

VETO MESSAGE: Yes

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HEARINGS: No

NEWSPAPER ARTICLES: No

RH/CL

P.L. 2018, CHAPTER 163, *approved December 20, 2018*
Senate, No. 2531 (*Third Reprint*)

1 AN ACT concerning the offices of superintendent of elections and
2 deputy superintendent of elections, amending P.L.1947, c.167,
3 and supplementing chapter 32 of Title 19 of the Revised Statutes.
4

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

7
8 1. (New section) a. Upon the adoption of a resolution or
9 ordinance, as appropriate, the governing body of a county ³**[¹that**
10 **meets the criteria under subsection c. of this section¹]**³ may abolish
11 the office of superintendent of elections and the office of deputy
12 superintendent of elections in the county, and the functions, powers,
13 and duties of each office shall be transferred to and assumed by the
14 county board of elections. The transfer of the functions, powers,
15 and duties of the office of the superintendent of elections and the
16 office of the deputy superintendent of elections shall be completed
17 no later than the 90th day following the adoption of the ordinance
18 or resolution, as appropriate, and the term of office of each
19 individual holding each office shall be terminated no later than that
20 90th day.

21 b. Whenever reference is made in any statute, regulation,
22 document or judicial proceeding to the office of superintendent of
23 elections or the office of deputy superintendent of elections
24 concerning the functions, powers, and duties that had been vested
25 therein prior to their abolishment pursuant to subsection a. of this
26 section, the same shall mean and refer to the county board of
27 elections.

28 ¹c. ³**[A county shall be eligible to abolish the offices of**
29 **superintendent and deputy superintendent of elections pursuant to**
30 **this act, P.L. , c. (C.) (pending before the Legislature as this**
31 **bill), if it is a county of the second class with a population of**
32 **between 510,000 and 515,000 persons according to the 2010 federal**
33 **decennial census for New Jersey.**¹³

34 ²**Notwithstanding any provision of subsection b. of section 3 of**
35 **P.L.2015, c.249 (C.40A:4-45.45b) to the contrary,**³ **and subject to**
36 **approval by the Director of the Division of Local Government**

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SSG committee amendments adopted May 14, 2018.

²Assembly ASL committee amendments adopted October 18, 2018.

³Senate amendments adopted in accordance with Governor's recommendations December 17, 2018.

1 Services in the Department of Community Affairs,³ all expenses,
 2 including salaries, of such county's board of elections shall be
 3 exempt from the requirements of that subsection for the budget year
 4 next succeeding the budget year in which a resolution or an
 5 ordinance, as appropriate, is adopted pursuant to subsection a. of
 6 this section.² ³The director shall approve an exemption of expenses
 7 from the requirements of subsection b. of section 3 of P.L.2015,
 8 c.249 (C.40A:4-45.45b) pursuant to this subsection if: (1) the
 9 director determines that the expenses are reasonable and will result
 10 in long-term savings for the county; and (2) the county board of
 11 election's budget request for the budget year is less than the
 12 aggregate amount of the budget requests submitted to the county
 13 governing body by the office of the superintendent of elections, the
 14 office of the deputy superintendent of elections, and the board of
 15 elections in the last preceding budget year.³

16
 17 2. (New section) Once the office of superintendent of
 18 elections and the office of deputy superintendent of elections has
 19 been abolished in a county pursuant to P.L. , c. (C.) (pending
 20 before the Legislature as this bill), the county shall not be permitted
 21 to re-establish the offices and return to them the functions, powers,
 22 and duties provided by law until the following requirements have
 23 been met in the following order:

24 a. at least five years shall have passed since the offices were
 25 abolished;

26 b. a new ordinance or resolution, as appropriate, providing for
 27 the re-establishment of the office of superintendent of elections and
 28 the office of deputy superintendent of elections, and the return of
 29 the functions, powers, and duties of each office provided by law
 30 from the county board of elections, shall be adopted by the county's
 31 governing body and a certified copy of the ordinance or resolution,
 32 as appropriate, together with a tally of the vote to adopt it, shall be
 33 filed with the Secretary of State within 10 days after the adoption;

34 c. a written report shall be prepared for the secretary that:

35 (1) explains why the governing body of the county believes the
 36 re-establishment of the office of superintendent and the office of
 37 deputy superintendent ³**[are]** is³ necessary;

