

19:5-2

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF:2009CHAPTER:135

NJSA:19:5-2 (Requires adoption of constitutions and bylaws by county political party committees; requires certain information concerning committee members to be filed with county clerk; eliminates fixed terms for committee members and chairs)

BILL NO:S930 (Substituted for A1904)

SPONSOR(S)Weinberg and others

DATE INTRODUCED:January 28, 2008

COMMITTEE:ASSEMBLY:Judiciary; Budget

SENATE:State Government

AMENDED DURING PASSAGE:Yes

DATE OF PASSAGE:ASSEMBLY:June 25, 2009

SENATE:June 25, 2009

DATE OF APPROVAL:October 2, 2009

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second reprint enacted)

S930

SPONSOR’S STATEMENT: (Begins on page 7 of original bill)Yes

COMMITTEE STATEMENT:ASSEMBLY:YesJudiciary 6-8-09
Budget 6-22-09

SENATE:Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:No

LEGISLATIVE FISCAL ESTIMATE:No

A1904

SPONSOR’S STATEMENT: (Begins on page 7 of original bill)Yes

COMMITTEE STATEMENT:ASSEMBLY:YesJudiciary 6-8-09
Budget 6-22-09

SENATE:No

(continued)

FLOOR AMENDMENT STATEMENT:	No	
LEGISLATIVE FISCAL ESTIMATE:	No	
VETO MESSAGE:	No	
GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes	10-2-09

FOLLOWING WERE PRINTED:
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NEWSPAPER ARTICLES:	No

LAW/RWH

[Second Reprint]

SENATE, No. 930

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED JANUARY 28, 2008

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator DIANE B. ALLEN

District 7 (Burlington and Camden)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblywoman AMY H. HANDLIN

District 13 (Middlesex and Monmouth)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Co-Sponsored by:

Senators Beck, Scutari, Oroho, Assemblywoman McHose, Assemblymen Chiusano, Doherty, Assemblywoman Riley and Assemblyman DeAngelo

SYNOPSIS

Requires adoption of constitutions and bylaws by county political party committees; requires certain information concerning committee members to be filed with county clerk; eliminates fixed terms for committee members and chairs.

CURRENT VERSION OF TEXT

As reported by the Assembly Budget Committee on June 22, 2009, with amendments.

(Sponsorship Updated As Of: 6/26/2009)

1 AN ACT concerning county political party committees ¹~~['and],~~¹
 2 amending ¹~~['R.S.19:5-3 and R.S.19:13-20]~~ various parts of the
 3 statutory law, and supplementing Title 19 of the Revised
 4 Statutes¹ .

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

8
 9 ¹1. R.S.19:5-2 is amended to read as follows:

10 The members of the municipal committees of political parties
 11 shall consist of the elected members of the county committee
 12 resident in the respective municipalities. The members of the
 13 municipal committee shall take office on the first Saturday
 14 following their election as members of the county committee, on
 15 which day the terms of all members of such committees theretofore
 16 elected shall terminate. The annual meeting of each municipal
 17 committee shall be held on the first Monday following the primary
 18 election for the general election, at an hour and place to be
 19 designated in a notice to be given by the chairman ~~['of the outgoing~~
 20 ~~municipal committee']~~ to each member and member-elect ~~[',~~ at
 21 ~~which annual meeting the']~~. The members of each committee shall
 22 elect some suitable person who shall be a resident of such
 23 municipality as chairman ~~['to hold office for 1 year or until his~~
 24 ~~successor is elected']~~. The municipal committee shall have power
 25 to adopt a constitution and bylaws for its proper government. The
 26 chairman shall preside at all meetings of the committee, and shall
 27 perform all duties required of him by law and the constitution and
 28 bylaws of such committee.

29 When a member of a municipal committee ceases to be a resident
 30 of the district or unit from which elected, a vacancy on the
 31 committee shall exist. A member of a municipal committee of any
 32 political party may resign his office to the committee of which he
 33 is a member, and upon acceptance thereof by the committee a
 34 vacancy shall exist. A vacancy in the office of a member of a
 35 municipal committee of any political party, howsoever caused, shall
 36 be filled for the unexpired term by the remaining members of the
 37 committee in the municipality in which the vacancy occurs.¹
 38 (cf: P.L.1979, c. 458, s. 1)

39
 40 ¹~~['1.]~~ 2.¹ R.S.19:5-3 is amended to read as follows:

41 19:5-3. The members of the county committees of political
 42 parties shall be elected ¹~~['annually']~~¹ at the primary for the general

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 February 26, 2009.

²Assembly ABU committee amendments adopted June 22, 2009.

1 election in the manner provided in this Title for the selection of
2 party candidates to be voted for at the general election by voters of
3 a municipality 'at such intervals as shall be provided in the bylaws
4 of the county committee'. The county committee shall consist of
5 one male and one female member from each unit of representation
6 in the county. The male receiving the highest number of votes
7 among the male candidates and the female receiving the highest
8 number of votes among the female candidates shall be declared
9 elected. Members of the county committee shall actually reside in
10 the districts or units which they respectively represent. The county
11 committee shall determine by its bylaws the units into which the
12 county shall be divided for purpose of representation in the county
13 committee.

14 The members of the county committee of each of the political
15 parties shall take office on the first Saturday following their
16 election, on which day the terms of all members of such committees
17 theretofore elected shall terminate. The annual meeting of each
18 county committee shall be held on the first Tuesday following the
19 primary election, except that when such meeting day falls on a legal
20 holiday then the said meeting shall be held on the day following,
21 and when such meeting day falls on the day of a municipal runoff
22 election within the county then said meeting may be held on the day
23 following, at an hour and place to be designated in a notice in
24 writing to be mailed by the **[chairman]** chairperson '[of the
25 outgoing county committee]' to each 'member and' member-
26 elect¹[', at which annual meeting the]. The' members of such
27 committee shall elect some suitable person as **[chairman]**
28 chairperson who shall be a resident of such county to hold office
29 '[for 1 year, or]' until **[his]** a successor is elected. The
30 chairperson of the outgoing county committee shall transmit, with
31 the notice of the annual meeting, a copy of the constitution and
32 bylaws to any newly elected committee member. The members
33 shall also elect a **[vice-chairman]** vice-chairperson of the opposite
34 sex of the **[chairman]** chairperson to hold office for 1 year or until
35 **[his or her]** a successor is elected and the **[vice-chairman]** vice-
36 chairperson shall perform all duties required **[of him or her]** by law
37 and the constitution and bylaws of such committee. **[Such**
38 **committee shall have power to adopt a constitution and bylaws for**
39 **its proper government.]** '[The members of the county committee
40 shall adopt a constitution and bylaws, ensuring fundamental fairness
41 and the rights of the members of the county committee in the
42 governance of the county party.]' Any person elected or appointed
43 to membership on the county committee pursuant to R.S.19:5-2 may
44 request, in writing and by certified mail to the county chairperson,
45 such constitution or bylaws ²currently in effect². The committee
46 member requesting the constitution or bylaws shall receive the

1 constitution or bylaws within 48 hours of the receipt of the request
2 by the chairperson. The **【chairman】** chairperson shall preside at all
3 meetings of the committee and shall perform all duties required **【of**
4 **him】** by law and the constitution and bylaws of such committee.

