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IS 5/27/08

P.L. 2007, CHAPTER 254, *approved January 7, 2008*
Senate, No. 2449 (*First Reprint*)

1 AN ACT transferring the Division of Elections from the Department
2 of Law and Public Safety to the Department of State, amending
3 P.L.1994, c.182 and supplementing P.L.1948, c.445 (C.52:16A-1
4 et seq.).

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

8
9 1. (New Section) a. The Division of Elections in the
10 Department of Law and Public Safety, transferred to the
11 Department of Law and Public Safety pursuant to Governor
12 Whitman's Reorganization Plan No. 004-1998 effective May 29,
13 1998, together with all of the division's functions, powers and
14 duties, is transferred to and constituted as the Division of Elections
15 in the Department of State.

16 b. Effective with the enactment of P.L. , c. (C.) (pending
17 before the Legislature as this bill), the Secretary of State shall be
18 the chief election official of this State and any references to the
19 Attorney General relative to any elections matter appearing in the
20 statutory law shall be a reference to the Secretary of State, unless
21 the context or language of the statute provides otherwise.

22 c. All responsibility for the budget, fiscal and personnel
23 matters of the Division of Elections is transferred to the Department
24 of State.

25 d. Whenever in any rule, regulation, order, contract, document,
26 judicial or administrative proceeding or otherwise, reference is
27 made to the Division of Elections in the Department of Law and
28 Public Safety, the same shall mean the Division of Elections in the
29 Department of State.

30 e. All transfers directed by this act shall be made in accordance
31 with the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1
32 et seq.).

33
34 2. Section 25 of P.L.1994, c.182 (C.19:31-6a) is amended to
35 read as follows:

36 25. The **【Attorney General】** Secretary of State is designated the
37 chief State election official and shall be responsible for the
38 coordination of this State's responsibilities pursuant to the
39 provisions of the "National Voter Registration Act of 1993,"
40 Pub.L.103-31 (42 U.S.C. s.1973gg et seq.) and the "Help America
41 Vote Act of 2002," Pub.L.107-252 (42 U.S.C. 15301 et seq.).
42 (cf: P.L.2004, c.88, s.11)

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:

¹Senate SSG committee amendments adopted May 24, 2007.

1 3. This act shall take effect ¹**[immediately]** on April 1, 2008, but
2 the Secretary of State and the Attorney General may take such
3 anticipatory administrative action in advance thereof as shall be
4 necessary for the implementation of this act¹.

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9 Transfers Division of Elections from Department of Law and
10 Public Safety to Department of State; designates Secretary of State
11 as chief election official.

SENATE, No. 2449

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED JANUARY 9, 2007

Sponsored by:

Senator RAYMOND J. LESNIAK

District 20 (Union)

Co-Sponsored by:

Senator Weinberg

SYNOPSIS

Transfers Division of Elections from Department of Law and Public Safety to Department of State; designates Secretary of State as chief election official.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/11/2007)

S2449 LESNIAK

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1 AN ACT transferring the Division of Elections from the Department
2 of Law and Public Safety to the Department of State, amending
3 P.L.1994, c.182 and supplementing P.L.1948, c.445 (C.52:16A-1
4 et seq.).

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

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9 1. (New Section) a. The Division of Elections in the
10 Department of Law and Public Safety, transferred to the
11 Department of Law and Public Safety pursuant to Governor
12 Whitman's Reorganization Plan No. 004-1998 effective May 29,
13 1998, together with all of the division's functions, powers and
14 duties, is transferred to and constituted as the Division of Elections
15 in the Department of State.

16 b. Effective with the enactment of P.L. , c. (C.) (pending
17 before the Legislature as this bill), the Secretary of State shall be
18 the chief election official of this State and any references to the
19 Attorney General relative to any elections matter appearing in the
20 statutory law shall be a reference to the Secretary of State, unless
21 the context or language of the statute provides otherwise.

22 c. All responsibility for the budget, fiscal and personnel
23 matters of the Division of Elections is transferred to the Department
24 of State.

25 d. Whenever in any rule, regulation, order, contract, document,
26 judicial or administrative proceeding or otherwise, reference is
27 made to the Division of Elections in the Department of Law and
28 Public Safety, the same shall mean the Division of Elections in the
29 Department of State.

30 e. All transfers directed by this act shall be made in accordance
31 with the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1
32 et seq.).

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34 2. Section 25 of P.L.1994, c.182 (C.19:31-6a) is amended to
35 read as follows:

36 25. The **[Attorney General]** Secretary of State is designated the
37 chief State election official and shall be responsible for the
38 coordination of this State's responsibilities pursuant to the
39 provisions of the "National Voter Registration Act of 1993,"
40 Pub.L.103-31 (42 U.S.C. s.1973gg et seq.) and the "Help America
41 Vote Act of 2002," Pub.L.107-252 (42 U.S.C. 15301 et seq.).
42 (cf: P.L.2004, c.88, s.11)

43
44 3. This act shall take effect immediately.

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

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STATEMENT

As part of Governor Whitman's Reorganization Plan No. 004-1998, which became effective on May 29, 1998, the Division of Elections, together with all of its functions, powers and duties, was transferred from the Department of State to the Department of Law and Public Safety.

The purpose of this bill is to reverse the transfer. Specifically, it provides that the Secretary of State will replace the Attorney General as the chief election official in this State and the Division of Elections, together with all of its functions, powers and duties, is transferred from the Department of Law and Public Safety to the Department of State.