38 (2) presents a plan for how the offices shall be re-established
 39 and shall work in conjunction with the county clerk and the county
 40 board of elections; and

41 (3) includes the financial information necessary to prove that re-
 42 establishing the offices shall improve the efficiency and reduce the
 43 cost of:

44 (a) operating and administering State, county, school,
 45 municipal, special, and federal elections;

46 (b) maintaining and distributing voting machines; and

1 (c) overseeing the administration of voter registration in the
2 county; and

3 d. the re-establishment of the office of superintendent of
4 elections and the office of deputy superintendent of elections shall
5 be approved by the secretary after the secretary has had a maximum
6 of 90 days to review the report. The secretary shall be authorized to
7 receive answers to such questions that the secretary deems
8 necessary to ask to ensure that the operation and administration of
9 elections, maintenance and distribution of voting machines, and
10 administration of voter registration shall be conducted by the
11 county in the most efficient and cost-effective manner possible.

12 In the event that the secretary decides that the office of
13 superintendent of elections and the office of deputy superintendent
14 of elections should be re-established in a county, qualified
15 individuals to serve in each office shall be appointed as provided by
16 law and the functions, powers, and duties of the offices shall be re-
17 established within one year after the secretary's decision.

18

19 3. (New section) An individual shall be appointed to fill the
20 office of superintendent of elections pursuant to section 1 of
21 P.L.1947, c.167 (C.19:32-26) ¹【or R.S.19:32-1, as appropriate】¹,
22 and an individual shall be appointed to fill the office of deputy
23 superintendent of elections pursuant to section 1 of P.L.1992, c.17
24 (C.19:32-26.1) ¹【or section 1 of P.L.1982, c.46 (C.19:32-1.1), as
25 appropriate】¹, in a county if the offices are re-established pursuant
26 to section 2 of P.L. , c. (C.) (pending before the Legislature
27 as this bill).

28

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

31 1. In any county of the second class and in any county of the
32 fifth class, the governing body may establish, by ordinance or
33 resolution, as appropriate, the office of superintendent of elections
34 for the county, and said office when once established ³【shall not】
35 may³ be altered or abolished ³【, except as provided pursuant to】 in
36 accordance with the provisions of³ P.L. , c. (C.) (pending
37 before the Legislature as this bill).

38 The governing body shall file a certified copy of such ordinance
39 or resolution, attested by the chief elected executive officer or
40 director of the board of freeholders, if appropriate and clerk of the
41 board, in the office of the Secretary of State within 10 days after
42 adoption, and the ordinance or resolution shall take effect at the
43 expiration of 30 days after the next primary election for the general
44 election, or the next general election, after adoption whichever shall
45 occur first.

46 The office so established shall be filled by some suitable person
47 who shall be nominated by the Governor with the advice and

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1 consent of the Senate for a term of five years from the date of his
2 appointment and until his successor is appointed and shall have
3 qualified. In the event that no such appointment to such office is
4 made within 30 days following the taking effect of the ordinance or
5 resolution, heretofore or hereafter adopted, of the governing body
6 of the county, as herein provided, then the governing body of the
7 county shall appoint some suitable person to fill such office for a
8 term of five years from the date of appointment and until the
9 successor of such person is in the same manner appointed and shall
10 have qualified. The governing body shall file notice of such
11 appointment in the office of the Secretary of State.

12 Each superintendent so appointed in a county of the fifth class
13 shall receive a salary of not less than \$4,000 nor more than \$8,000
14 per annum and each superintendent so appointed in a county of the
15 second class shall receive a salary in such amount, not less than
16 \$4,000 per annum, as shall be determined by the governing body of
17 the county; such salaries shall be paid by the county treasurer and
18 the superintendent shall have his office in the county for which he is
19 appointed.

20 Any vacancy occurring in such office of superintendent of
21 elections shall be filled in the same manner as the original
22 appointment to such office was made, but for the unexpired term.
23 Any person filling a vacancy shall be from the same political party
24 as the original appointee.

25 (cf: P.L.1992, c.17, s.3)

26

27 5. This act shall take effect immediately.

28

29

30

31

32 _____
33 Allows county governing body in certain counties to abolish
34 offices of superintendent and deputy superintendent of elections and
transfer functions to county board of elections.