5 When a member of a county committee ceases to be a resident of
6 the district or unit from which elected, a vacancy on the county
7 committee shall exist. A member of a county committee of any
8 political party may resign his or her office to the committee of
9 which he or she is a member, and upon acceptance thereof by the
10 committee, a vacancy shall exist. A vacancy in the office of a
11 member of the county committee of any political party, caused by
12 death, resignation, failure to elect, **【or otherwise】** or removal for
13 cause, shall be filled for the unexpired term by the municipal
14 committee of the municipality wherein the vacancy occurs, if there
15 is such committee, and if not, by the remaining members of the
16 county committee of such political party representing the territory
17 in the county in which such vacancy occurs. The chairperson of the
18 outgoing county committee shall provide a copy of the constitution
19 and bylaws to any committee member appointed pursuant to
20 R.S.19:5-2 to fill a vacancy within three business days of the
21 committee member's selection.

22 The **【chairman】** chairperson of the county committee of the
23 several political parties shall, before April 1¹ in a year in which
24 county committee members are to be elected¹, certify to the clerk of
25 each municipality in the county the unit of representation in such
26 municipality, together with the enumeration of the election district
27 or districts embraced within such unit.

28 (cf: P.L.1980, c.105, s.3)

29

30 ¹3. (New section) The members of the county committee of a
31 political party shall adopt a constitution and bylaws, ensuring
32 fundamental fairness and the rights of the members of the county
33 committee in the governance of the county party. The constitution
34 and bylaws ²【shall include procedures for removing a committee
35 officer who is unwilling or unable to serve his or her office in the
36 county committee.¹】 of a county committee shall be posted and
37 displayed on its Internet website, if the committee has a website. A
38 county committee shall provide a copy of its constitution and
39 bylaws to the county board of elections of the county, and the
40 constitution and bylaws shall be posted and displayed on the county
41 board's Internet website, if the county board has a website.²

42

43 ¹4. R.S.19:5-4 is amended to read as follows:

44 The members of the State committee of each of the political parties
45 shall be elected at the primary for the general election of the year in
46 which a Governor is to be elected.

1 The number of males and females comprising the State
2 committee of each of the political parties from each county may be
3 determined by the bylaws of each such political party, but in any
4 event in accordance with one of the following methods:

5 a. One male and one female member of the State committee to
6 be elected in each county, each having one vote; or

7 b. Not less than 79 nor more than 82 elected members, to be
8 apportioned among the several counties in accordance with
9 population as determined at the most recent Federal decennial
10 census; provided that each county shall have at least one vote, and
11 provided further that the members of the State committee from each
12 county shall be divided equally between males and females. In
13 those counties with an odd number of State committee members,
14 one seat shall be shared by one male and one female who shall each
15 have one-half vote in all matters of the State committee; or

16 c. One male and one female member of the State committee to
17 be elected in each county, each member having a vote weighted in
18 strength on the basis of population as determined at the most recent
19 Federal decennial census.

20 The members of the State committee of each of the political
21 parties shall take office on the first Tuesday following their
22 election, on which day the terms of all members of such committees
23 theretofore elected shall terminate. The annual meeting of the State
24 committee shall be held on the first Tuesday after such primary
25 election at the hour and place to be designated in a notice in writing
26 to be mailed by the chairman of the outgoing State committee to
27 each member-elect[, at which annual meeting the]. The members
28 of the committee [in the year in which a Governor is to be
29 elected,] shall elect some suitable person as chairman [to hold
30 office for 4 years, or until his successor is elected]. The committee
31 shall have power to adopt a constitution and bylaws for its proper
32 government. The chairman shall preside at all meetings of the
33 committee and shall perform all duties required of him by law and
34 the constitution and bylaws of such committee.

35 A member of a State committee of any political party may resign
36 his office to the committee of which he is a member, and upon
37 acceptance thereof by the committee a vacancy shall exist. A
38 vacancy in the office of a member of the State committee of any
39 political party, howsoever caused, shall be filled for the unexpired
40 term by the members of the county committee of such political
41 party in the county in which the vacancy occurs.

42 Members of the State committee shall serve for 4 years or until
43 their successors are elected. The State committee shall choose its
44 [chairman] chairperson and the member or members of the national
45 committee of its political party.¹

46 (cf: P.L.1978, c.15, s.1)

1 '[2.] 5.' R.S.19:13-20 is amended to read as follows:

2 19:13-20. In the event of a vacancy, howsoever caused, among
3 candidates nominated at a primary election for the general election,
4 which vacancy shall occur not later than the 51st day before the
5 general election, or in the event of inability to select a candidate
6 because of a tie vote at such primary, a candidate shall be selected
7 in the following manner:

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

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

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

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

26 At any meeting held for the selection of a candidate under this
27 subsection, a majority of the persons eligible to vote thereat shall be
28 required to be present for the conduct of any business, and no
29 person shall be entitled to vote at that meeting who is appointed to
30 the State committee or county committee after the seventh day
31 preceding the date of the meeting.

32 Within 20 days after the meeting of each county committee that
33 is held on the first Tuesday following the primary election at which
34 committee members are elected, the municipal clerk shall certify to
35 the county clerk an official list of the duly elected county
36 committee members 'and an official list of the municipal committee
37 chairs' . The county party chairperson shall have a continuing duty
38 to report to the county clerk any vacancies, resignations, and
39 committee positions filled pursuant to R.S.19:5-2 or 19:5-3. A
40 report of a resignation shall be accompanied by a notarized letter of
41 resignation signed by the resigning committee member 'or, if the
42 resigning committee member fails to provide such a letter, by a
43 notarized letter stating that the resignation has occurred signed by
44 the chair of the relevant municipal committee who shall also
45 provide a copy thereof to the resigning member' . Notice of
46 vacancies in the membership of a county committee that are filled
47 pursuant to R.S.19:5-2 or 19:5-3 shall be accompanied by a

1 certificate of acceptance signed by the newly selected member. The
2 official list of the county committee members 'and of the municipal
3 committee chairs' maintained by the county clerk shall be deemed
4 to be a government record and only those county committee
5 members listed thereon seven days prior to a selection to fill a
6 vacancy and otherwise qualified to vote on the vacancy shall be
7 entitled to vote on filling a vacancy pursuant to this section.

8 In addition, every person appointed to the county committee
9 shall file with the county clerk a certificate of acceptance which
10 shall be preserved by the county clerk as a government record.

11 In the case of a meeting held to select a candidate for other than
12 a Statewide office, the **[chairman]** chairperson of the meeting shall
13 be chosen by majority vote of the persons present and entitled to
14 vote thereat. The **[chairman]** chairperson so chosen may propose
15 rules to govern the determination of credentials and the procedures
16 under which the meeting shall be conducted, and those rules shall
17 be adopted upon a majority vote of the persons entitled to vote upon
18 the selection. If a majority vote is not obtained for those rules, the
19 delegates shall determine credentials and conduct the business of
20 the meeting under such other rules as may be adopted by a majority
21 vote. All contested votes taken at the selection meeting, as
22 referenced in subsections a. and b. of this section, shall be by secret
23 ballot ²[in a voting booth] in a location or manner that protects the
24 anonymity of the person's vote² ¹[of the type used in primary and
25 general elections]¹.

26 b. (1) Whenever in accordance with subsection a. of this
27 section members of two or more county committees are empowered
28 to select a candidate to fill a vacancy, it shall be the responsibility
29 of the **[chairmen]** chairpersons of said county committees, acting
30 jointly not later in any case than the seventh day following the
31 occurrence of the vacancy, to give notice to each of the members of
32 their respective committees, as certified by the county clerk, who
33 are so empowered of the date, time and place of the meeting at
34 which the selection will be made, that meeting to be held at least
35 one day following the date on which the notice is given.

