

19:32-26.1

LEGISLATIVE HISTORY CHECKLIST
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(Deputy Supt. of Elections--
establish office)

NJSA: 19:32-26.1

LAWS OF: 1992 CHAPTER: 17

BILL NO: S245

SPONSOR(S): Bubba

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: State Government

SENATE: Community Affairs

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
by asterisks

DATE OF PASSAGE: ASSEMBLY: June 4, 1992

SENATE: April 2, 1992

DATE OF APPROVAL: June 12, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS:

KBG:pp

[FIRST REPRINT]

SENATE, No. 245

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Senator BUBBA

1 AN ACT creating the office of deputy superintendent of elections
2 in certain counties, amending P.L.1947, c.167, and
3 supplementing chapter 32 of Title 19 of the Revised Statutes.
4

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

7 1. (New section) The governing body of a county of the second
8 class in which the office of superintendent of elections for the
9 county has been established pursuant to section 1 of P.L.1947,
10 c.167 (C.19:32-26) may establish, by ordinance or resolution, as
11 appropriate, the office of deputy superintendent of elections.
12 The office of deputy superintendent of elections in each such
13 county shall be filled by a suitable person who shall be nominated
14 by the Governor with the advice and consent of the Senate, who
15 shall not be from the same political party as the superintendent
16 of elections, and who shall hold office for a term of five years,
17 running concurrently with the term of the superintendent and
18 until the deputy superintendent's successor is appointed and has
19 qualified. The initial appointment to the office of deputy
20 superintendent of elections may be for a partial term, as
21 appropriate. Vacancies shall be filled in the same manner as the
22 original appointment but shall be for the unexpired term only.
23 The annual salary of a deputy superintendent of elections shall be
24 90% of the salary received by the superintendent of elections of
25 the same county for performing the duties of superintendent of
26 elections and commissioner of registration. The office of the
27 deputy superintendent of elections shall be located in the county
28 making the appointment.

29 2. (New section) A deputy superintendent of elections
30 appointed pursuant to section 1 of P.L. , c. (C.) (now
31 pending before the Legislature as this bill) shall assist the
32 superintendent of elections in the performance of the
33 superintendent's duties, shall serve as superintendent in the
34 absence of the superintendent, and shall have such powers and
35 duties as the superintendent may delegate from time to time. In
36 addition, the deputy superintendent is constituted the chief
37 deputy of the superintendent and shall have all of the powers and
38 duties of the chief deputy. No county with a deputy
39 superintendent so appointed shall also have a chief deputy
40 appointed pursuant to R.S.19:32-27.

41 3. Section 1 of P.L.1947, c.167 (C.19:32-26) is amended to
42 read as follows:

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:

¹ Senate SCO committee amendments adopted February 13, 1992.

1 1. In any county of the second class and in any county of the
2 fifth class, the governing body may establish, by ordinance or
3 resolution, as appropriate, the office of superintendent of
4 elections for the county, and said office when once established
5 shall not be altered or abolished.

6 The governing body shall file a certified copy of such ordinance
7 or resolution, attested by the chief elected executive officer or
8 director of the board of freeholders, if appropriate and clerk of
9 the board, in the office of the Secretary of State within 10 days
10 after adoption, and the ordinance or resolution shall take effect
11 at the expiration of 30 days after the next primary election for
12 the general election, or the next general election, after adoption
13 whichever shall occur first.

14 The office so established shall be filled by some suitable person
15 who shall be nominated by the Governor with the advice and
16 consent of the Senate for a term of five years from the date of
17 his appointment and until his successor is appointed and shall
18 have qualified. In the event that no such appointment to such
19 office is made within 30 days following the taking effect of the
20 ordinance or resolution, heretofore or hereafter adopted, of the
21 governing body of the county, as herein provided, then the
22 governing body of the county shall appoint some suitable person
23 to fill such office for a term of five years from the date of
24 appointment and until the successor of such person is in the same
25 manner appointed and shall have qualified. The governing body
26 shall file notice of such appointment in the office of the
27 Secretary of State.