SENATE, No. 2531

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED MAY 10, 2018

Sponsored by:
Senator JAMES BEACH
District 6 (Burlington and Camden)

SYNOPSIS

Allows county governing body to abolish offices of superintendent and deputy superintendent of elections and transfer functions to county board of elections.

CURRENT VERSION OF TEXT

As introduced.



S2531 BEACH

2

1 AN ACT concerning the offices of superintendent of elections and
2 deputy superintendent of elections, amending P.L.1947, c.167,
3 and supplementing chapter 32 of Title 19 of the Revised Statutes.

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

7
8 1. (New section) a. Upon the adoption of a resolution or
9 ordinance, as appropriate, the governing body of a county may
10 abolish the office of superintendent of elections and the office of
11 deputy superintendent of elections in the county, and the functions,
12 powers, and duties of each office shall be transferred to and
13 assumed by the county board of elections. The transfer of the
14 functions, powers, and duties of the office of the superintendent of
15 elections and the office of the deputy superintendent of elections
16 shall be completed no later than the 90th day following the adoption
17 of the ordinance or resolution, as appropriate, and the term of office
18 of each individual holding each office shall be terminated no later
19 than that 90th day.

20 b. Whenever reference is made in any statute, regulation,
21 document or judicial proceeding to the office of superintendent of
22 elections or the office of deputy superintendent of elections
23 concerning the functions, powers, and duties that had been vested
24 therein prior to their abolishment pursuant to subsection a. of this
25 section, the same shall mean and refer to the county board of
26 elections.

27
28 2. (New section) Once the office of superintendent of elections
29 and the office of deputy superintendent of elections has been
30 abolished in a county pursuant to P.L. , c. (C.) (pending
31 before the Legislature as this bill), the county shall not be permitted
32 to re-establish the offices and return to them the functions, powers,
33 and duties provided by law until the following requirements have
34 been met in the following order:

35 a. at least five years shall have passed since the offices were
36 abolished;

37 b. a new ordinance or resolution, as appropriate, providing for
38 the re-establishment of the office of superintendent of elections and
39 the office of deputy superintendent of elections, and the return of
40 the functions, powers, and duties of each office provided by law
41 from the county board of elections, shall be adopted by the county's
42 governing body and a certified copy of the ordinance or resolution,
43 as appropriate, together with a tally of the vote to adopt it, shall be
44 filed with the Secretary of State within 10 days after the adoption;

45 c. a written report shall be prepared for the secretary that:

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.

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1 (1) explains why the governing body of the county believes the
2 re-establishment of the office of superintendent and the office of
3 deputy superintendent are necessary;

4 (2) presents a plan for how the offices shall be re-established
5 and shall work in conjunction with the county clerk and the county
6 board of elections; and

7 (3) includes the financial information necessary to prove that re-
8 establishing the offices shall improve the efficiency and reduce the
9 cost of:

10 (a) operating and administering State, county, school,
11 municipal, special, and federal elections;

12 (b) maintaining and distributing voting machines; and

13 (c) overseeing the administration of voter registration in the
14 county; and

15 d. the re-establishment of the office of superintendent of
16 elections and the office of deputy superintendent of elections shall
17 be approved by the secretary after the secretary has had a maximum
18 of 90 days to review the report. The secretary shall be authorized to
19 receive answers to such questions that the secretary deems
20 necessary to ask to ensure that the operation and administration of
21 elections, maintenance and distribution of voting machines, and
22 administration of voter registration shall be conducted by the
23 county in the most efficient and cost-effective manner possible.

24 In the event that the secretary decides that the office of
25 superintendent of elections and the office of deputy superintendent
26 of elections should be re-established in a county, qualified
27 individuals to serve in each office shall be appointed as provided by
28 law and the functions, powers, and duties of the offices shall be re-
29 established within one year after the secretary's decision.

30
31 3. (New section) An individual shall be appointed to fill the
32 office of superintendent of elections pursuant to section 1 of
33 P.L.1947, c.167 (C.19:32-26) or R.S.19:32-1, as appropriate, and an
34 individual shall be appointed to fill the office of deputy
35 superintendent of elections pursuant to section 1 of P.L.1992, c.17
36 (C.19:32-26.1) or section 1 of P.L.1982, c.46 (C.19:32-1.1), as
37 appropriate, in a county if the offices are re-established pursuant to
38 section 2 of P.L. , c. (C.) (pending before the Legislature as
39 this bill).