36 (2) Whenever in accordance with the provisions of subsection a.
37 of this section members of a county committee are empowered to
38 select a candidate to fill a vacancy, it shall be the responsibility of
39 the **[chairman]** chairperson of such county committee, not later in
40 any case than the seventh day following the occurrence of the
41 vacancy, to give notice to each of the members of the committee, as
42 certified by the county clerk, who are so empowered of the date,
43 time and place of the meeting at which the selection will be made,
44 that meeting to be held at least one day following the date on which
45 the notice is given.

46 (3) A county committee **[chairman or chairmen]** chairperson or
47 chairpersons who call a meeting pursuant to paragraph (1) or (2) of

1 this subsection shall not be entitled to vote upon the selection of a
2 candidate at such meeting unless he or she or they are so entitled
3 pursuant to subsection a.

4 (4) Whenever in accordance with the provisions of subsection a.
5 of this section the State committee of a political party is empowered
6 to select a candidate to fill a vacancy, it shall be the responsibility
7 of the **【chairman】** chairperson of that State committee to give
8 notice to each of the members of the committee of the date, time
9 and place of the meeting at which the selection will be made, that
10 meeting to be held at least one day following the date on which the
11 notice is given.

12 c. Whenever a selection is to be made pursuant to this section
13 to fill a vacancy resulting from inability to select a candidate
14 because of a tie vote at a primary election for the general election,
15 the selection shall be made from among those who have thus
16 received the same number of votes at the primary.

17 d. A selection made pursuant to this section shall be made not
18 later than the 48th day preceding the date of the general election,
19 and a statement of such selection shall be filed with the Attorney
20 General or the appropriate county clerk, as the case may be, not
21 later than that day, and in the following manner:

22 (1) A selection made by a State committee of a political party
23 shall be certified to the **【Attorney General】** Secretary of State by
24 the State **【chairman】** chairperson of the political party.

25 (2) A selection made by a county committee of a political party,
26 or a portion of the members thereof, shall be certified to the county
27 clerk of the county by the county **【chairman】** chairperson of such
28 political party; except that when such selection is of a candidate for
29 the Senate or General Assembly or the United States House of
30 Representatives the county **【chairman】** chairperson shall certify the
31 selection to the State **【chairman】** chairperson of such political
32 party, who shall certify the same to the **【Attorney General】**
33 Secretary of State.

34 (3) A selection made by members of two or more county
35 committees of a political party acting jointly shall be certified by
36 the **【chairmen】** chairpersons of said committees, acting jointly, to
37 the State **【chairman】** chairperson of such political party, who shall
38 certify the same to the Attorney General.

39 e. A statement filed pursuant to subsection d. of this section
40 shall state the residence and post office address of the person so
41 selected, and shall certify that the person so selected is qualified
42 under the laws of this State to be a candidate for such office, and is
43 a member of the political party filling the vacancy. Accompanying
44 the statement, the person endorsed therein shall file a certificate
45 stating that he or she is qualified under the laws of this State to be a
46 candidate for the office mentioned in the statement, that he or she
47 consents to stand as a candidate at the ensuing general election and

1 that he or she is a member of the political party named in said
2 statement, and further that he or she is not a member of, or
3 identified with, any other political party or any political
4 organization espousing the cause of candidates of any other
5 political party, to which shall be annexed the oath of allegiance
6 prescribed in R.S.41:1-1 duly taken and subscribed by him or her
7 before an officer authorized to take oaths in this State. The person
8 so selected shall be the candidate of the party for such office at the
9 ensuing general election. Each candidate for the office of Governor
10 or the office of member of the Senate or General Assembly filing a
11 certification shall annex thereto a statement signed by the candidate
12 that he or she:

13 (1) has not been convicted of any offense graded by Title 2C of
14 the New Jersey Statutes as a crime of the first, second, third or
15 fourth degree, or any offense in any other jurisdiction which, if
16 committed in this State, would constitute such a crime; or

17 (2) has been so convicted, in which case, the candidate shall
18 disclose on the statement the crime for which convicted, the date
19 and place of the conviction and the penalties imposed for the
20 conviction. Such a candidate may, as an alternative, submit with
21 the statement a copy of an official document that provides such
22 information. If the candidate has been convicted of more than one
23 criminal offense, such information about each conviction shall be
24 provided. Records expunged pursuant to chapter 52 of Title 2C of
25 the New Jersey Statutes shall not be subject to disclosure.
26 (cf: P.L.2005, c.136, s.21)
27

28 ²6. Nothing contained in P.L. _____, c. _____ (pending before the
29 Legislature as this bill) shall affect the term of any county
30 committee member serving as such on the effective date thereof.²
31

32 ¹[3.] ²[6.¹] ^{7.}² This act shall take effect immediately.

SENATE, No. 930

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED JANUARY 28, 2008

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator DIANE B. ALLEN

District 7 (Burlington and Camden)

Co-Sponsored by:

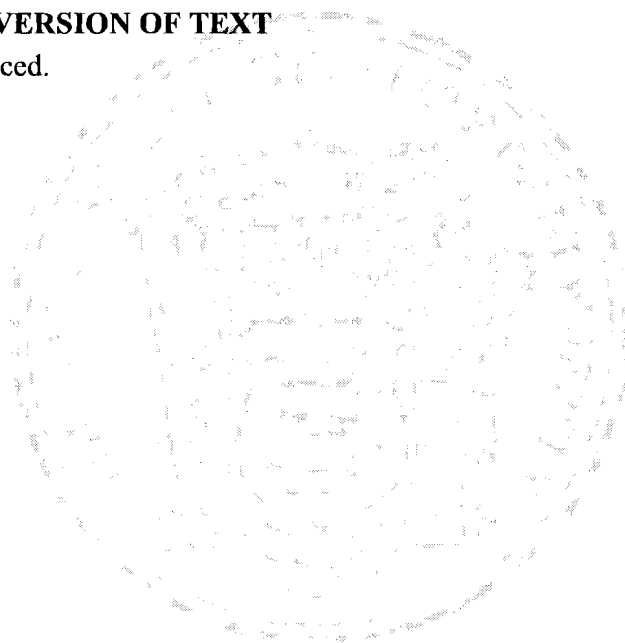
Senators Beck and Scutari

SYNOPSIS

Requires adoption and distribution of constitutions and bylaws by county political party committees; requires certified list of committee members to be filed with county clerk.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/27/2009)

1 AN ACT concerning county political party committees and
2 amending R.S.19:5-3 and R.S.19:13-20.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. R.S.19:5-3 is amended to read as follows:

8 19:5-3. The members of the county committees of political
9 parties shall be elected annually at the primary for the general
10 election in the manner provided in this Title for the selection of
11 party candidates to be voted for at the general election by voters of
12 a municipality. The county committee shall consist of one male and
13 one female member from each unit of representation in the county.
14 The male receiving the highest number of votes among the male
15 candidates and the female receiving the highest number of votes
16 among the female candidates shall be declared elected. Members of
17 the county committee shall actually reside in the districts or units
18 which they respectively represent. The county committee shall
19 determine by its bylaws the units into which the county shall be
20 divided for purpose of representation in the county committee.

