

# 19:44A-33.1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2001                    **CHAPTER:** 73  
**NJSA:** 19:44A-33.1 (2001 Primary election—date change)  
**BILL NO:** S2328 (Substituted for A3466)

**SPONSOR(S):** Bennett

**DATE INTRODUCED:** April 20, 2001

**COMMITTEE:**                    **ASSEMBLY:** ----

**SENATE:** ----

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**                    **ASSEMBLY:** April 23, 2001

**SENATE:** April 23, 2001

**DATE OF APPROVAL:** April 23, 2001

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (Original version of bill enacted)

**S2328**

**SPONSORS STATEMENT:** (Begins on page 6 of original bill)                    Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** No

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes

**A3466**

**SPONSORS STATEMENT:** (Begins on page 6 of original bill)                    Yes

Bill and Sponsors Statement identical to S2328

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

**SENATE:** No

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes

Identical to fiscal estimate for S2328

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"Later-primary bill would hike campaign-spending limits<" 4-21-2001 Home News & Tribune, p.A3

"Primary delay gets OK in NJ," 4-24-2001 The Press, p.A1

"New Jersey Legislature Votes to delay primaries 3 weeks," 4-24-2001 New York Times, p.B5

"Legislature looks to postpone primary election," 4-22-2001 Asbury Park Press, p.A3

# SENATE, No. 2328

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED APRIL 20, 2001

**Sponsored by:**

**Senator JOHN O. BENNETT**

**District 12 (Monmouth)**

**Co-Sponsored by:**

**Assemblyman Collins**

**SYNOPSIS**

Changes primary election date for 2001 from June 5 to June 26; increases expenditure and public financing limits for gubernatorial candidates for that primary election; provides public financing for certain primary gubernatorial candidates; makes appropriation.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 4/24/2001)**

S2328 BENNETT

2

1 AN ACT concerning the primary election for the general election in the  
2 year 2001 and gubernatorial candidates who receive public  
3 financing in a primary election, and amending the title and body of  
4 P.L.2001, c.50, supplementing P.L.1974, c.26 and making an  
5 appropriation.

6

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

9

10 1. The Legislature finds and declares:

11 a. A combination of several circumstances and events, some of  
12 them extraordinary, have forced the Legislature to change the date of  
13 the primary election for the general election in 2001.

14 b. These circumstances and events include the occurrence of  
15 legislative elections in odd-numbered years, the later than usual  
16 delivery of the official federal decennial census of the United States for  
17 New Jersey, the limited time available between when the  
18 Apportionment Commission announced new legislative districts and  
19 the filing date for petitions of nomination for the primary election and  
20 the legal challenges arising from the legislative district plan adopted by  
21 the commission.

22 c. The Legislature recognizes that changing the date of the primary  
23 election for the general election risks creating confusion among those  
24 political party members who are accustomed to voting for the  
25 candidates of their choice on the first Tuesday after the first Monday  
26 in June and increases the likelihood that overall voter turnout for the  
27 election may be affected.

28 d. Nevertheless, the Legislature believes it is compelled by  
29 extraordinary circumstances and events, largely beyond its control, to  
30 change the day of the primary from June 5 to June 26 for the year  
31 2001.

32 e. To help make this change known to as many candidates and  
33 members of the voting public as possible, the Legislature believes it is  
34 necessary to provide more notice to the public than usual.

35 f. The Legislature recognizes that these extraordinary circumstances  
36 cannot be met by an ordinary response and instead necessitate an  
37 extraordinary increase, above a simple per diem amount, in the amount  
38 of public funds that gubernatorial candidates who participate in the  
39 public financing program can receive in public funding for the primary  
40 election and can spend in total for that election because the campaign  
41 for nomination for that public office will be three weeks longer than it  
42 is regularly.

43 g. Such an increase will allow gubernatorial candidates, who are

**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 most visible of all the candidates seeking public office this year, to  
2 get the attention of many voters who may be concerned with families,  
3 friends and occupations, not governmental activities, and to spread the  
4 word to the citizens of the State about the change in the date of the  
5 primary election.

6  
7 2. The Title of P.L.2001, c.50 is amended to read as follows:

8 **AN ACT** concerning [the date for filing petitions of nomination for  
9 certain offices for] the primary election in the year 2001 and the  
10 expenditure and public financing limits for gubernatorial candidates  
11 for that primary election, and making an appropriation.

12  
13 3. Section 1 of P.L.2001, c.50 is amended to read as follows:

14 1. a. Notwithstanding the provisions of R.S.19:2-1, R.S.19:23-40  
15 or any other law to the contrary, the primary election for the general  
16 election in the year 2001 shall be held on the fourth Tuesday after the  
17 first Monday in June.