40
41 4. Section 1 of P.L.1947, c.167 (C.19:32-26) is amended to
42 read as follows:

43 1. In any county of the second class and in any county of the
44 fifth class, the governing body may establish, by ordinance or
45 resolution, as appropriate, the office of superintendent of elections
46 for the county, and said office when once established shall not be
47 altered or abolished, except as provided pursuant to P.L. ,
48 c. (C.) (pending before the Legislature as this bill).

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

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

22 Each superintendent so appointed in a county of the fifth class
23 shall receive a salary of not less than \$4,000 nor more than \$8,000
24 per annum and each superintendent so appointed in a county of the
25 second class shall receive a salary in such amount, not less than
26 \$4,000 per annum, as shall be determined by the governing body of
27 the county; such salaries shall be paid by the county treasurer and
28 the superintendent shall have his office in the county for which he is
29 appointed.

30 Any vacancy occurring in such office of superintendent of
31 elections shall be filled in the same manner as the original
32 appointment to such office was made, but for the unexpired term.
33 Any person filling a vacancy shall be from the same political party
34 as the original appointee.

35 (cf: P.L.1992, c.17, s.3)

36

37 5. This act shall take effect immediately.

38

39

40

STATEMENT

41

42 Under current law, counties of the first class are required to
43 establish the offices of superintendent and deputy superintendent of
44 elections, and counties of the second and fifth class are permitted to
45 establish such offices. The superintendent and deputy
46 superintendent of elections in counties with such offices are
47 responsible for certain election administration functions, such as

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1 maintaining and distributing voting machines and overseeing voter
2 registration.

3 This bill allows the county governing body to adopt an ordinance
4 or resolution, as appropriate, to abolish the offices of superintendent
5 and deputy superintendent of elections, and to transfer their
6 functions, powers, and duties to the county board of elections. The
7 bill also includes a procedure by which the county governing body
8 may re-establish the abolished offices not sooner than five years
9 later, by passing another ordinance or resolution to do so, subject to
10 approval by the Secretary of State.

11 Currently, the following counties have offices of superintendent
12 and deputy superintendent of elections: Bergen, Essex, and Hudson
13 (all of the first class counties); Burlington, Camden, Gloucester, and
14 Mercer (four of the nine second class counties); and Atlantic and
15 Monmouth (two of the three fifth class counties).

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2531

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 18, 2018

The Assembly State and Local Government Committee reports favorably and with committee amendments Senate Bill No. 2531 1R.

Under current law, counties of the first class are required to establish the offices of superintendent and deputy superintendent of elections, and counties of the second and fifth class are permitted to establish such offices. The superintendent and deputy superintendent of elections in counties with such offices are responsible for certain election administration functions, such as maintaining and distributing voting machines and overseeing voter registration.

This bill, as amended, allows the county governing body of an eligible county to adopt an ordinance or resolution, as appropriate, to abolish the offices of superintendent and deputy superintendent of elections, and to transfer their functions, powers, and duties to the county board of elections. The bill also includes a procedure by which the county governing body may re-establish the abolished offices not sooner than five years later, by passing another ordinance or resolution to do so, subject to approval by the Secretary of State.

Under the bill, as amended, a county would be eligible to abolish the offices of superintendent and deputy superintendent of elections if it is a county of the second class with a population of between 510,000 and 515,000 persons according to the 2010 federal decennial census for New Jersey. The bill also provides that election expenses not currently exempt from the two-percent property tax levy cap, such as salaries, would be exempt from the cap for the budget year following adoption of an ordinance or resolution abolishing the office of the superintendent and deputy superintendent of elections and transferring thereof to the county board of elections.

COMMITTEE AMENDMENTS

The committee amended the bill to provide an exception to the two-percent property tax levy cap for election expenses not currently exempt from the cap, such as salaries, for the budget year following adoption of an ordinance or resolution abolishing the office of the superintendent and deputy superintendent of elections and transferring thereof to the county board of elections.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO
SENATE, No. 2531

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 14, 2018

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably and with committee amendments Senate Bill No. 2531.

Under current law, counties of the first class are required to establish the offices of superintendent and deputy superintendent of elections, and counties of the second and fifth class are permitted to establish such offices. The superintendent and deputy superintendent of elections in counties with such offices are responsible for certain election administration functions, such as maintaining and distributing voting machines and overseeing voter registration.