21 The members of the county committee of each of the political
22 parties shall take office on the first Saturday following their
23 election, on which day the terms of all members of such committees
24 theretofore elected shall terminate. The annual meeting of each
25 county committee shall be held on the first Tuesday following the
26 primary election, except that when such meeting day falls on a legal
27 holiday then the said meeting shall be held on the day following,
28 and when such meeting day falls on the day of a municipal runoff
29 election within the county then said meeting may be held on the day
30 following, at an hour and place to be designated in a notice in
31 writing to be mailed by the **[chairman]** chairperson of the outgoing
32 county committee to each member-elect, at which annual meeting
33 the members of such committee shall elect some suitable person as
34 **[chairman]** chairperson who shall be a resident of such county to
35 hold office for 1 year, or until **[his]** a successor is elected. The
36 chairperson of the outgoing county committee shall transmit, with
37 the notice of the annual meeting, a copy of the constitution and
38 bylaws to any newly elected committee member. The members
39 shall also elect a **[vice-chairman]** vice-chairperson of the opposite
40 sex of the **[chairman]** chairperson to hold office for 1 year or until
41 **[his or her]** a successor is elected and the **[vice-chairman]** vice-
42 chairperson shall perform all duties required **[of him or her]** by law
43 and the constitution and bylaws of such committee. **[Such**
44 committee shall have power to adopt a constitution and bylaws for

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 its proper government.】 The members of the county committee
2 shall adopt a constitution and bylaws, ensuring fundamental fairness
3 and the rights of the members of the county committee in the
4 governance of the county party. Any person elected or appointed to
5 membership on the county committee pursuant to R.S.19:5-2 may
6 request, in writing and by certified mail to the county chairperson,
7 such constitution or bylaws. The committee member requesting the
8 constitution or bylaws shall receive the constitution or bylaws
9 within 48 hours of the receipt of the request by the chairperson.
10 The 【chairman】 chairperson shall preside at all meetings of the
11 committee and shall perform all duties required 【of him】 by law
12 and the constitution and bylaws of such committee.

13 When a member of a county committee ceases to be a resident of
14 the district or unit from which elected, a vacancy on the county
15 committee shall exist. A member of a county committee of any
16 political party may resign his or her office to the committee of
17 which he or she is a member, and upon acceptance thereof by the
18 committee, a vacancy shall exist. A vacancy in the office of a
19 member of the county committee of any political party, caused by
20 death, resignation, failure to elect, 【or otherwise】 or removal for
21 cause, shall be filled for the unexpired term by the municipal
22 committee of the municipality wherein the vacancy occurs, if there
23 is such committee, and if not, by the remaining members of the
24 county committee of such political party representing the territory
25 in the county in which such vacancy occurs. The chairperson of the
26 outgoing county committee shall provide a copy of the constitution
27 and bylaws to any committee member appointed pursuant to
28 R.S.19:5-2 to fill a vacancy within three business days of the
29 committee member's selection.

30 The 【chairman】 chairperson of the county committee of the
31 several political parties shall, before April 1, certify to the clerk of
32 each municipality in the county the unit of representation in such
33 municipality, together with the enumeration of the election district
34 or districts embraced within such unit.

35 (cf: P.L.1980, c.105, s.3)
36

37 2. R.S.19:13-20 is amended to read as follows:

38 19:13-20. In the event of a vacancy, howsoever caused, among
39 candidates nominated at a primary election for the general election,
40 which vacancy shall occur not later than the 51st day before the
41 general election, or in the event of inability to select a candidate
42 because of a tie vote at such primary, a candidate shall be selected
43 in the following manner:

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

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

5 (3) In the case of an office to be filled by the voters of a portion
6 of the State comprising all or part of two or more counties, the
7 candidate shall be selected by those members of the county
8 committees of the party wherein the vacancy has occurred who
9 represent those portions of the respective counties which are
10 comprised in the district from which the candidate is to be elected.

11 (4) In the case of an office to be filled by the voters of a portion
12 of a single county, the candidate shall be selected by those members
13 of the county committee of the party wherein the vacancy has
14 occurred who represent those portions of the county which are
15 comprised in the district from which the candidate is to be elected.

16 At any meeting held for the selection of a candidate under this
17 subsection, a majority of the persons eligible to vote thereat shall be
18 required to be present for the conduct of any business, and no
19 person shall be entitled to vote at that meeting who is appointed to
20 the State committee or county committee after the seventh day
21 preceding the date of the meeting.

22 Within 20 days after the meeting of each county committee that
23 is held on the first Tuesday following the primary election at which
24 committee members are elected, the municipal clerk shall certify to
25 the county clerk an official list of the duly elected county
26 committee members. The county party chairperson shall have a
27 continuing duty to report to the county clerk any vacancies,
28 resignations, and committee positions filled pursuant to R.S.19:5-2
29 or 19:5-3. A report of a resignation shall be accompanied by a
30 notarized letter of resignation signed by the resigning committee
31 member. Notice of vacancies in the membership of a county
32 committee that are filled pursuant to R.S.19:5-2 or 19:5-3 shall be
33 accompanied by a certificate of acceptance signed by the newly
34 selected member. The official list of the county committee
35 members maintained by the county clerk shall be deemed to be a
36 government record and only those county committee members
37 listed thereon seven days prior to a selection to fill a vacancy and
38 otherwise qualified to vote on the vacancy shall be entitled to vote
39 on filling a vacancy pursuant to this section.

40 In addition, every person appointed to the county committee
41 shall file with the county clerk a certificate of acceptance which
42 shall be preserved by the county clerk as a government record.

43 In the case of a meeting held to select a candidate for other than
44 a Statewide office, the **【chairman】** chairperson of the meeting shall
45 be chosen by majority vote of the persons present and entitled to
46 vote thereat. The **【chairman】** chairperson so chosen may propose
47 rules to govern the determination of credentials and the procedures
48 under which the meeting shall be conducted, and those rules shall

1 be adopted upon a majority vote of the persons entitled to vote upon
2 the selection. If a majority vote is not obtained for those rules, the
3 delegates shall determine credentials and conduct the business of
4 the meeting under such other rules as may be adopted by a majority
5 vote. All contested votes taken at the selection meeting, as
6 referenced in subsections a. and b. of this section, shall be by secret
7 ballot in a voting booth of the type used in primary and general
8 elections.

9 b. (1) Whenever in accordance with subsection a. of this section
10 members of two or more county committees are empowered to
11 select a candidate to fill a vacancy, it shall be the responsibility of
12 the **【chairmen】** chairpersons of said county committees, acting
13 jointly not later in any case than the seventh day following the
14 occurrence of the vacancy, to give notice to each of the members of
15 their respective committees, as certified by the county clerk, who
16 are so empowered of the date, time and place of the meeting at
17 which the selection will be made, that meeting to be held at least
18 one day following the date on which the notice is given.

19 (2) Whenever in accordance with the provisions of subsection a.
20 of this section members of a county committee are empowered to
21 select a candidate to fill a vacancy, it shall be the responsibility of
22 the **【chairman】** chairperson of such county committee, not later in
23 any case than the seventh day following the occurrence of the
24 vacancy, to give notice to each of the members of the committee, as
25 certified by the county clerk, who are so empowered of the date,
26 time and place of the meeting at which the selection will be made,
27 that meeting to be held at least one day following the date on which
28 the notice is given.

29 (3) A county committee **【chairman or chairmen】** chairperson or
30 chairpersons who call a meeting pursuant to paragraph (1) or (2) of
31 this subsection shall not be entitled to vote upon the selection of a
32 candidate at such meeting unless he or she or they are so entitled
33 pursuant to subsection a.

34 (4) Whenever in accordance with the provisions of subsection a.
35 of this section the State committee of a political party is empowered
36 to select a candidate to fill a vacancy, it shall be the responsibility
37 of the **【chairman】** chairperson of that State committee to give
38 notice to each of the members of the committee of the date, time
39 and place of the meeting at which the selection will be made, that
40 meeting to be held at least one day following the date on which the
41 notice is given.

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

47 d. A selection made pursuant to this section shall be made not
48 later than the 48th day preceding the date of the general election,

1 and a statement of such selection shall be filed with the Attorney
2 General or the appropriate county clerk, as the case may be, not
3 later than that day, and in the following manner:

4 (1) A selection made by a State committee of a political party
5 shall be certified to the [Attorney General] Secretary of State by
6 the State [chairman] chairperson of the political party.