The bill provides that all responsibility for the budget, fiscal and personnel matters of the Division of Elections is at the same time transferred to the Department of State, and that whenever in any rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Division of Elections in the Department of Law and Public Safety, the same will mean the Division of Elections in the Department of State.

Finally, for the purpose of the "National Voter Registration Act," and the "Help America Vote Act of 2002", the designation of the State's chief election official is changed in the bill from the Attorney General to the Secretary of State.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2449

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 2007

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 2449 (1R).

As part of Governor Whitman's Reorganization Plan No. 004-1998, which became effective on May 29, 1998, the Division of Elections, together with all of its functions, powers, and duties, was transferred from the Department of State to the Department of Law and Public Safety.

Senate Bill No. 2449 (1R) reverses that transfer. Specifically, the bill provides that the Secretary of State will replace the Attorney General as the chief election official in this State and the Division of Elections, together with all of its functions, powers, and duties, is transferred from the Department of Law and Public Safety to the Department of State.

The bill provides that all responsibility for the budget, fiscal, and personnel matters of the Division of Elections is at the same time transferred to the Department of State, and that whenever in any rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Division of Elections in the Department of Law and Public Safety, the same will mean the Division of Elections in the Department of State.

Finally, for the purpose of the "National Voter Registration Act," and the "Help America Vote Act of 2002", the designation of the State's chief election official is changed in the bill from the Attorney General to the Secretary of State.

As reported by the committee, this bill is identical to Assembly Bill No. 2929, as amended and reported by the committee on this same date.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 2449

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 24, 2007

The Senate State Government Committee reports favorably and with committee amendments Senate, No. 2449.

As part of Governor Whitman's Reorganization Plan No. 004-1998, which became effective on May 29, 1998, the Division of Elections, together with all of its functions, powers and duties, was transferred from the Department of State to the Department of Law and Public Safety.

This bill reverses the transfer. Specifically, it provides that the Secretary of State will replace the Attorney General as the chief election official in this State and the Division of Elections, together with all of its functions, powers and duties, is transferred from the Department of Law and Public Safety to the Department of State.

The bill provides that all responsibility for the budget, fiscal and personnel matters of the Division of Elections is at the same time transferred to the Department of State, and that whenever in any rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Division of Elections in the Department of Law and Public Safety, the same will mean the Division of Elections in the Department of State.

Finally, for the purpose of the "National Voter Registration Act," and the "Help America Vote Act of 2002", the designation of the State's chief election official is changed from the Attorney General to the Secretary of State.

COMMITTEE AMENDMENTS

The committee amended the bill to change its effective date from immediately to April 1, 2008, and to permit the Secretary of State and the Attorney General to take such anticipatory administrative action in advance thereof as they deem necessary for the implementation of the bill.

ASSEMBLY, No. 2929

STATE OF NEW JERSEY

212th LEGISLATURE

INTRODUCED MARCH 21, 2006

Sponsored by:

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Assemblyman WILLIAM D. PAYNE

District 29 (Essex and Union)

Co-Sponsored by:

**Assemblymen Hackett, McKeon, Stanley, Scalera, Assemblywomen Oliver,
Pou and Vainieri Huttie**

SYNOPSIS

Transfers Division of Elections from Department of Law and Public Safety to Department of State; designates Secretary of State as chief election official.

CURRENT VERSION OF TEXT

As introduced.



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2 of Law and Public Safety to the Department of State, amending
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18 the chief election official of this State and any references to the
19 Attorney General relative to any elections matter appearing in the
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22 c. All responsibility for the budget, fiscal and personnel matters
23 of the Division of Elections is transferred to the Department of
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The purpose of this bill is to reverse the transfer. Specifically, it provides that the Secretary of State will replace the Attorney General as the chief election official in this State and the Division of Elections, together with all of its functions, powers and duties, is transferred from the Department of Law and Public Safety to the Department of State.

The bill provides that all responsibility for the budget, fiscal and personnel matters of the Division of Elections is at the same time transferred to the Department of State, and that whenever in any rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Division of Elections in the Department of Law and Public Safety, the same will mean the Division of Elections in the Department of State.

Finally, for the purpose of the "National Voter Registration Act," and the "Help America Vote Act of 2002", the designation of the State's chief election official is changed in the bill from the Attorney General to the Secretary of State.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2929

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 2007

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2929.

As part of Governor Whitman's Reorganization Plan No. 004-1998, which became effective on May 29, 1998, the Division of Elections, together with all of its functions, powers, and duties, was transferred from the Department of State to the Department of Law and Public Safety.

As amended and reported by the committee, Assembly Bill No. 2929 reverses that transfer. Specifically, the amended bill provides that the Secretary of State will replace the Attorney General as the chief election official in this State and the Division of Elections, together with all of its functions, powers, and duties, is transferred from the Department of Law and Public Safety to the Department of State.

The amended bill provides that all responsibility for the budget, fiscal, and personnel matters of the Division of Elections is at the same time transferred to the Department of State, and that whenever in any rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Division of Elections in the Department of Law and Public Safety, the same will mean the Division of Elections in the Department of State.

Finally, for the purpose of the "National Voter Registration Act," and the "Help America Vote Act of 2002", the designation of the State's chief election official is changed in the amended bill from the Attorney General to the Secretary of State.

As amended and reported by the committee, this bill is identical to Senate Bill No. 2449(1R), also reported by the committee on this same date.

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