This bill, as amended, allows the county governing body of an eligible county to adopt an ordinance or resolution, as appropriate, to abolish the offices of superintendent and deputy superintendent of elections, and to transfer their functions, powers, and duties to the county board of elections. The bill also includes a procedure by which the county governing body may re-establish the abolished offices not sooner than five years later, by passing another ordinance or resolution to do so, subject to approval by the Secretary of State.

Under the bill, as amended, a county would be eligible to abolish the offices of superintendent and deputy superintendent of elections if it is a county of the second class with a population of between 510,000 and 515,000 persons according to the 2010 federal decennial census for New Jersey.

COMMITTEE AMENDMENTS

The committee amended the bill to limit its application to a county of the second class with a population of between 510,000 and 515,000 persons according to the 2010 federal decennial census for New Jersey.

ASSEMBLY, No. 4072

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 4, 2018

Sponsored by:

Assemblywoman PATRICIA EGAN JONES
District 5 (Camden and Gloucester)

SYNOPSIS

Allows county governing body in certain counties to abolish offices of superintendent and deputy superintendent of elections and transfer functions to county board of elections.

CURRENT VERSION OF TEXT

As introduced.



A4072 JONES

2

1 AN ACT concerning the offices of superintendent of elections and
2 deputy superintendent of elections, amending P.L.1947, c.167,
3 and supplementing chapter 32 of Title 19 of the Revised Statutes.

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

7
8 1. (New section) a. Upon the adoption of a resolution or
9 ordinance, as appropriate, the governing body of a county that
10 meets the criteria under subsection c. of this section may abolish the
11 office of superintendent of elections and the office of deputy
12 superintendent of elections in the county, and the functions, powers,
13 and duties of each office shall be transferred to and assumed by the
14 county board of elections. The transfer of the functions, powers,
15 and duties of the office of the superintendent of elections and the
16 office of the deputy superintendent of elections shall be completed
17 no later than the 90th day following the adoption of the ordinance
18 or resolution, as appropriate, and the term of office of each
19 individual holding each office shall be terminated no later than that
20 90th day.

21 b. Whenever reference is made in any statute, regulation,
22 document or judicial proceeding to the office of superintendent of
23 elections or the office of deputy superintendent of elections
24 concerning the functions, powers, and duties that had been vested
25 therein prior to their abolishment pursuant to subsection a. of this
26 section, the same shall mean and refer to the county board of
27 elections.

28 c. A county shall be eligible to abolish the offices of
29 superintendent and deputy superintendent of elections pursuant to
30 this act, P.L. , c. (C.) (pending before the Legislature as this
31 bill), if it is a county of the second class with a population of
32 between 510,000 and 515,000 persons according to the 2010 federal
33 decennial census for New Jersey.

34
35 2. (New section) Once the office of superintendent of
36 elections and the office of deputy superintendent of elections has
37 been abolished in a county pursuant to P.L. , c. (C.) (pending
38 before the Legislature as this bill), the county shall not be permitted
39 to re-establish the offices and return to them the functions, powers,
40 and duties provided by law until the following requirements have
41 been met in the following order:

42 a. at least five years shall have passed since the offices were
43 abolished;

44 b. a new ordinance or resolution, as appropriate, providing for
45 the re-establishment of the office of superintendent of elections and
46 the office of deputy superintendent of elections, and the return of

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

Matter underlined thus is new matter.

1 the functions, powers, and duties of each office provided by law
2 from the county board of elections, shall be adopted by the county's
3 governing body and a certified copy of the ordinance or resolution,
4 as appropriate, together with a tally of the vote to adopt it, shall be
5 filed with the Secretary of State within 10 days after the adoption;

6 c. a written report shall be prepared for the secretary that:

7 (1) explains why the governing body of the county believes the
8 re-establishment of the office of superintendent and the office of
9 deputy superintendent are necessary;

10 (2) presents a plan for how the offices shall be re-established
11 and shall work in conjunction with the county clerk and the county
12 board of elections; and

13 (3) includes the financial information necessary to prove that re-
14 establishing the offices shall improve the efficiency and reduce the
15 cost of:

16 (a) operating and administering State, county, school,
17 municipal, special, and federal elections;

18 (b) maintaining and distributing voting machines; and

19 (c) overseeing the administration of voter registration in the
20 county; and

21 d. the re-establishment of the office of superintendent of
22 elections and the office of deputy superintendent of elections shall
23 be approved by the secretary after the secretary has had a maximum
24 of 90 days to review the report. The secretary shall be authorized to
25 receive answers to such questions that the secretary deems
26 necessary to ask to ensure that the operation and administration of
27 elections, maintenance and distribution of voting machines, and
28 administration of voter registration shall be conducted by the
29 county in the most efficient and cost-effective manner possible.