7 (2) A selection made by a county committee of a political party,
8 or a portion of the members thereof, shall be certified to the county
9 clerk of the county by the county [chairman] chairperson of such
10 political party; except that when such selection is of a candidate for
11 the Senate or General Assembly or the United States House of
12 Representatives the county [chairman] chairperson shall certify the
13 selection to the State [chairman] chairperson of such political
14 party, who shall certify the same to the [Attorney General]
15 Secretary of State.

16 (3) A selection made by members of two or more county
17 committees of a political party acting jointly shall be certified by
18 the [chairmen] chairpersons of said committees, acting jointly, to
19 the State [chairman] chairperson of such political party, who shall
20 certify the same to the Attorney General.

21 e. A statement filed pursuant to subsection d. of this section
22 shall state the residence and post office address of the person so
23 selected, and shall certify that the person so selected is qualified
24 under the laws of this State to be a candidate for such office, and is
25 a member of the political party filling the vacancy. Accompanying
26 the statement, the person endorsed therein shall file a certificate
27 stating that he or she is qualified under the laws of this State to be a
28 candidate for the office mentioned in the statement, that he or she
29 consents to stand as a candidate at the ensuing general election and
30 that he or she is a member of the political party named in said
31 statement, and further that he or she is not a member of, or
32 identified with, any other political party or any political
33 organization espousing the cause of candidates of any other
34 political party, to which shall be annexed the oath of allegiance
35 prescribed in R.S.41:1-1 duly taken and subscribed by him or her
36 before an officer authorized to take oaths in this State. The person
37 so selected shall be the candidate of the party for such office at the
38 ensuing general election. Each candidate for the office of Governor
39 or the office of member of the Senate or General Assembly filing a
40 certification shall annex thereto a statement signed by the candidate
41 that he or she:

42 (1) has not been convicted of any offense graded by Title 2C of
43 the New Jersey Statutes as a crime of the first, second, third or
44 fourth degree, or any offense in any other jurisdiction which, if
45 committed in this State, would constitute such a crime; or

46 (2) has been so convicted, in which case, the candidate shall
47 disclose on the statement the crime for which convicted, the date

1 and place of the conviction and the penalties imposed for the
2 conviction. Such a candidate may, as an alternative, submit with
3 the statement a copy of an official document that provides such
4 information. If the candidate has been convicted of more than one
5 criminal offense, such information about each conviction shall be
6 provided. Records expunged pursuant to chapter 52 of Title 2C of
7 the New Jersey Statutes shall not be subject to disclosure.
8 (cf: P.L.2005, c.136, s.21)

9
10 3. This act shall take effect immediately.

11
12
13 SPONSOR'S STATEMENT
14

15 This bill requires county political party committees to adopt and
16 distribute a constitution and bylaws. The bill requires the
17 constitution and bylaws to ensure the representative rights of
18 members of the county committee in the governance of the county
19 party.

20 In addition, the bill provides that within 20 days of the first
21 county committee meeting after a primary election, the municipal
22 clerk will certify to the county clerk an official list of the county
23 committee members. The bill provides the chair of a county
24 committee will have a continuing duty to report changes in the
25 committee membership, with appropriate documentation, to the
26 county clerk. It also provides that the official list of the county
27 committee members maintained by the county clerk will be a
28 government record that is accessible to the public and only those
29 county committee members listed thereon seven days prior to a
30 selection to fill a vacancy and otherwise qualified to vote on the
31 vacancy will be entitled to vote on filling a vacancy. In addition,
32 every person appointed to the county committee will be required to
33 file with the county clerk a certificate of acceptance.

ASSEMBLY JUDICIARY COMMITTEE
STATEMENT TO

[First Reprint]
SENATE, No. 930

STATE OF NEW JERSEY

DATED: JUNE 8, 2009

The Assembly Judiciary Committee reports favorably Senate Bill No. 930(1R).

This bill makes certain changes in statutory law with respect to the activities of and procedures governing county political party committees.

Specifically, the bill requires county political party committees to adopt and distribute a constitution and bylaws, and file a certified list of committee members with the county clerk to ensure the representative rights of members of the county committee in the governance of the county party. The constitution and bylaws must include procedures for removing a committee officer who is unwilling or unable to serve his or her office in the county committee.

The bill provides that within 20 days of the first county committee meeting after a primary election, the municipal clerk will certify to the county clerk an official list of the county committee members and official list of the municipal committee chairs. The chair of a county committee will have a continuing duty to report changes in the committee membership, with appropriate documentation, to the county clerk. A report of a member's resignation must be accompanied by a notarized letter of resignation signed by that committee member, or, if the resigning committee member fails to provide such a letter, by a notarized letter stating that the resignation has occurred. The letter must be signed by the chair of the relevant municipal committee, who must also provide a copy thereof to the resigning member. The official list of the county committee members and the official list of the municipal committee chairs maintained by the county clerk will be a government record accessible to the public. Only those county committee members listed thereon seven days prior to a selection to fill a vacancy and otherwise qualified to vote on the vacancy will be entitled to vote on filling a vacancy. In addition, every person appointed to the county committee will be required to file with the county clerk a certificate of acceptance, which will also be considered a public record.

This bill is identical to Assembly Bill No. 1904(1R).

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 930

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 2009

The Assembly Budget Committee reports favorably Senate Bill No. 930 (1R), with committee amendments.

The bill, as amended, makes certain changes in statutory law with respect to the activities of, and procedures governing, county political party committees.

Specifically, the bill requires county political party committees to adopt and distribute a constitution and bylaws, and file a certified list of committee members with the county clerk to ensure the representative rights of members of the county committee in the governance of the county party.

The bill provides that within 20 days of the first county committee meeting after a primary election, the municipal clerk will certify to the county clerk an official list of the county committee members and official list of the municipal committee chairs. The chair of a county committee will have a continuing duty to report changes in the committee membership, with appropriate documentation, to the county clerk. A report of a member's resignation must be accompanied by a notarized letter of resignation signed by that committee member, or, if the resigning committee member fails to provide such a letter, by a notarized letter stating that the resignation has occurred. The letter must be signed by the chair of the relevant municipal committee, who must also provide a copy thereof to the resigning member. The official list of the county committee members and the official list of the municipal committee chairs maintained by the county clerk will be a government record accessible to the public. Only those county committee members listed thereon seven days prior to a selection to fill a vacancy and otherwise qualified to vote on the vacancy will be entitled to vote on filling a vacancy. In addition, every person appointed to the county committee will be required to file with the county clerk a certificate of acceptance, which will also be considered a public record.

As amended, this bill is identical to Assembly Bill No. 1904 (1R).

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- 1) remove a requirement that the constitution and bylaws must include procedures for removing a committee officer who is unwilling or unable to serve on the county committee;
- 2) add a requirement that the constitution and bylaws be posted on an website of the county committee if it has a website and on the website of the county board of elections if it has a website;
- 3) clarify that a member of a county committee who requested a copy of the committee's constitution or bylaws will receive the constitution or bylaws currently in effect;
- 4) eliminate the requirement that contested votes taken at a selection meeting would be in a voting booth and to provide, instead, that the secret ballot will be conducted in a location or manner that protects the anonymity of the person's vote; and
- 5) provide that nothing contained in the bill would affect the term of any county committee member serving as such on the effective date thereof.

FISCAL IMPACT:

This legislation has no fiscal impact.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 930

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 26, 2009

The Senate State Government Committee reports favorably and with committee amendments Senate, No. 930.