18 b. (1) Notwithstanding the provisions of R.S.19:23-14 or any other  
19 law, rule or regulation to the contrary, the petitions of nomination for  
20 candidates for the office of member of the Legislature for the primary  
21 election for the general election in the year 2001 shall be filed with the  
22 Attorney General no later than 4:00 p.m. of the 47th day next  
23 preceding the day of the holding of the primary election for the general  
24 election. The day by which petitions of nomination for all candidates  
25 other than candidates for the office of member of the Legislature shall  
26 be filed for the primary election in the year 2001 shall not be altered  
27 by any provision of this section and the filing day for all non-legislative  
28 candidates shall remain the day provided for in R.S.19:23-14 based on  
29 the day of the primary election set forth in R.S.19:2-1 and R.S.23-40  
30 regardless of the day of the primary election in the year 2001 set forth  
31 in subsection a. of this section. A candidate for the office of member  
32 of the Legislature who filed a petition on or before April 19, 2001  
33 shall not be required by this section to re-file a petition to be  
34 considered a candidate for nomination to that office; however, any  
35 such candidate who has filed a petition of nomination before the filing  
36 deadline established by this subsection based on the primary date  
37 designated in subsection a. of this section shall be permitted to  
38 withdraw that petition and file a petition of nomination by the deadline  
39 established by this subsection.

40 (2) For candidates with the committee provided for by R.S.19:23-  
41 12, the certificate provided for in that section shall be filed at least 48  
42 days before the day of the primary election as set forth in subsection  
43 a. of this section and that filing day shall not be altered by any  
44 provision of this section regardless of the date set for filing petitions  
45 of nomination.

46 (3) Nothing in this section shall bar a candidate for the office of

1 member of the Legislature from providing notice to the county clerk  
2 of the candidate's wish to be placed on the line with other candidates  
3 who have filed a joint petition as provided for by R.S.19:49-2;  
4 however, nothing in this section shall permit a non-legislative  
5 candidate who has already provided notice to the county clerk by the  
6 effective date of P.L. , c. (now pending before the Legislature as  
7 this bill) that the candidate wishes to be placed on the line with other  
8 candidates who have filed a joint petition to withdraw that notice. In  
9 the event that either a candidate for the office of member of the  
10 Legislature or a non-legislative candidate is nominated pursuant to the  
11 provisions of R.S.19:23-12 and the candidate for whom the  
12 substitution was made has provided notice to the county clerk of the  
13 candidate's wish to be placed on the line with other candidates who  
14 have filed a joint petition as provided for by R.S.19:49-2, the  
15 candidate nominated pursuant to the provisions of R.S.19:23-12 shall  
16 take the place on the line of the candidate for whom the substitution  
17 was made.

18 [b.] c. Notwithstanding the provisions of section 23 of P.L.1953,  
19 c.211 (C.19:57-23) or any other law, rule or regulation to the contrary  
20 concerning the deadline for receiving absentee ballots, an absentee  
21 ballot for the primary election for the general election in the year 2001  
22 that is transmitted from outside of the fifty States of the United States,  
23 regardless of the date of the postmark or the absence of a postmark,  
24 must be received by the county board of elections or its designee  
25 before 8:00 p.m. of the seventh day following the day of the primary  
26 election for the general election and if so received shall be counted and  
27 canvassed by the county board of elections unless the absentee ballot  
28 is otherwise rejected or declared invalid.

29 [c.] d. The Attorney General shall make such appropriate  
30 adjustments for the dates of the pre-primary election and post-primary  
31 election activities specified by law or otherwise as may be necessary  
32 to accommodate the petition filing deadline set forth in subsection [a.]  
33 b. of this section [and to], permit the holding of the primary election  
34 on the day [provided by R.S.19:2-1 and R.S.19:23-40] set forth in  
35 subsection a. of this section, and [to] accommodate the receipt of  
36 absentee ballots by the deadline set forth in subsection [b.] c. of this  
37 section.

38 [d.] e. (1) The Attorney General shall provide notice to the public  
39 of the [petition filing deadline] day for the primary election set forth  
40 in subsection a. of this section, of the change in the deadline for filing  
41 petitions of nomination set forth in subsection b. of this section, of the  
42 change in the deadline for receipt of absentee ballots set forth in  
43 subsection [b.] c. of this section and of the dates adjusted pursuant to  
44 subsection [c.] d. of this section and official written notice thereof to  
45 the clerk of each county and to the superintendent of elections or the

1 commissioner of registration, as the case may be, of each county. The  
2 public notice shall be published in one or more newspapers published  
3 or in general circulation in each county of the State, and shall be  
4 posted on Internet sites of the State and, as may be appropriate and  
5 practical, its instrumentalities. The Attorney General may provide  
6 additional public notice through television and radio announcements.

7 (2) The county clerk shall notify each municipal clerk in the county  
8 of the provisions of this section. The county clerk shall provide notice  
9 with each absentee ballot application form, and each absentee ballot,  
10 transmitted to an absentee ballot voter outside of the United States of  
11 the deadline set forth in subsection [b.] c. of this section for the  
12 receipt of the absentee ballot by the county board of elections or its  
13 designee.

14 [e.] f. Each county or municipality may apply to the State  
15 Treasurer for such funds as may be necessary to reimburse the county  
16 or municipality for the reasonable and necessary expenses incurred as  
17 a result of the change in the day of the primary and the implementation  
18 of this section. An application shall be accompanied by such  
19 documentation as the State Treasurer may require. The State  
20 Treasurer shall review the applications and reimburse the applicants in  
21 a timely manner from funds appropriated for that purpose.