30 In the event that the secretary decides that the office of
31 superintendent of elections and the office of deputy superintendent
32 of elections should be re-established in a county, qualified
33 individuals to serve in each office shall be appointed as provided by
34 law and the functions, powers, and duties of the offices shall be re-
35 established within one year after the secretary's decision.

36
37 3. (New section) An individual shall be appointed to fill the
38 office of superintendent of elections pursuant to section 1 of
39 P.L.1947, c.167 (C.19:32-26), and an individual shall be appointed
40 to fill the office of deputy superintendent of elections pursuant to
41 section 1 of P.L.1992, c.17 (C.19:32-26.1), in a county if the offices
42 are re-established pursuant to section 2 of P.L. , c. (C.)
43 (pending before the Legislature as this bill).

44
45 4. Section 1 of P.L.1947, c.167 (C.19:32-26) is amended to
46 read as follows:

47 1. In any county of the second class and in any county of the
48 fifth class, the governing body may establish, by ordinance or
49 resolution, as appropriate, the office of superintendent of elections

1 for the county, and said office when once established shall not be
2 altered or abolished, except as provided pursuant to
3 P.L. , c. (C.) (pending before the Legislature as this bill).

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

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

25 Each superintendent so appointed in a county of the fifth class
26 shall receive a salary of not less than \$4,000 nor more than \$8,000
27 per annum and each superintendent so appointed in a county of the
28 second class shall receive a salary in such amount, not less than
29 \$4,000 per annum, as shall be determined by the governing body of
30 the county; such salaries shall be paid by the county treasurer and
31 the superintendent shall have his office in the county for which he is
32 appointed.

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

38 (cf: P.L.1992, c.17, s.3)

39

40 5. This act shall take effect immediately.

41

42

43

STATEMENT

44

45 Under current law, counties of the first class are required to
46 establish the offices of superintendent and deputy superintendent of
47 elections, and counties of the second and fifth class are permitted to
48 establish such offices. The superintendent and deputy
49 superintendent of elections in counties with such offices are

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1 responsible for certain election administration functions, such as
2 maintaining and distributing voting machines and overseeing voter
3 registration.

4 This bill allows the county governing body of an eligible county
5 to adopt an ordinance or resolution, as appropriate, to abolish the
6 offices of superintendent and deputy superintendent of elections,
7 and to transfer their functions, powers, and duties to the county
8 board of elections. The bill also includes a procedure by which the
9 county governing body may re-establish the abolished offices not
10 sooner than five years later, by passing another ordinance or
11 resolution to do so, subject to approval by the Secretary of State.

12 Under the bill a county would be eligible to abolish the offices of
13 superintendent and deputy superintendent of elections if it is a
14 county of the second class with a population of between 510,000
15 and 515,000 persons according to the 2010 federal decennial census
16 for New Jersey.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 4072

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 18, 2018

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 4072.

Under current law, counties of the first class are required to establish the offices of superintendent and deputy superintendent of elections, and counties of the second and fifth class are permitted to establish such offices. The superintendent and deputy superintendent of elections in counties with such offices are responsible for certain election administration functions, such as maintaining and distributing voting machines and overseeing voter registration.

This bill, as amended, allows the county governing body of an eligible county to adopt an ordinance or resolution, as appropriate, to abolish the offices of superintendent and deputy superintendent of elections, and to transfer their functions, powers, and duties to the county board of elections. The bill also includes a procedure by which the county governing body may re-establish the abolished offices not sooner than five years later, by passing another ordinance or resolution to do so, subject to approval by the Secretary of State.

Under the bill, a county would be eligible to abolish the offices of superintendent and deputy superintendent of elections if it is a county of the second class with a population of between 510,000 and 515,000 persons according to the 2010 federal decennial census for New Jersey. As amended, the bill also provides that election expenses not currently exempt from the two-percent property tax levy cap, such as salaries, would be exempt from the cap for the budget year following adoption of an ordinance or resolution abolishing the office of the superintendent and deputy superintendent of elections and transferring thereof to the county board of elections.