This bill makes certain changes in statutory law with respect to the activities of and procedures governing county political party committees.

Specifically, the bill requires county political party committees to adopt and distribute a constitution and bylaws, and file a certified list of committee members with the county clerk to ensure the representative rights of members of the county committee in the governance of the county party. The constitution and bylaws must include procedures for removing a committee officer who is unwilling or unable to serve his or her office in the county committee.

The bill provides that within 20 days of the first county committee meeting after a primary election, the municipal clerk will certify to the county clerk an official list of the county committee members and official list of the municipal committee chairs. The chair of a county committee will have a continuing duty to report changes in the committee membership, with appropriate documentation, to the county clerk. A report of a member's resignation must be accompanied by a notarized letter of resignation signed by that committee member, or, if the resigning committee member fails to provide such a letter, by a notarized letter stating that the resignation has occurred. The letter must be signed by the chair of the relevant municipal committee, who must also provide a copy thereof to the resigning member. The official list of the county committee members and the official list of the municipal committee chairs maintained by the county clerk will be a government record accessible to the public. Only those county committee members listed thereon seven days prior to a selection to fill a vacancy and otherwise qualified to vote on the vacancy will be entitled to vote on filling a vacancy. In addition, every person appointed to the county committee will be required to file with the county clerk a certificate of acceptance, which will also be considered a public record.

COMMITTEE AMENDMENTS

The committee amended the bill to: 1) require that the constitution and bylaws required to be adopted and distributed to county committee members must include procedures for removing a committee officer who is unwilling or unable to serve his or her office in the county committee; 2) require the municipal clerk to also certify to the county clerk an official list of the municipal committee chairs; 3) provide that if a resigning committee member fails to provide a notarized letter of resignation, a report of the resignation must be accompanied by a notarized letter stating that the resignation has occurred that is signed by the chair of the relevant municipal committee, who must also provide a copy thereof to the resigning member; 4) provide that contested votes taken at a selection meeting would be in a voting booth, but not the type used in a primary and general election; and 5) eliminate the requirement that members and officers of county and municipal committees of political parties serve for one-year terms.

ASSEMBLY, No. 1904

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED JANUARY 28, 2008

Sponsored by:

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblywoman AMY H. HANDLIN

District 13 (Middlesex and Monmouth)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Co-Sponsored by:

Assemblywoman McHose and Assemblyman Chiusano

SYNOPSIS

Requires adoption and distribution of constitutions and bylaws by county political party committees; requires certified list of committee members to be filed with county clerk.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 2/8/2008)

1 AN ACT concerning county political party committees and
2 amending R.S.19:5-3 and R.S.19:13-20.

3

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

6

7 1. R.S.19:5-3 is amended to read as follows:

8 19:5-3. The members of the county committees of political
9 parties shall be elected annually at the primary for the general
10 election in the manner provided in this Title for the selection of
11 party candidates to be voted for at the general election by voters of
12 a municipality. The county committee shall consist of one male and
13 one female member from each unit of representation in the county.
14 The male receiving the highest number of votes among the male
15 candidates and the female receiving the highest number of votes
16 among the female candidates shall be declared elected. Members of
17 the county committee shall actually reside in the districts or units
18 which they respectively represent. The county committee shall
19 determine by its bylaws the units into which the county shall be
20 divided for purpose of representation in the county committee.

21 The members of the county committee of each of the political
22 parties shall take office on the first Saturday following their
23 election, on which day the terms of all members of such committees
24 theretofore elected shall terminate. The annual meeting of each
25 county committee shall be held on the first Tuesday following the
26 primary election, except that when such meeting day falls on a legal
27 holiday then the said meeting shall be held on the day following,
28 and when such meeting day falls on the day of a municipal runoff
29 election within the county then said meeting may be held on the day
30 following, at an hour and place to be designated in a notice in
31 writing to be mailed by the **[chairman]** chairperson of the outgoing
32 county committee to each member-elect, at which annual meeting
33 the members of such committee shall elect some suitable person as
34 **[chairman]** chairperson who shall be a resident of such county to
35 hold office for 1 year, or until **[his]** a successor is elected. The
36 chairperson of the outgoing county committee shall transmit, with
37 the notice of the annual meeting, a copy of the constitution and
38 bylaws to any newly elected committee member. The members
39 shall also elect a **[vice-chairman]** vice-chairperson of the opposite
40 sex of the **[chairman]** chairperson to hold office for 1 year or until
41 **[his or her]** a successor is elected and the **[vice-chairman]** vice-
42 chairperson shall perform all duties required **[of him or her]** by law
43 and the constitution and bylaws of such committee. **[Such**
44 committee shall have power to adopt a constitution and bylaws for

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 its proper government.】 The members of the county committee
2 shall adopt a constitution and bylaws, ensuring fundamental fairness
3 and the rights of the members of the county committee in the
4 governance of the county party. Any person elected or appointed to
5 membership on the county committee pursuant to R.S.19:5-2 may
6 request, in writing and by certified mail to the county chairperson,
7 such constitution or bylaws. The committee member requesting the
8 constitution or bylaws shall receive the constitution or bylaws
9 within 48 hours of the receipt of the request by the chairperson.
10 The 【chairman】 chairperson shall preside at all meetings of the
11 committee and shall perform all duties required 【of him】 by law
12 and the constitution and bylaws of such committee.

13 When a member of a county committee ceases to be a resident of
14 the district or unit from which elected, a vacancy on the county
15 committee shall exist. A member of a county committee of any
16 political party may resign his or her office to the committee of
17 which he or she is a member, and upon acceptance thereof by the
18 committee, a vacancy shall exist. A vacancy in the office of a
19 member of the county committee of any political party, caused by
20 death, resignation, failure to elect, 【or otherwise】 or removal for
21 cause, shall be filled for the unexpired term by the municipal
22 committee of the municipality wherein the vacancy occurs, if there
23 is such committee, and if not, by the remaining members of the
24 county committee of such political party representing the territory
25 in the county in which such vacancy occurs. The chairperson of the
26 outgoing county committee shall provide a copy of the constitution
27 and bylaws to any committee member appointed pursuant to
28 R.S.19:5-2 to fill a vacancy within three business days of the
29 committee member's selection.

30 The 【chairman】 chairperson of the county committee of the
31 several political parties shall, before April 1, certify to the clerk of
32 each municipality in the county the unit of representation in such
33 municipality, together with the enumeration of the election district
34 or districts embraced within such unit.

35 (cf: P.L.1980, c.105, s.3)
36

37 2. R.S.19:13-20 is amended to read as follows:

38 19:13-20. In the event of a vacancy, howsoever caused, among
39 candidates nominated at a primary election for the general election,
40 which vacancy shall occur not later than the 51st day before the
41 general election, or in the event of inability to select a candidate
42 because of a tie vote at such primary, a candidate shall be selected
43 in the following manner:

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

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

5 (3) In the case of an office to be filled by the voters of a portion
6 of the State comprising all or part of two or more counties, the
7 candidate shall be selected by those members of the county
8 committees of the party wherein the vacancy has occurred who
9 represent those portions of the respective counties which are
10 comprised in the district from which the candidate is to be elected.

11 (4) In the case of an office to be filled by the voters of a portion
12 of a single county, the candidate shall be selected by those members
13 of the county committee of the party wherein the vacancy has
14 occurred who represent those portions of the county which are
15 comprised in the district from which the candidate is to be elected.

16 At any meeting held for the selection of a candidate under this
17 subsection, a majority of the persons eligible to vote thereat shall be
18 required to be present for the conduct of any business, and no
19 person shall be entitled to vote at that meeting who is appointed to
20 the State committee or county committee after the seventh day
21 preceding the date of the meeting.