22 g. Notwithstanding the provisions of P.L.1973, c.83 (C.19:44A-1  
23 et seq.) or P.L.1974, c.26 (C.19:44A-27 et al.) or any rule or  
24 regulation to the contrary, the maximum amount which any qualified  
25 candidate for nomination for election to the office of Governor in the  
26 primary election in the year 2001 may receive from the fund for  
27 election campaign expenses shall be \$3,700,000, and the amount which  
28 may be spent in aid of the candidacy of any qualified candidate for  
29 Governor in the primary election in the year 2001 shall not exceed  
30 \$5,900,000.

31  
32 4. Section 2 of P.L.2001, c.50 is amended to read as follows:

33 2. a. There is appropriated from the General Fund to the  
34 Department of the Treasury such amounts as may be necessary to  
35 effectuate the purposes of subsections [d.] e. and [e.] f. of section 1  
36 of P.L.2001, c.50, as certified by the Director of the Division of  
37 Budget and Accounting

38 b. There is appropriated from the General Fund to the Department  
39 of Law and Public Safety for election law enforcement and the  
40 Gubernatorial Elections Fund such amounts as may be necessary to  
41 effectuate the purpose of subsection g. of section 1 of P.L.2001, c.50,  
42 as amended by this act, P.L. , c. (now pending before the  
43 Legislature as this bill), as certified by the Director of the Division of  
44 Budget and Accounting.

45  
46 5. (New Section) In the event that a certificate provided for in

1 R.S.19:23-12 is filed for a candidate for nomination for election to the  
2 office of Governor, the candidate nominated in the certificate shall: (a)  
3 be given, on an accelerated basis determined by the Election Law  
4 Enforcement Commission, the opportunity to become a qualified  
5 candidate as defined in subsection m. of section 3 of P.L.1973, c. 83  
6 (C.19:44A-3) for the primary election; (b) if the candidate so  
7 nominated becomes a qualified candidate, be eligible to receive the  
8 maximum amount from the fund for election campaign expenses, as  
9 provided by law, which any other qualified candidate may be eligible  
10 to receive for the primary election pursuant to section 8 of P.L.1974,  
11 c.26 (C.19:44A-33), regardless of the amount from that fund received  
12 and expended by the candidate for whom the substitution has been  
13 made; (c) participate in the gubernatorial primary election debates held  
14 pursuant to sections 9 through 11 of P.L.1989, c.4 (C.19:44A-45 et  
15 seq.); and (d) fulfill any of the other responsibilities required of a  
16 qualified candidate, as provided for in P.L.1973, c.83 (C.19:44A-1 et  
17 seq), P.L.1974, c.26 (C.19:44A-27 et al.) or any other applicable rule  
18 or regulation derived therefrom. The candidate for whom the  
19 substitution was made by the certificate of nomination to fill the  
20 vacancy shall pay into the fund for election campaign expenses moneys  
21 received from the fund and not otherwise used to pay expenses which  
22 were incurred for the purposes permitted during the election  
23 campaign.

24

25 6. This act shall take effect immediately and sections 1 through 4,  
26 inclusive, shall expire on December 31, 2001.

27

28

29

#### STATEMENT

30

31 This bill amends P.L.2001, c.50 to change the day for the 2001  
32 primary election for all candidates to the fourth Tuesday in June,  
33 which will be June 26th. The 2001 primary is now scheduled to be  
34 held on June 5th. The Attorney General will provide comprehensive  
35 notice of this change, and funds appropriated by P.L.2001, c.50 will  
36 be used to pay for the Attorney General's notices and to reimburse  
37 counties and municipalities for any additional costs they may incur as  
38 a result of this bill.

39 P.L.2001, c.50, enacted on April 4, 2001, changed the deadline for  
40 the filing of petitions of nomination by candidates for the Legislature  
41 for the 2001 primary election to the 47th day next preceding the day  
42 of the holding of the primary election. This provision is retained by  
43 the bill; however, the new filing deadline for legislative candidates will  
44 be May 10th because the day of the primary is being changed. The bill  
45 does not require legislative candidates who have filed petitions of  
46 nomination prior to May 10th to re-file such petitions, but it does

1 permit such candidates who have filed a petition before the new filing  
2 deadline to withdraw that petition and file a petition of nomination by  
3 the deadline established by the bill. The bill permits a legislative  
4 candidate to seek to be placed on the line with candidates who have  
5 filed a joint petition, but it does not allow non-legislative candidates  
6 who have sought such a position to withdraw from it.

7 P.L.2001, c.50 also provided a seven-day extension for the receipt  
8 and counting of absentee ballots from overseas voters; authorized the  
9 Attorney General to make appropriate adjustments for the dates of  
10 pre-primary and post-primary election activities specified by law and  
11 to give comprehensive notice of these changes; required county clerks  
12 to give notice with each absentee ballot application form, and each  
13 absentee ballot, transmitted to a voter outside of the United States of  
14 the extension for receipt of absentee ballots; provided for  
15 reimbursements to counties for the reasonable and necessary expenses  
16 incurred as a result of the law; and appropriated funds for the notices  
17 and reimbursements.

18 This bill amends the provisions of P.L.2001, c.50 to the extent  
19 necessary to change the primary date from June 5th to June 26th, and  
20 retains the extension for absentee ballots from overseas voters, the  
21 notice requirements, and the reimbursement and appropriation  
22 provisions with the addition of the reimbursement for municipalities.