28 Each superintendent so appointed in a county of the fifth class
29 shall receive a salary of ¹not less than¹ \$4,000 ¹nor more than
30 \$8,000¹ per annum and each superintendent so appointed in a
31 county of the second class shall receive a salary in such amount,
32 not less than \$4,000 per annum, as shall be ¹[fixed] determined¹
33 by the ¹governing body of the¹ county ¹[governing body]¹; such
34 salaries shall be paid by the county treasurer and the
35 superintendent shall have his office in the county for which he is
36 appointed.

37 Any vacancy occurring in such office of superintendent of
38 elections shall be filled in the same manner as the original
39 appointment to such office was made, but for the unexpired
40 term. Any person filling a vacancy shall be from the same
41 political party as the original appointee.

42 (cf: P.L.1989, c.160, s.3)

43 4. Section 2 of P.L.1947, c.167 (C.19:32-27) is amended to
44 read as follows:

45 2. [Each] Except as provided in section 2 of P.L. ,
46 c. (C.) (now pending before the Legislature as this bill),
47 each superintendent may appoint a chief deputy, a clerk, a
48 secretary and any other assistants he considers necessary to carry
49 out the provisions of this Title, and may remove the same
50 whenever he deems it necessary. Those so appointed shall not be
51 subject to any of the provisions of Title 11, Civil Service, but
52 shall be in the unclassified service. Each superintendent shall fix
53 the salaries of the persons so appointed and such salaries
54 certified to and approved under his hand shall be paid
55 semimonthly by the county treasurer of the county in which such

1 persons are so engaged. All other necessary expenses incurred in
2 carrying out the provisions of this Title when certified to and
3 approved by the superintendent shall be paid by the county
4 treasurer of the county in which the superintendent shall
5 maintain his office.

6 (cf: P.L.1947, c.167, s.2)

7 5. Section 24 of P.L.1947, c.167 (C.19:32-49) is amended to
8 read as follows:

9 24. In addition to the foregoing, the superintendent of
10 elections is constituted the commissioner of registration for the
11 county and he shall, within the county, have and exercise all the
12 powers of, and be charged with all the duties had and exercised
13 and required to be performed by, the superintendent of elections
14 and the commissioner of registration in any county, including the
15 custody and control of voting machines heretofore or hereafter
16 installed in the county in any manner provided by law, except
17 those heretofore or hereafter installed in any municipality by the
18 governing body thereof, which shall be placed and remain in the
19 custody of the municipal clerk unless taken over the county
20 according to law. The deputy superintendent of elections in
21 counties of the first class, and in counties of the second class in
22 which the governing body has established the office of
23 superintendent of elections for the county, is constituted the
24 deputy commissioner of registration.

25 (cf: P.L.1982, c.46, s.5)

26 6. This act shall take effect immediately.

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31 _____
32 Establishes office of deputy superintendent of elections in certain
counties.

1 carrying out the provisions of this Title when certified to and
2 approved by the superintendent shall be paid by the county
3 treasurer of the county in which the superintendent shall
4 maintain his office.

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17 governing body thereof, which shall be placed and remain in the
18 custody of the municipal clerk unless taken over the county
19 according to law. The deputy superintendent of elections in
20 counties of the first class, and in counties of the second class in
21 which the governing body has established the office of
22 superintendent of elections for the county, is constituted the
23 deputy commissioner of registration.

24 (cf: P.L.1982, c.46, s.5)

25 6. This act shall take effect immediately.

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STATEMENT

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30 This bill creates the office of deputy superintendent of
31 elections in counties of the second class in which the governing
32 body has established the office of superintendent of elections for
33 the county.

34 According to the provisions of the bill, the deputy
35 superintendent of elections is to be nominated by the Governor
36 with the advice and consent of the Senate and is not to be from
37 the same political party as the superintendent of elections. The
38 term of office of the deputy superintendent is to be five years.
39 The powers and duties of the deputy superintendent of elections
40 include assisting the superintendent of elections in the
41 performance of his duties, serving as superintendent in the
42 absence of the superintendent, and fulfilling any other powers and
43 duties delegated to him by the superintendent. The salary of the
44 deputy superintendent is to be 90% of the salary of the
45 superintendent.