22 Within 20 days after the meeting of each county committee that
23 is held on the first Tuesday following the primary election at which
24 committee members are elected, the municipal clerk shall certify to
25 the county clerk an official list of the duly elected county
26 committee members. The county party chairperson shall have a
27 continuing duty to report to the county clerk any vacancies,
28 resignations, and committee positions filled pursuant to R.S.19:5-2
29 or 19:5-3. A report of a resignation shall be accompanied by a
30 notarized letter of resignation signed by the resigning committee
31 member. Notice of vacancies in the membership of a county
32 committee that are filled pursuant to R.S.19:5-2 or 19:5-3 shall be
33 accompanied by a certificate of acceptance signed by the newly
34 selected member. The official list of the county committee
35 members maintained by the county clerk shall be deemed to be a
36 government record and only those county committee members
37 listed thereon seven days prior to a selection to fill a vacancy and
38 otherwise qualified to vote on the vacancy shall be entitled to vote
39 on filling a vacancy pursuant to this section.

40 In addition, every person appointed to the county committee
41 shall file with the county clerk a certificate of acceptance which
42 shall be preserved by the county clerk as a government record.

43 In the case of a meeting held to select a candidate for other than
44 a Statewide office, the **chairman** chairperson of the meeting shall
45 be chosen by majority vote of the persons present and entitled to
46 vote thereat. The **chairman** chairperson so chosen may propose
47 rules to govern the determination of credentials and the procedures
48 under which the meeting shall be conducted, and those rules shall

1 be adopted upon a majority vote of the persons entitled to vote upon
2 the selection. If a majority vote is not obtained for those rules, the
3 delegates shall determine credentials and conduct the business of
4 the meeting under such other rules as may be adopted by a majority
5 vote. All contested votes taken at the selection meeting, as
6 referenced in subsections a. and b. of this section, shall be by secret
7 ballot in a voting booth of the type used in primary and general
8 elections.

9 b. (1) Whenever in accordance with subsection a. of this
10 section members of two or more county committees are empowered
11 to select a candidate to fill a vacancy, it shall be the responsibility
12 of the **【chairmen】** chairpersons of said county committees, acting
13 jointly not later in any case than the seventh day following the
14 occurrence of the vacancy, to give notice to each of the members of
15 their respective committees, as certified by the county clerk, who
16 are so empowered of the date, time and place of the meeting at
17 which the selection will be made, that meeting to be held at least
18 one day following the date on which the notice is given.

19 (2) Whenever in accordance with the provisions of subsection a.
20 of this section members of a county committee are empowered to
21 select a candidate to fill a vacancy, it shall be the responsibility of
22 the **【chairman】** chairperson of such county committee, not later in
23 any case than the seventh day following the occurrence of the
24 vacancy, to give notice to each of the members of the committee, as
25 certified by the county clerk, who are so empowered of the date,
26 time and place of the meeting at which the selection will be made,
27 that meeting to be held at least one day following the date on which
28 the notice is given.

29 (3) A county committee **【chairman or chairmen】** chairperson or
30 chairpersons who call a meeting pursuant to paragraph (1) or (2) of
31 this subsection shall not be entitled to vote upon the selection of a
32 candidate at such meeting unless he or she or they are so entitled
33 pursuant to subsection a.

34 (4) Whenever in accordance with the provisions of subsection a.
35 of this section the State committee of a political party is empowered
36 to select a candidate to fill a vacancy, it shall be the responsibility
37 of the **【chairman】** chairperson of that State committee to give
38 notice to each of the members of the committee of the date, time
39 and place of the meeting at which the selection will be made, that
40 meeting to be held at least one day following the date on which the
41 notice is given.

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

47 d. A selection made pursuant to this section shall be made not
48 later than the 48th day preceding the date of the general election,

1 and a statement of such selection shall be filed with the Attorney
2 General or the appropriate county clerk, as the case may be, not
3 later than that day, and in the following manner:

4 (1) A selection made by a State committee of a political party
5 shall be certified to the [Attorney General] Secretary of State by
6 the State [chairman] chairperson of the political party.

7 (2) A selection made by a county committee of a political party,
8 or a portion of the members thereof, shall be certified to the county
9 clerk of the county by the county [chairman] chairperson of such
10 political party; except that when such selection is of a candidate for
11 the Senate or General Assembly or the United States House of
12 Representatives the county [chairman] chairperson shall certify the
13 selection to the State [chairman] chairperson of such political
14 party, who shall certify the same to the [Attorney General]
15 Secretary of State.

16 (3) A selection made by members of two or more county
17 committees of a political party acting jointly shall be certified by
18 the [chairmen] chairpersons of said committees, acting jointly, to
19 the State [chairman] chairperson of such political party, who shall
20 certify the same to the Attorney General.

21 e. A statement filed pursuant to subsection d. of this section
22 shall state the residence and post office address of the person so
23 selected, and shall certify that the person so selected is qualified
24 under the laws of this State to be a candidate for such office, and is
25 a member of the political party filling the vacancy. Accompanying
26 the statement, the person endorsed therein shall file a certificate
27 stating that he or she is qualified under the laws of this State to be a
28 candidate for the office mentioned in the statement, that he or she
29 consents to stand as a candidate at the ensuing general election and
30 that he or she is a member of the political party named in said
31 statement, and further that he or she is not a member of, or
32 identified with, any other political party or any political
33 organization espousing the cause of candidates of any other
34 political party, to which shall be annexed the oath of allegiance
35 prescribed in R.S.41:1-1 duly taken and subscribed by him or her
36 before an officer authorized to take oaths in this State. The person
37 so selected shall be the candidate of the party for such office at the
38 ensuing general election. Each candidate for the office of Governor
39 or the office of member of the Senate or General Assembly filing a
40 certification shall annex thereto a statement signed by the candidate
41 that he or she:

42 (1) has not been convicted of any offense graded by Title 2C of
43 the New Jersey Statutes as a crime of the first, second, third or
44 fourth degree, or any offense in any other jurisdiction which, if
45 committed in this State, would constitute such a crime; or

46 (2) has been so convicted, in which case, the candidate shall
47 disclose on the statement the crime for which convicted, the date

1 and place of the conviction and the penalties imposed for the
2 conviction. Such a candidate may, as an alternative, submit with
3 the statement a copy of an official document that provides such
4 information. If the candidate has been convicted of more than one
5 criminal offense, such information about each conviction shall be
6 provided. Records expunged pursuant to chapter 52 of Title 2C of
7 the New Jersey Statutes shall not be subject to disclosure.
8 (cf: P.L.2005, c.136, s.21)

9
10 3. This act shall take effect immediately.

11
12
13 *SPONSOR'S* STATEMENT
14

15 This bill requires county political party committees to adopt and
16 distribute a constitution and bylaws. The bill requires the
17 constitution and bylaws to ensure the representative rights of
18 members of the county committee in the governance of the county
19 party.

20 In addition, the bill provides that within 20 days of the first
21 county committee meeting after a primary election, the municipal
22 clerk will certify to the county clerk an official list of the county
23 committee members. The bill provides the chair of a county
24 committee will have a continuing duty to report changes in the
25 committee membership, with appropriate documentation, to the
26 county clerk. It also provides that the official list of the county
27 committee members maintained by the county clerk will be a
28 government record that is accessible to the public and only those
29 county committee members listed thereon seven days prior to a
30 selection to fill a vacancy and otherwise qualified to vote on the
31 vacancy will be entitled to vote on filling a vacancy. In addition,
32 every person appointed to the county committee will be required to
33 file with the county clerk a certificate of acceptance.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1904

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 8, 2009

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1904.