23 Finally, the bill increases for the year 2001 the amount of money  
24 that a qualified candidate for nomination for election for the office of  
25 Governor may receive from the fund for election campaign expenses  
26 from \$2,300,000 to \$3,700,000 and increases for the year 2001 the  
27 amount of money that such a candidate may spend in the aggregate to  
28 aid his or her candidacy in the primary election for the general election  
29 from \$3,800,000 to \$5,900,000. Additional funds are appropriated by  
30 the bill to the Department of Law and Public Safety for election law  
31 enforcement and to increase the amount of public funds available to  
32 gubernatorial candidates through the Gubernatorial Elections Fund.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 2328**  
**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

DATED: MAY 14, 2001

**SUMMARY**

**Synopsis:** Changes primary election date for 2001 from June 5 to June 26; increases expenditure and public financing limits for gubernatorial candidates for that primary election; provides public financing for certain primary gubernatorial candidates; makes an appropriation.

**Type of Impact:** Expenditure increase; General Fund and Gubernatorial Elections Fund.

**Agencies Affected:** Department of Law and Public Safety, Division of Elections and the Election Law Enforcement Commission.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
<b>State Cost</b>	\$2.8 million*	None	None
<b>Local Cost</b>	Minimal	Minimal	Minimal

\* Assumes two candidates receiving public funding.

- ! Changes the date of the 2001 primary election for all candidates from June 5 to June 26.
- ! Raises the contribution and expenditure limitation on participating candidates in a gubernatorial primary election from \$3.8 million to \$5.9 million.
- ! Presently, candidates may receive public money in an amount equal to twice the amount of money they raise in contributions, up to a maximum of \$2.3 million for the primary election.
- ! Raises maximum amount of State matching funds a gubernatorial primary candidate may receive by \$1.4 million.
- ! Office of Legislative Services (OLS) estimates that this bill will result in increased public funding costs of \$2.8 million, assuming that two candidates seek and obtain maximum amount of public funding.
- ! OLS notes that a third candidate might choose to apply for public matching funds. If this candidate qualified for the maximum amount of public funding, State costs could increase by an additional \$1.4 million above the amount this candidate would currently be entitled to.

**BILL DESCRIPTION**

Senate Bill No. 2328 of 2001 changes the date for the 2001 primary election for all candidates from June 5 to June 26.

The bill raises the maximum amount of public funding a gubernatorial candidate may receive in the 2001 primary election from \$2.3 million to \$3.7 million and the maximum amount such candidates may spend in the 2001 primary from \$3.8 million to \$5.9 million.

Under the bill, if a new candidate is substituted for a primary candidate, that new candidate would be eligible for public funds in the maximum amount of \$3.7 million, or a portion thereof, depending on the amount of private funds the new candidate would be able to raise in such a compressed time frame. It should be noted that the candidate for whom the substitution was made, under the bill, must repay unexpended public funds. Any amount repaid would offset public funds provided to a substitute candidate.

This bill would require the Attorney General to provide notice of the change in primary date. Counties and municipalities may apply to Treasury for any additional costs they may incur as a result of this bill.

The bill makes an indeterminate appropriation, providing to the Department of Law and Public Safety such amounts as may be necessary for additional election law enforcement costs and for additional public financing from the Gubernatorial Elections Fund.

## FISCAL ANALYSIS

### *OFFICE OF LEGISLATIVE SERVICES*

To date, two candidates have indicated they will seek public funding for gubernatorial primary election expenses. Both candidates appear likely to qualify for the maximum amount of public funds. Based on this, the Office of Legislative Services (OLS) estimates the increased State cost to implement the provisions of this bill regarding public matching funds at an increase of \$2.8 million.

However, a third candidate, who is not expected to seek public matching funds, could technically qualify to receive such funding, according to the Election Law Enforcement Commission (ELEC). If this candidate applied for public funding and qualified for the maximum amount, an additional \$1.4 million in State funding would be required under this bill.

The Division of Elections informally estimates that the cost of moving the primary date from June 5 to June 26 would be minimal. The division notes that the responsibilities of the counties would not be significantly increased. The cost for the Attorney General to provide public notice for the 2000 election was approximately \$10,000. These costs may rise somewhat under the provisions of this bill to provide a comprehensive notice of the change in primary date, however, OLS estimates that this additional cost would be minimal.

Section: *Law and Public Safety*

Analyst: *James F. Vari*  
*Associate Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

# ASSEMBLY, No. 3466

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED APRIL 19, 2001

**Sponsored by:**

**Assemblyman JACK COLLINS**

**District 3 (Salem, Cumberland and Gloucester)**

**SYNOPSIS**

Changes primary election date for 2001 from June 5 to June 26; increases expenditure and public financing limits for gubernatorial candidates for that primary election; provides public financing for certain primary gubernatorial candidates; makes appropriation.

**CURRENT VERSION OF TEXT**

As introduced.



A3466 COLLINS

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2 year 2001 and gubernatorial candidates who receive public  
3 financing in a primary election, and amending the title and body of  
4 P.L.2001, c.50, supplementing P.L.1974, c.26 and making an  
5 appropriation.