COMMITTEE AMENDMENTS:

The committee amended the bill to provide an exception to the two-percent property tax levy cap for election expenses not currently exempt from the cap, such as salaries, for the budget year following adoption of an ordinance or resolution abolishing the office of the superintendent and deputy superintendent of elections and transferring thereof to the county board of elections.

SENATE BILL NO. 2531
(Second Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 2531 (Second Reprint) with my recommendations for reconsideration.

This bill laudably seeks to reduce the salary costs of participating counties without diminishing the performance of election administration functions by allowing those counties to abolish their offices of the superintendent of elections and the deputy superintendent of elections and transfer the offices' responsibilities to the county board of elections. Because this legislation has the potential to lower costs for the participating counties, I fully support many of this bill's provisions and commend the sponsors for their efforts to streamline and consolidate government operations.

I am concerned, however, that this bill includes a provision that would exempt a participating county's board of elections expenses from the property tax levy cap for the budget year following the year in which the participating county elects to abolish its offices of the superintendent and deputy superintendent of elections. Such a provision could have the unintended consequence of undermining the fundamental goal of the bill, which is to promote cost savings for taxpayers. Therefore, I am recommending technical changes to protect property taxpayers by requiring that expenses exempt from the property tax levy cap under the bill will result in long-term savings for the county.

Additionally, the bill appears only to allow a single county to abolish the operation of its offices of the superintendent of elections and deputy superintendent of elections. In 2013, the State successfully implemented a pilot program to allow select

counties to suspend the operation of these offices. At the time the 2013 pilot legislation was enacted, Morris County had been operating without a superintendent of elections for four years and had achieved a cost savings of approximately \$2 million. See "Plan to Cut Superintendents Under Way," Bergen Record, February 13, 2013. Given the success of the prior pilot program and the proven ability of this measure to save taxpayer money, I believe that the opportunity to participate in this initiative should be expanded to other counties, should they decide to do so. Accordingly, I am proposing amendments to allow all counties of the second class as well as counties of the fifth class the ability to eliminate these offices, streamline their election procedures, and achieve cost savings for their residents.

Therefore, I herewith return Senate Bill No. 2531 (Second Reprint) and recommend that it be amended as follows:

- | | |
|--|--|
| <u>Page 2, Section 1, Line 9:</u> | Delete "that" |
| <u>Page 2, Section 1, Line 10:</u> | Delete "meets the criteria under subsection c. of this section" |
| <u>Page 2, Section 1, Lines 28:</u> | After "c." delete "A county shall be eligible to abolish the offices of" |
| <u>Page 2, Section 1, Lines 29-33:</u> | Delete in their entirety |
| <u>Page 2, Section 1, Line 35:</u> | After "contrary," insert "and subject to approval by the Director of the Division of Local Government Services in the Department of Community Affairs," |
| <u>Page 2, Section 1, Line 40:</u> | After "section." insert "The director shall approve an exemption of expenses from the requirements of subsection b. of section 3 of P.L.2015, c.249 (C.40A:4-45.45b) pursuant to this subsection if:

(1) the director determines that the expenses are reasonable and will result in long-term savings for the county; and

(2) the county board of election's budget request for |

the budget year is less than the aggregate amount of the budget requests submitted to the county governing body by the office of the superintendent of elections, the office of the deputy superintendent of elections, and the board of elections in the last preceding budget year."

Page 3, Section 2, Line 19:

Delete "are" and insert "is"

Page 4, Section 4, Line 14:

Delete "shall not" and insert "may"

Page 4, Section 4, Line 15:

Delete ", except as provided pursuant to" and insert "in accordance with the provisions of"

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor



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Newark, N.J.

Governor Murphy Takes Action on Legislation

12/17/2018

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

A360 (Chiaravalloti, Danielsen, Mukherji/Pou, Cruz-Perez) – Prohibits consumer reporting agencies from charging certain fees related to security freezes on consumer reports.

A1039 (Houghtaling, Dancer, Andrzejczak, Space, Taliaferro/Gopal, Oroho) – Directs the Division of Travel and Tourism to publish on its website information of farm-to-table restaurants.

A2182 (DeAngelo, Wimberly, Quijano/Scutari, Singleton) – Establishes an apprenticeship requirement to qualify for an electrical contractor's license.