46 This bill also requires that when there is a vacancy in the
47 office of superintendent of elections, any person filling the
48 vacancy must be of the same political party as the original
49 appointee.

50 Under current law, section 1 of P.L.1947, c.167 (C.19:32-26),
51 the governing body of a county of the second class may establish
52 the office of superintendent of elections for the county. The
53 salary of the superintendent of elections is an amount fixed by
54 the governing body of the county, but may not be less than \$4,000

1 per year.

2 Counties of the first class are required by current law to
3 establish the office of superintendent of elections (R.S.19:32-1)
4 and the office of deputy superintendent of elections (P.L.1982,
5 c.46, s.1; C.19:32-1.1).

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10 Establishes office of deputy superintendent of elections in certain
11 counties.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 245

STATE OF NEW JERSEY

DATED: MAY 11, 1992

The Assembly State Government Committee reports favorably Senate Bill No. 245 [1R].

This bill revises provisions of Title 19 (Elections) concerning certain county elections officers.

1. The bill authorizes the governing body of any county of the second class in which the office of superintendent of elections has been established to create the office of deputy superintendent of elections. The deputy superintendent of elections is to be nominated by the Governor with the advice and consent of the Senate and is not to be from the same political party as the superintendent.

The term of office of the deputy superintendent is to be five years, and that term is to run concurrently with the five-year term of the superintendent. The legislation allows the initial appointment of a deputy superintendent to be made for a partial term so that the concurrence of terms may be effected.

The salary of the deputy superintendent is to be 90% of the salary of the superintendent.

The powers and duties of the deputy superintendent of elections are to include assisting the superintendent of elections in the performance of his duties, serving as superintendent in the absence of the superintendent, and fulfilling any other powers and duties delegated to the deputy by the superintendent.

In any second class county in which the office of deputy superintendent is established, the deputy superintendent is to be constituted the chief deputy of the superintendent. The position of chief deputy in such a county, which the superintendent is presently authorized to fill by appointment, would no longer exist.

2. The bill provides that when there is a vacancy in the office of superintendent of elections in a second or fifth class county, any person filling the vacancy for the unexpired term must be of the same political party as the original appointee.

3. Finally, the bill revises the statutory provision governing the salary of superintendents of election in fifth class counties. Under present law, that salary is fixed at \$4,000 per year; under the bill, the salary would be set by the governing body of the county, but could be not less than \$4,000 nor more than \$8,000 per year.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 245

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 1992

The Senate Community Affairs Committee reports favorably Senate Bill No. 245 with Senate committee amendments.

Senate Bill No. 245 creates the office of deputy superintendent of elections in counties of the second class in which the governing body has established the office of superintendent of elections for the county.

According to the provisions of the bill, the deputy superintendent of elections is to be nominated by the Governor with the advice and consent of the Senate and is not to be from the same political party as the superintendent of elections. The term of office of the deputy superintendent is to be five years. The powers and duties of the deputy superintendent of elections include assisting the superintendent of elections in the performance of his duties, serving as superintendent in the absence of the superintendent, and fulfilling any other powers and duties delegated to him by the superintendent. The salary of the deputy superintendent is to be 90% of the salary of the superintendent.

This bill also requires that when there is a vacancy in the office of superintendent of elections, any person filling the vacancy must be of the same political party as the original appointee.

Under current law, section 1 of P.L.1947, c.167 (C.19:32-26), the governing body of a county of the second class may establish the office of superintendent of elections for the county. The salary of the superintendent of elections is an amount fixed by the governing body of the county, but may not be less than \$4,000 per year.

Counties of the first class are required by current law to establish the office of superintendent of elections (R.S.19:32-1) and the office of deputy superintendent of elections (P.L.1982, c.46, s.1; C.19:32-1.1).

The committee amended the bill to conform section 3 of the bill with the provisions of P.L.1989, c.160, which was enacted after S-245 was originally introduced.

This bill was pre-filed for introduction in the 1992 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.