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

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10 1. The Legislature finds and declares:

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14 b. These circumstances and events include the occurrence of  
15 legislative elections in odd-numbered years, the later than usual  
16 delivery of the official federal decennial census of the United States for  
17 New Jersey, the limited time available between when the  
18 Apportionment Commission announced new legislative districts and  
19 the filing date for petitions of nomination for the primary election and  
20 the legal challenges arising from the legislative district plan adopted by  
21 the commission.

22 c. The Legislature recognizes that changing the date of the primary  
23 election for the general election risks creating confusion among those  
24 political party members who are accustomed to voting for the  
25 candidates of their choice on the first Tuesday after the first Monday  
26 in June and increases the likelihood that overall voter turnout for the  
27 election may be affected.

28 d. Nevertheless, the Legislature believes it is compelled by  
29 extraordinary circumstances and events, largely beyond its control, to  
30 change the day of the primary from June 5 to June 26 for the year  
31 2001.

32 e. To help make this change known to as many candidates and  
33 members of the voting public as possible, the Legislature believes it is  
34 necessary to provide more notice to the public than usual.

35 f. The Legislature recognizes that these extraordinary circumstances  
36 cannot be met by an ordinary response and instead necessitate an  
37 extraordinary increase, above a simple per diem amount, in the amount  
38 of public funds that gubernatorial candidates who participate in the  
39 public financing program can receive in public funding for the primary  
40 election and can spend in total for that election because the campaign  
41 for nomination for that public office will be three weeks longer than it  
42 is regularly.

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1 the most visible of all the candidates seeking public office this year, to  
2 get the attention of many voters who may be concerned with families,  
3 friends and occupations, not governmental activities, and to spread the  
4 word to the citizens of the State about the change in the date of the  
5 primary election.

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13 3. Section 1 of P.L.2001, c.50 is amended to read as follows:

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16 election in the year 2001 shall be held on the fourth Tuesday after the  
17 first Monday in June.

18 b. (1) Notwithstanding the provisions of R.S.19:23-14 or any other  
19 law, rule or regulation to the contrary, the petitions of nomination for  
20 candidates for the office of member of the Legislature for the primary  
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22 Attorney General no later than 4:00 p.m. of the 47th day next  
23 preceding the day of the holding of the primary election for the general  
24 election. The day by which petitions of nomination for all candidates  
25 other than candidates for the office of member of the Legislature shall  
26 be filed for the primary election in the year 2001 shall not be altered  
27 by any provision of this section and the filing day for all non-legislative  
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29 the day of the primary election set forth in R.S.19:2-1 and R.S.23-40  
30 regardless of the day of the primary election in the year 2001 set forth  
31 in subsection a. of this section. A candidate for the office of member  
32 of the Legislature who filed a petition on or before April 19, 2001  
33 shall not be required by this section to re-file a petition to be  
34 considered a candidate for nomination to that office; however, any  
35 such candidate who has filed a petition of nomination before the filing  
36 deadline established by this subsection based on the primary date  
37 designated in subsection a. of this section shall be permitted to  
38 withdraw that petition and file a petition of nomination by the deadline  
39 established by this subsection.

40 (2) For candidates with the committee provided for by R.S.19:23-  
41 12, the certificate provided for in that section shall be filed at least 48  
42 days before the day of the primary election as set forth in subsection  
43 a. of this section and that filing day shall not be altered by any  
44 provision of this section regardless of the date set for filing petitions  
45 of nomination.

46 (3) Nothing in this section shall bar a candidate for the office of

1 member of the Legislature from providing notice to the county clerk  
2 of the candidate's wish to be placed on the line with other candidates  
3 who have filed a joint petition as provided for by R.S.19:49-2;  
4 however, nothing in this section shall permit a non-legislative  
5 candidate who has already provided notice to the county clerk by the  
6 effective date of P.L. , c. (now pending before the Legislature as  
7 this bill) that the candidate wishes to be placed on the line with other  
8 candidates who have filed a joint petition to withdraw that notice. In  
9 the event that either a candidate for the office of member of the  
10 Legislature or a non-legislative candidate is nominated pursuant to the  
11 provisions of R.S.19:23-12 and the candidate for whom the  
12 substitution was made has provided notice to the county clerk of the  
13 candidate's wish to be placed on the line with other candidates who  
14 have filed a joint petition as provided for by R.S.19:49-2, the  
15 candidate nominated pursuant to the provisions of R.S.19:23-12 shall  
16 take the place on the line of the candidate for whom the substitution  
17 was made.

18 [b.] c. Notwithstanding the provisions of section 23 of P.L.1953,  
19 c.211 (C.19:57-23) or any other law, rule or regulation to the contrary  
20 concerning the deadline for receiving absentee ballots, an absentee  
21 ballot for the primary election for the general election in the year 2001  
22 that is transmitted from outside of the fifty States of the United States,  
23 regardless of the date of the postmark or the absence of a postmark,  
24 must be received by the county board of elections or its designee  
25 before 8:00 p.m. of the seventh day following the day of the primary  
26 election for the general election and if so received shall be counted and  
27 canvassed by the county board of elections unless the absentee ballot  
28 is otherwise rejected or declared invalid.