A3112 (Benson, Mukherji, Karabinchak/Beach, Oroho) – Authorizes local units of government subject to "Local Public Contracts Law" and "Public School Contracts Law" to use electronic procurement technologies.

A3731 (Tully, Swain, Wimberly/Lagana) – Establishes "County Code Pilot Program" for certain counties.

A4102 (Johnson, DeAngelo/Weinberg) – Allows cigar bars and lounges to renew lapsed exemption from ban on indoor smoking under certain circumstances.

S724 (Greenstein, Diegnan/Pinkin, Giblin, Jasey) – Allows pharmacy interns and pharmacy externs to administer certain vaccines under direct supervision of pharmacist and requires reporting of certain vaccine administrations.

S869 (Sweeney, Cunningham, Oroho/Jimenez, Lagana, Vainieri Huttie, Benson) – Permits establishment by county and four-year institutions of higher education of three plus one degree programs for receipt of baccalaureate degree after spending three years at county college and one year at senior institution.

S870 (Sweeney, Cunningham/Jasey, Schaer, Calabrese) – Establishes Dual Enrollment Study Commission.

S1869 (Scutari/Caputo, Holley) – Prohibits sale of certain alarm business signs and decals.

S1958 (Gopal, Scutari/Mukherji, Lopez, DeAngelo) – Establishes permit to allow seasonal retail consumption license holders to sell alcoholic beverages during certain off-season dates.

S2397 (Gopal/Schaer, Karabinchak, Pinkin) – Requires institutions of higher education to provide alternative arrangements to students unable to complete certain assignments by regular due date or register for courses because of day of religious observance.

S2839 (Gopal, Oroho, Greenstein/Houghtaling, Zwicker, DeAngelo) – Makes General Fund supplemental appropriation of \$250,000 to New Jersey Manufacturing Extension Program, Inc.

[Copy of Statement on S2839](#)

S2845 (Vitale/Spearman, Mejia, Lopez) – Amends Fiscal Year 2019 appropriations act to revise increase in Work

First New Jersey benefits.

SJR18 (Pou, Greenstein/Murphy) – Establishes "Commission to Review Constructive Sentences of Life Imprisonment on Juvenile Offenders."

Additionally, Governor Murphy announced that he has conditionally vetoed the following bills:

A4342 (Tully, Swain, Benson, Jones/Lagana) – Requires public school student to carry identification card at school-sponsored, off-campus activities and requires principal to keep list of students on school buses used for school-sponsored activities in case of emergencies.

[Copy of Statement on A4342](#)

S393 (Madden, Singleton/DeAngelo, Murphy, Verrelli) – Establishes Talent Network Program in DOLWD.

[Copy of Statement on S393](#)

S1697 (Sarlo, Oroho/DeAngelo, Lagana, Space) – Exempts fuel used for operation of certain school buses from petroleum products gross receipts tax and motor fuel tax; clarifies tax treatment of certain dyed fuel thereunder; clarifies determination of taxable estates of certain decedents.

[Copy of Statement on S1697](#)

S2531 (Beach/Jones) – Allows county governing body in certain counties to abolish offices of superintendent and deputy superintendent of elections and transfer functions to county board of elections.

[Copy of Statement on S2531](#)

Governor Murphy also announced that he has absolute vetoed the following bills:

S2455 (Sweeney, Oroho/Murphy, McKnight, Mosquera) – Transfers county college employees and retirees from membership in SEHBP to membership in SHBP.

[Copy of Statement on S2455](#)

S3074 (Lagana/Pintor Marin, Greenwald) - Provides for procurement by State of pharmacy benefits manager, automated reverse auction services, and claims adjudication services.

[Copy of Statement on S3074](#)

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Newark, N.J.

Governor Murphy Takes Action on Legislation

12/20/2018

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

A4782 (Johnson, Wirths, Wimberly/Sarlo) – Provides clarification on applicability of “Predatory Towing Prevention Act” to commercial motor vehicles and charging of reasonable fees for certain non-consensual towing.

S866 w/GR (Sweeney, Vitale/Vainieri Huttle, Mukherji) – Extends eligibility for certain individuals for emergency assistance.

S2531 w/GR (Beach/Jones) – Allows county governing body in certain counties to abolish offices of superintendent and deputy superintendent of elections and transfer functions to county board of elections.

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