadline for the certification of nominees and the drawing of ballot  
15 positions from 53 days to 54 days before the primary election.

ASSEMBLY STATE AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3587**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 17, 2022

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 3587.

This bill changes the dates of certain primary election deadlines.

Under current law, the deadline for filing a certificate to fill a vacancy of a primary election candidate by the appointed vacancy committee is 55 days before the primary election. Additionally, the deadline for the municipal clerk to certify to the county clerk the names of the candidates who filed a primary election nomination petition with the clerk and the transmittal of the Secretary of State certification of federal and State primary election candidates to the county clerks is 54 days before the primary election. Finally, the deadline for the certification of nominees and the drawing of ballot positions is 53 days before the primary election.

This bill would change the deadline for filing a certificate to fill a vacancy from 55 days to 56 days before the primary election. This bill would also change the deadline for municipal clerks to certify names of candidates to the county clerks and the transmittal of the Secretary of State certification from 54 days to 55 days before the primary election. This bill would also change the deadline for the certification of nominees and the drawing of ballot positions from 53 days to 54 days before the primary election.

As amended, the bill would also change the deadline to object to a petition to 4:00 p.m. of the fourth day after the last day for the filing of petitions, change the date for municipal clerks to certify the local candidates to the county clerk from 55 days to 54 days prior to primary election and added a deadline of noon, change the deadline to amend a defected petition from within three days of the filing deadline to 4:00 p.m. of the third day after the filing deadline, and change the date for the Secretary of State to certify federal and State candidates to the county clerk from 55 days to 54 days prior to primary election and add a deadline of noon.

This bill is to allow sufficient time to prepare and distribute mail-in ballots by the 45-day ballot mailing deadline ahead of each election, by moving the drawing of ballot positions by one day. Additionally,

by moving the drawing of ballot positions date, the bill eliminates the possibility of that date being on the Good Friday holiday, on which it occurs often.

COMMITTEE AMENDMENTS:

The committee amended the bill to change the deadline:

(1) for the objection of a petition from the fourth day after the last day for the filing of petitions to 4:00 p.m. of the fourth day after the last day for the filing of petitions;

(2) for municipal clerks to certify the local candidates to the county clerk from the close of business of the 55th day prior to the primary election to noon of the 54th day prior to the primary election;

(3) for candidates to amend a defected petition from within three days of the filing deadline to 4:00 p.m. of the third day after the filing deadline; and

(4) for the Secretary of State to certify federal and State candidates to the county clerk from the 55th day prior to the primary election to noon of the 54th day prior to the primary election.

STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 3587**

with Senate Floor Amendments  
(Proposed by Senator BEACH)

ADOPTED: MARCH 24, 2022

These Senate amendments provide for the same current law provisions regarding petition objections to be allocated in chapter 23 of Title 19 of the Revised Statutes.



**SENATE, No. 1886**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED FEBRUARY 28, 2022

**Sponsored by:**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**SYNOPSIS**

Changes certain primary election deadlines.

**CURRENT VERSION OF TEXT**

As introduced.



S1886 BEACH

2

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

3

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

6

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

8 19:23-12. The signers to petitions for "Choice for President,"  
9 delegates and alternates to national conventions, for Governor,  
10 United States Senator, member of the House of Representatives,  
11 State Senator, member of the General Assembly and any county  
12 office may name three persons in their petition as a committee on  
13 vacancies.

14 This committee shall have power in case of death or resignation  
15 or otherwise of the person indorsed as a candidate in said petition to  
16 fill such vacancy by filing with the Secretary of State in the case of  
17 officers to be voted for by the voters of the entire State or a portion  
18 thereof involving more than one county thereof or any  
19 congressional district, and with the county clerk in the case of  
20 officers to be voted for by the voters of the entire county or any  
21 county election district, a certificate of nomination to fill the  
22 vacancy.

23 Such certificate shall set forth the cause of the vacancy, the name  
24 of the person nominated and that **[he]** the person is a member of  
25 the same political party as the candidate for whom **[he]** the person  
26 is substituted, the office for which **[he]** the person is nominated,  
27 the name of the person for whom the new nominee is to be  
28 substituted, the fact that the committee is authorized to fill  
29 vacancies and such further information as is required to be given in  
30 any original petition of nomination.