29 [c.] d. The Attorney General shall make such appropriate  
30 adjustments for the dates of the pre-primary election and post-primary  
31 election activities specified by law or otherwise as may be necessary  
32 to accommodate the petition filing deadline set forth in subsection [a.]  
33 b. of this section [and to], permit the holding of the primary election  
34 on the day [provided by R.S.19:2-1 and R.S.19:23-40] set forth in  
35 subsection a. of this section, and [to] accommodate the receipt of  
36 absentee ballots by the deadline set forth in subsection [b.] c. of this  
37 section.

38 [d.] e. (1) The Attorney General shall provide notice to the public  
39 of the [petition filing deadline] day for the primary election set forth  
40 in subsection a. of this section, of the change in the deadline for filing  
41 petitions of nomination set forth in subsection b. of this section, of the  
42 change in the deadline for receipt of absentee ballots set forth in  
43 subsection [b.] c. of this section and of the dates adjusted pursuant to  
44 subsection [c.] d. of this section and official written notice thereof to  
45 the clerk of each county and to the superintendent of elections or the

1 commissioner of registration, as the case may be, of each county. The  
2 public notice shall be published in one or more newspapers published  
3 or in general circulation in each county of the State, and shall be  
4 posted on Internet sites of the State and, as may be appropriate and  
5 practical, its instrumentalities. The Attorney General may provide  
6 additional public notice through television and radio announcements.

7 (2) The county clerk shall notify each municipal clerk in the county  
8 of the provisions of this section. The county clerk shall provide notice  
9 with each absentee ballot application form, and each absentee ballot,  
10 transmitted to an absentee ballot voter outside of the United States of  
11 the deadline set forth in subsection [b.] c. of this section for the  
12 receipt of the absentee ballot by the county board of elections or its  
13 designee.

14 [e.] f. Each county or municipality may apply to the State  
15 Treasurer for such funds as may be necessary to reimburse the county  
16 or municipality for the reasonable and necessary expenses incurred as  
17 a result of the change in the day of the primary and the implementation  
18 of this section. An application shall be accompanied by such  
19 documentation as the State Treasurer may require. The State  
20 Treasurer shall review the applications and reimburse the applicants in  
21 a timely manner from funds appropriated for that purpose.

22 g. Notwithstanding the provisions of P.L.1973, c.83 (C.19:44A-1  
23 et seq.) or P.L.1974, c.26 (C.19:44A-27 et al.) or any rule or  
24 regulation to the contrary, the maximum amount which any qualified  
25 candidate for nomination for election to the office of Governor in the  
26 primary election in the year 2001 may receive from the fund for  
27 election campaign expenses shall be \$3,700,000, and the amount which  
28 may be spent in aid of the candidacy of any qualified candidate for  
29 Governor in the primary election in the year 2001 shall not exceed  
30 \$5,900,000.

31  
32 4. Section 2 of P.L.2001, c.50 is amended to read as follows:

33 2. a. There is appropriated from the General Fund to the  
34 Department of the Treasury such amounts as may be necessary to  
35 effectuate the purposes of subsections [d.] e. and [e.] f. of section 1  
36 of P.L.2001, c.50, as certified by the Director of the Division of  
37 Budget and Accounting

38 b. There is appropriated from the General Fund to the Department  
39 of Law and Public Safety for election law enforcement and the  
40 Gubernatorial Elections Fund such amounts as may be necessary to  
41 effectuate the purpose of subsection g. of section 1 of P.L.2001, c.50,  
42 as amended by this act, P.L. , c. (now pending before the  
43 Legislature as this bill), as certified by the Director of the Division of  
44 Budget and Accounting.

45  
46 5. (New Section) In the event that a certificate provided for in

1 R.S.19:23-12 is filed for a candidate for nomination for election to the  
2 office of Governor, the candidate nominated in the certificate shall: (a)  
3 be given, on an accelerated basis determined by the Election Law  
4 Enforcement Commission, the opportunity to become a qualified  
5 candidate as defined in subsection m. of section 3 of P.L.1973, c. 83  
6 (C.19:44A-3) for the primary election; (b) if the candidate so  
7 nominated becomes a qualified candidate, be eligible to receive the  
8 maximum amount from the fund for election campaign expenses, as  
9 provided by law, which any other qualified candidate may be eligible  
10 to receive for the primary election pursuant to section 8 of P.L.1974,  
11 c.26 (C.19:44A-33), regardless of the amount from that fund received  
12 and expended by the candidate for whom the substitution has been  
13 made; (c) participate in the gubernatorial primary election debates held  
14 pursuant to sections 9 through 11 of P.L.1989, c.4 (C.19:44A-45 et  
15 seq.); and (d) fulfill any of the other responsibilities required of a  
16 qualified candidate, as provided for in P.L.1973, c.83 (C.19:44A-1 et  
17 seq), P.L.1974, c.26 (C.19:44A-27 et al.) or any other applicable rule  
18 or regulation derived therefrom. The candidate for whom the  
19 substitution was made by the certificate of nomination to fill the  
20 vacancy shall pay into the fund for election campaign expenses moneys  
21 received from the fund and not otherwise used to pay expenses which  
22 were incurred for the purposes permitted during the election  
23 campaign.

24

25 6. This act shall take effect immediately and sections 1 through 4,  
26 inclusive, shall expire on December 31, 2001.