This bill makes certain changes in statutory law with respect to the activities of and procedures governing county political party committees.

Specifically, the bill requires county political party committees to adopt and distribute a constitution and bylaws, and file a certified list of committee members with the county clerk to ensure the representative rights of members of the county committee in the governance of the county party. The constitution and bylaws must include procedures for removing a committee officer who is unwilling or unable to serve his or her office in the county committee.

The bill provides that within 20 days of the first county committee meeting after a primary election, the municipal clerk will certify to the county clerk an official list of the county committee members and official list of the municipal committee chairs. The chair of a county committee will have a continuing duty to report changes in the committee membership, with appropriate documentation, to the county clerk. A report of a member's resignation must be accompanied by a notarized letter of resignation signed by that committee member, or, if the resigning committee member fails to provide such a letter, by a notarized letter stating that the resignation has occurred. The letter must be signed by the chair of the relevant municipal committee, who must also provide a copy thereof to the resigning member. The official list of the county committee members and the official list of the municipal committee chairs maintained by the county clerk will be a government record accessible to the public. Only those county committee members listed thereon seven days prior to a selection to fill a vacancy and otherwise qualified to vote on the vacancy will be entitled to vote on filling a vacancy. In addition, every person appointed to the county committee will be required to file with the county clerk a certificate of acceptance, which will also be considered a public record.

These amendments make this bill identical to Senate Bill No. 930(1R).

COMMITTEE AMENDMENTS

The committee amended the bill to:

1) require that the constitution and bylaws required to be adopted and distributed to county committee members must include procedures for removing a committee officer who is unwilling or unable to serve his or her office in the county committee;

2) require the municipal clerk to also certify to the county clerk an official list of the municipal committee chairs;

3) provide that if a resigning committee member fails to provide a notarized letter of resignation, a report of the resignation must be accompanied by a notarized letter stating that the resignation has occurred that is signed by the chair of the relevant municipal committee, who must also provide a copy thereof to the resigning member;

4) provide that contested votes taken at a selection meeting would be in a voting booth, but not the type used in a primary and general election; and

5) eliminate the requirement that members and officers of county and municipal committees of political parties serve for one-year terms.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1904

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 2009

The Assembly Budget Committee reports favorably Assembly Bill No. 1904 (1R), with committee amendments.

The bill, as amended, makes certain changes in statutory law with respect to the activities of, and procedures governing, county political party committees.

Specifically, the bill requires county political party committees to adopt and distribute a constitution and bylaws, and file a certified list of committee members with the county clerk to ensure the representative rights of members of the county committee in the governance of the county party.

The bill provides that within 20 days of the first county committee meeting after a primary election, the municipal clerk will certify to the county clerk an official list of the county committee members and official list of the municipal committee chairs. The chair of a county committee will have a continuing duty to report changes in the committee membership, with appropriate documentation, to the county clerk. A report of a member's resignation must be accompanied by a notarized letter of resignation signed by that committee member, or, if the resigning committee member fails to provide such a letter, by a notarized letter stating that the resignation has occurred. The letter must be signed by the chair of the relevant municipal committee, who must also provide a copy thereof to the resigning member. The official list of the county committee members and the official list of the municipal committee chairs maintained by the county clerk will be a government record accessible to the public. Only those county committee members listed thereon seven days prior to a selection to fill a vacancy and otherwise qualified to vote on the vacancy will be entitled to vote on filling a vacancy. In addition, every person appointed to the county committee will be required to file with the county clerk a certificate of acceptance, which will also be considered a public record.

As amended, this bill is identical to Senate Bill No. 930 (1R).

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- 1) remove a requirement that the constitution and bylaws must include procedures for removing a committee officer who is unwilling or unable to serve on the county committee;
- 2) add a requirement that the constitution and bylaws be posted on an website of the county committee if it has a website and on the website of the county board of elections if it has a website;
- 3) clarify that a member of a county committee who requested a copy of the committee's constitution or bylaws will receive the constitution or bylaws currently in effect;
- 4) eliminate the requirement that contested votes taken at a selection meeting would be in a voting booth and to provide, instead, that the secret ballot will be conducted in a location or manner that protects the anonymity of the person's vote; and
- 5) provide that nothing contained in the bill would affect the term of any county committee member serving as such on the effective date thereof.

FISCAL IMPACT:

This legislation has no fiscal impact.



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JON S. CORZINE
Governor

For Immediate Release:
Date: October 2, 2009

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Governor Corzine Signs Legislation to Change Governing of County Political Party Committees

TRENTON - Governor Jon S. Corzine today signed legislation that makes certain changes to current laws governing the activities of county political party committees. The bill, S-930/ A-1904, requires these committees to adopt constitutions and bylaws, calls for specific information concerning committee members to be filed with the county clerk and eliminates fixed terms for committee members and chairs.

"This legislation is another step forward in our efforts to bring more transparency and ethics to government," said Governor Corzine. "I thank Senator Weinberg for her commitment and advocacy on this important issue."

As a result of the legislation, constitutions and bylaws of each county committee are required to be posted on the organization's respective website and copies of the documents must be provided to the county board of elections for website display. In addition, anyone elected or appointed to membership on the county committee is entitled to receive a copy of the constitution or bylaws and that request must be filled within 48 hours of receipt.

"This law is a reform of the party structure here in New Jersey," said Senator Loretta Weinberg, (D-Bergen), who is a long-time advocate of open government. "As the prime sponsor of this bill, we designed it to ensure that there is an even playing field within party organizations with openness and due process. I want to congratulate Governor Corzine on signing such an important piece of legislation - one that now brings our state one step closer to full accountability on all levels of government."

Under the bill, municipal clerks would be required to file an official list of committee members with the county clerk within 20 days after a committee's first meeting following the primary election. This list would be considered a government document available to the public upon request.

"This is a crucial step toward more accountability and transparency at every government level," said Assemblywoman Linda Greenstein (D-Middlesex/Mercer). "It's long overdue and a welcome addition to making government more open and accountable to the people."

"More transparency and openness is always a good thing," said Assemblywoman Valerie Vainieri Huttle (D-Bergen). "This law will put even more emphasis on that goal and make county politics more accessible and accountable to the people."

In addition, procedures for removing committee officers who are unwilling or unable to serve, is required to be included in the organization's constitutions and bylaws. A member's resignation must be accompanied by a notarized letter of resignation signed by that committee member, or, if the resigning committee member fails to provide such a letter, by a notarized letter stating that the resignation has occurred. The chair of a county committee would have a continuing duty to report changes in the committee membership, with appropriate documentation, to the county clerk.

"We're simply doing what should have done long ago - shining more light upon what can often be a key government process seldom seen by the public," said Assemblyman Gordon Johnson (D-Bergen). "This is a positive step in the right direction for all New Jerseyans."

"We can't have fair and open government without a fair and open political process. This law will begin a long overdue effort to level the playing field for candidates that aren't part of the good ol' boys club," said Assemblywoman Amy Handlin, (R-Monmouth/ Middlesex).

Harry Pozyski Chair of the Citizens' Campaign which developed the Party Democracy Act said, "This law will ensure that county party committee people know the rules of the game, know who the players are, and guarantee they are able to vote their conscience when filling county and state legislative vacancies. It lays the foundation for the grassroots of the parties to decide who gets endorsed for major offices and to set the political parties' priorities on issues."

"This new law goes a long way in ending the era of 'top-down' political party rule," said Assemblywoman Charlotte Vandervalk, (R-Bergen). "It gives meaning to government by and for the people as it provides for increased citizen participation in the decision-making process of county political parties."

###

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