31 The certificate so made shall be executed and sworn to by the  
32 members of such committee, and shall upon being filed at least  
33 **[55]** 56 days before election have the same force and effect as the  
34 original petition of nomination for the primary election for the  
35 general election and there shall be annexed thereto the oath of  
36 allegiance prescribed in R.S.41:1-1 duly taken and subscribed by  
37 the person so nominated before an officer authorized to take oaths  
38 in this State. The name of the candidate submitted shall be  
39 immediately certified to the proper municipal clerks. In addition, a  
40 person so nominated for the office of Governor or the office of  
41 member of the Senate or General Assembly shall annex to the  
42 certificate a statement signed by the candidate that **[he or she]** the  
43 candidate:

44 a. has not been convicted of any offense graded by Title 2C of  
45 the New Jersey Statutes as a crime of the first, second, third or

**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.**

S1886 BEACH

1 fourth degree, or any offense in any other jurisdiction which, if  
2 committed in this State, would constitute such a crime; or

3 b. has been so convicted, in which case, the candidate shall  
4 disclose on the statement the crime for which convicted, the date  
5 and place of the conviction and the penalties imposed for the  
6 conviction. Such a candidate may, as an alternative, submit with  
7 the statement a copy of an official document that provides such  
8 information. If the candidate has been convicted of more than one  
9 criminal offense, such information about each conviction shall be  
10 provided. Records expunged pursuant to chapter 52 of Title 2C of  
11 the New Jersey Statutes shall not be subject to disclosure.

12 (cf: P.L.2011, c.37, s.7)

13

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

15 19:23-14. Petitions addressed to the Secretary of State, the  
16 county clerks, or the municipal clerks shall be filed with such  
17 officers, respectively, before 4:00 p.m. of the 64th day next  
18 preceding the day of the holding of the primary election for the  
19 general election.

20 Not later than the close of business of the **[54th]** 55th day  
21 preceding the primary election for the general election, the  
22 municipal clerk shall certify to the county clerk the full and correct  
23 names and addresses of all candidates for nomination for public and  
24 party office and the name of the political party of which such  
25 persons are candidates together with their slogan and designation.  
26 The county clerk shall transmit this information to the Election Law  
27 Enforcement Commission in the form and manner prescribed by the  
28 commission and shall notify the commission immediately upon the  
29 withdrawal of a petition of nomination.

30 (cf: P.L.2011, c.37, s.8)

31

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

33 19:23-21. The Secretary of State shall certify the names of the  
34 persons indorsed in the petitions filed in **[his]** the secretary's office  
35 to the clerks of counties concerned thereby not later than the **[54th]**  
36 55th day prior to the holding of the primary election, specifying in  
37 such certificate the political parties to which the persons so  
38 nominated in the petitions belong. In the case of candidates for  
39 offices other than federal office, the Secretary of State shall also  
40 transmit this information to the Election Law Enforcement  
41 Commission in the form and manner prescribed by the commission  
42 and shall notify the commission immediately upon the withdrawal  
43 of a petition of nomination.

44 (cf: P.L.2011, c.37, s.9)

45

46 4. R.S.19:23-22 is amended to read as follows:

47 19:23-22. The county clerk shall certify all of the persons so  
48 certified to **[him]** the clerk by the Secretary of State and in addition

S1886 BEACH

1 the names of all persons indorsed in petitions filed in **[his]** the  
2 clerk's office to the clerk of each municipality concerned thereby in  
3 **[his]** the clerk's respective county not later than the close of  
4 business of the **[53rd]** 54th day prior to the time fixed by law for  
5 the holding of the primary election, specifying in such certificate  
6 the political party to which the person or persons so nominated  
7 belong. The county clerk shall also transmit this information with  
8 respect to persons, other than candidates for federal office, indorsed  
9 in petitions filed in **[his]** the clerk's office to the Election Law  
10 Enforcement Commission in the form and manner prescribed by the  
11 commission and shall notify the commission immediately upon the  
12 withdrawal of a petition of nomination filed in **[his]** the clerk's  
13 office.

14 (cf: P.L.2011, c.37, s.10)

15

16 5. R.S.19:23-24 is amended to read as follows:

17 19:23-24. The position which the candidates and bracketed  
18 groups of names of candidates for the primary for the general  
19 election shall have upon the ballots used for the primary election for  
20 the general election, in the case of candidates for nomination for  
21 members of the United States Senate, Governor, members of the  
22 House of Representatives, members of the State Senate, members of  
23 the General Assembly, choice for President, delegates and  
24 alternates-at-large to the national conventions of political parties,  
25 district delegates and alternates to conventions of political parties,  
26 candidates for party positions, and county offices or party positions  
27 which are to be voted for by the voters of the entire county or a  
28 portion thereof greater than a single municipality, including a  
29 congressional district which is wholly within a single municipality,  
30 shall be determined by the county clerks in their respective  
31 counties; and, excepting in counties where R.S.19:49-2 applies, the  
32 position on the ballot used for the primary election for the general  
33 election in the case of candidates for nomination for office or party  
34 position wherein the candidates for office or party position to be  
35 filled are to be voted for by the voters of a municipality only, or a  
36 subdivision thereof (excepting in the case of members of the House  
37 of Representatives) shall be determined by the municipal clerk in  
38 such municipalities, in the following manner: The county clerk, or  
39 **[his]** the county clerk's deputy, or the municipal clerk or **[his]** the  
40 municipal clerk's deputy, as the case may be, shall at **[his]** the  
41 clerk's office on the **[53rd]** 54th day prior to the primary election  
42 for the general election at three o'clock in the afternoon draw from  
43 the box, as hereinafter described, each card separately without  
44 knowledge on **[his]** the clerk's part as to which card **[he]** the clerk  
45 is drawing. Any legal voter of the county or municipality, as the  
46 case may be, shall have the privilege of witnessing such drawing.  
47 The person making the drawing shall make public announcement at

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

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

38 (cf: P.L.2011, c.134, s.24)

39

40 6. This act shall take effect immediately.

41

42

43

#### STATEMENT

44

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

46 Under current law, the deadline for filing a certificate to fill a  
47 vacancy of a primary election candidate by the appointed vacancy  
48 committee is 55 days before the primary election. Additionally, the

**S1886 BEACH**

6

1 deadline for the municipal clerk to certify to the county clerk the  
2 names of the candidates who filed a primary election nomination  
3 petition with the clerk and the transmittal of the Secretary of State  
4 certification of federal and State primary election candidates to the  
5 county clerks is 54 days before the primary election. Finally, the  
6 deadline for the certification of nominees and the drawing of ballot  
7 positions is 53 days before the primary election.

8 This bill would change the deadline for filing a certificate to fill  
9 a vacancy from 55 days to 56 days before the primary election.  
10 This bill would also change the deadline for municipal clerks to  
11 certify names of candidates to the county clerks and the transmittal  
12 of the Secretary of State certification from 54 days to 55 days  
13 before the primary election. This bill would also change the  
14 deadline for the certification of nominees and the drawing of ballot  
15 positions from 53 days to 54 days before the primary election.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &  
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

**SENATE, No. 1886**

**STATE OF NEW JERSEY**

DATED: MARCH 3, 2022

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Senate Bill No. 1886.

This bill changes the dates of certain primary election deadlines.

Under current law, the deadline for filing a certificate to fill a vacancy of a primary election candidate by the appointed vacancy committee is 55 days before the primary election. Additionally, the deadline for the municipal clerk to certify to the county clerk the names of the candidates who filed a primary election nomination petition with the clerk and the transmittal of the Secretary of State certification of federal and State primary election candidates to the county clerks is 54 days before the primary election. Finally, the deadline for the certification of nominees and the drawing of ballot positions is 53 days before the primary election.

This bill would change the deadline for filing a certificate to fill a vacancy from 55 days to 56 days before the primary election. This bill would also change the deadline for municipal clerks to certify names of candidates to the county clerks and the transmittal of the Secretary of State certification from 54 days to 55 days before the primary election. This bill would also change the deadline for the certification of nominees and the drawing of ballot positions from 53 days to 54 days before the primary election.

This bill is to allow sufficient time to prepare and distribute mail-in ballots by the 45-day ballot mailing deadline ahead of each election, by moving the drawing of ballot positions by one day. Additionally, by moving the drawing of ballot positions date, the bill eliminates the possibility of that date being on the Good Friday holiday, on which it occurs often.

STATEMENT TO  
**SENATE, No. 1886**

with Senate Floor Amendments  
(Proposed by Senator BEACH)

ADOPTED: MARCH 24, 2022

These Senate amendments:

(1) specify a 4:00 PM time for the filing of an objection to a petition on the fourth day after the petition filing deadline;

(2) change the deadline for municipal clerks to certify the local candidates to the county clerk from the close of business of the 55th day prior to the primary election to noon of the 54th day prior to the primary election;

(3) specify a 4:00 PM time for candidates to amend a defective petition on the third day after the petition filing deadline;

(4) change the deadline for the Secretary of State to certify federal and State candidates to the county clerk from the 55th day prior to the primary election to noon of the 54th day prior to the primary election; and

(5) provide for the same current law provisions regarding petition objections to be allocated in chapter 23 of Title 19 of the Revised Statutes.