27

28

29

#### STATEMENT

30

31 This bill amends P.L.2001, c.50 to change the day for the 2001  
32 primary election for all candidates to the fourth Tuesday in June,  
33 which will be June 26th. The 2001 primary is now scheduled to be  
34 held on June 5th. The Attorney General will provide comprehensive  
35 notice of this change, and funds appropriated by P.L.2001, c.50 will  
36 be used to pay for the Attorney General's notices and to reimburse  
37 counties and municipalities for any additional costs they may incur as  
38 a result of this bill.

39 P.L.2001, c.50, enacted on April 4, 2001, changed the deadline for  
40 the filing of petitions of nomination by candidates for the Legislature  
41 for the 2001 primary election to the 47th day next preceding the day  
42 of the holding of the primary election. This provision is retained by  
43 the bill; however, the new filing deadline for legislative candidates will  
44 be May 10th because the day of the primary is being changed. The bill  
45 does not require legislative candidates who have filed petitions of  
46 nomination prior to May 10th to re-file such petitions, but it does

1 permit such candidates who have filed a petition before the new filing  
2 deadline to withdraw that petition and file a petition of nomination by  
3 the deadline established by the bill. The bill permits a legislative  
4 candidate to seek to be placed on the line with candidates who have  
5 filed a joint petition, but it does not allow non-legislative candidates  
6 who have sought such a position to withdraw from it.

7 P.L.2001, c.50 also provided a seven-day extension for the receipt  
8 and counting of absentee ballots from overseas voters; authorized the  
9 Attorney General to make appropriate adjustments for the dates of  
10 pre-primary and post-primary election activities specified by law and  
11 to give comprehensive notice of these changes; required county clerks  
12 to give notice with each absentee ballot application form, and each  
13 absentee ballot, transmitted to a voter outside of the United States of  
14 the extension for receipt of absentee ballots; provided for  
15 reimbursements to counties for the reasonable and necessary expenses  
16 incurred as a result of the law; and appropriated funds for the notices  
17 and reimbursements.

18 This bill amends the provisions of P.L.2001, c.50 to the extent  
19 necessary to change the primary date from June 5th to June 26th, and  
20 retains the extension for absentee ballots from overseas voters, the  
21 notice requirements, and the reimbursement and appropriation  
22 provisions with the addition of the reimbursement for municipalities.

23 Finally, the bill increases for the year 2001 the amount of money  
24 that a qualified candidate for nomination for election for the office of  
25 Governor may receive from the fund for election campaign expenses  
26 from \$2,300,000 to \$3,700,000 and increases for the year 2001 the  
27 amount of money that such a candidate may spend in the aggregate to  
28 aid his or her candidacy in the primary election for the general election  
29 from \$3,800,000 to \$5,900,000. Additional funds are appropriated by  
30 the bill to the Department of Law and Public Safety for election law  
31 enforcement and to increase the amount of public funds available to  
32 gubernatorial candidates through the Gubernatorial Elections Fund.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 3466**  
**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

DATED: MAY 14, 2001

**SUMMARY**

- Synopsis:** Changes primary election date for 2001 from June 5 to June 26; increases expenditure and public financing limits for gubernatorial candidates for that primary election; provides public financing for certain primary gubernatorial candidates; makes an appropriation.
- Type of Impact:** Expenditure increase; General Fund and Gubernatorial Elections Fund.
- Agencies Affected:** Department of Law and Public Safety, Division of Elections and the Election Law Enforcement Commission.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	\$2.8 million*	None	None
<b>Local Cost</b>	Minimal	Minimal	Minimal

\* Assumes two candidates receiving public funding.

- ! Changes the date of the 2001 primary election for all candidates from June 5 to June 26.
- ! Raises the contribution and expenditure limitation on participating candidates in a gubernatorial primary election from \$3.8 million to \$5.9 million.
- ! Presently, candidates may receive public money in an amount equal to twice the amount of money they raise in contributions, up to a maximum of \$2.3 million for the primary election.
- ! Raises maximum amount of State matching funds a gubernatorial primary candidate may receive by \$1.4 million.
- ! Office of Legislative Services (OLS) estimates that this bill will result in increased public funding costs of \$2.8 million, assuming that two candidates seek and obtain maximum amount of public funding.
- ! OLS notes that a third candidate might choose to apply for public matching funds. If this candidate qualified for the maximum amount of public funding, State costs could increase by an additional \$1.4 million above the amount this candidate would currently be entitled to.

## **BILL DESCRIPTION**

Assembly Bill No. 3466 of 2001 changes the date for the 2001 primary election for all candidates from June 5 to June 26.

The bill raises the maximum amount of public funding a gubernatorial candidate may receive in the 2001 primary election from \$2.3 million to \$3.7 million and the maximum amount such candidates may spend in the 2001 primary from \$3.8 million to \$5.9 million.

Under the bill, if a new candidate is substituted for a primary candidate, that new candidate would be eligible for public funds in the maximum amount of \$3.7 million, or a portion thereof, depending on the amount of private funds the new candidate would be able to raise in such a compressed time frame. It should be noted that the candidate for whom the substitution was made, under the bill, must repay unexpended public funds. Any amount repaid would offset public funds provided to a substitute candidate.

This bill would require the Attorney General to provide notice of the change in primary date. Counties and municipalities may apply to Treasury for any additional costs they may incur as a result of this bill.

The bill makes an indeterminate appropriation, providing to the Department of Law and Public Safety such amounts as may be necessary for additional election law enforcement costs and for additional public financing from the Gubernatorial Elections Fund.

## **FISCAL ANALYSIS**

### ***OFFICE OF LEGISLATIVE SERVICES***

To date, two candidates have indicated they will seek public funding for gubernatorial primary election expenses. Both candidates appear likely to qualify for the maximum amount of public funds. Based on this, the Office of Legislative Services (OLS) estimates the increased State cost to implement the provisions of this bill regarding public matching funds at an increase of \$2.8 million.

However, a third candidate, who is not expected to seek public matching funds, could technically qualify to receive such funding, according to the Election Law Enforcement Commission (ELEC). If this candidate applied for public funding and qualified for the maximum amount, an additional \$1.4 million in State funding would be required under this bill.

The Division of Elections informally estimates that the cost of moving the primary date from June 5 to June 26 would be minimal. The division notes that the responsibilities of the counties would not be significantly increased. The cost for the Attorney General to provide public notice for the 2000 election is approximately \$10,000. These costs may rise somewhat under the provisions of this bill to provide a comprehensive notice of the change in primary date, however, OLS estimates that this additional cost would be minimal.

Section: *Law and Public Safety*

Analyst: *James F. Vari*  
*Associate Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

P.L. 2001, CHAPTER 73, *approved April 23, 2001*  
Senate, No. 2328

1 **AN ACT** concerning the primary election for the general election in the  
2 year 2001 and gubernatorial candidates who receive public  
3 financing in a primary election, and amending the title and body of  
4 P.L.2001, c.50, supplementing P.L.1974, c.26 and making an  
5 appropriation.

6

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

9

10 1. The Legislature finds and declares:

11 a. A combination of several circumstances and events, some of  
12 them extraordinary, have forced the Legislature to change the date of  
13 the primary election for the general election in 2001.

14 b. These circumstances and events include the occurrence of  
15 legislative elections in odd-numbered years, the later than usual  
16 delivery of the official federal decennial census of the United States for  
17 New Jersey, the limited time available between when the  
18 Apportionment Commission announced new legislative districts and  
19 the filing date for petitions of nomination for the primary election and  
20 the legal challenges arising from the legislative district plan adopted by  
21 the commission.

22 c. The Legislature recognizes that changing the date of the primary  
23 election for the general election risks creating confusion among those  
24 political party members who are accustomed to voting for the  
25 candidates of their choice on the first Tuesday after the first Monday  
26 in June and increases the likelihood that overall voter turnout for the  
27 election may be affected.

28 d. Nevertheless, the Legislature believes it is compelled by  
29 extraordinary circumstances and events, largely beyond its control, to  
30 change the day of the primary from June 5 to June 26 for the year  
31 2001.

32 e. To help make this change known to as many candidates and  
33 members of the voting public as possible, the Legislature believes it is  
34 necessary to provide more notice to the public than usual.

35 f. The Legislature recognizes that these extraordinary circumstances  
36 cannot be met by an ordinary response and instead necessitate an  
37 extraordinary increase, above a simple per diem amount, in the amount  
38 of public funds that gubernatorial candidates who participate in the  
39 public financing program can receive in public funding for the primary  
40 election and can spend in total for that election because the campaign

**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 for nomination for that public office will be three weeks longer than it  
2 is regularly.

3 g. Such an increase will allow gubernatorial candidates, who are  
4 the most visible of all the candidates seeking public office this year, to  
5 get the attention of many voters who may be concerned with families,  
6 friends and occupations, not governmental activities, and to spread the  
7 word to the citizens of the State about the change in the date of the  
8 primary election.

9

10 2. The Title of P.L.2001, c.50 is amended to read as follows:

11 **AN ACT** concerning [the date for filing petitions of nomination for  
12 certain offices for] the primary election in the year 2001 and the  
13 expenditure and public financing limits for gubernatorial candidates  
14 for that primary election. and making an appropriation.

15

16 3. Section 1 of P.L.2001, c.50 is amended to read as follows:

17 1. a. Notwithstanding the provisions of R.S.19:2-1, R.S.19:23-40  
18 or any other law to the contrary, the primary election for the general  
19 election in the year 2001 shall be held on the fourth Tuesday after the  
20 first Monday in June.

21 b. (1) Notwithstanding the provisions of R.S.19:23-14 or any other  
22 law, rule or regulation to the contrary, the petitions of nomination for  
23 candidates for the office of member of the Legislature for the primary  
24 election for the general election in the year 2001 shall be filed with the  
25 Attorney General no later than 4:00 p.m. of the 47th day next  
26 preceding the day of the holding of the primary election for the general  
27 election. The day by which petitions of nomination for all candidates  
28 other than candidates for the office of member of the Legislature shall  
29 be filed for the primary election in the year 2001 shall not be altered  
30 by any provision of this section and the filing day for all non-legislative  
31 candidates shall remain the day provided for in R.S.19:23-14 based on  
32 the day of the primary election set forth in R.S.19:2-1 and R.S.23-40  
33 regardless of the day of the primary election in the year 2001 set forth  
34 in subsection a. of this section. A candidate for the office of member  
35 of the Legislature who filed a petition on or before April 19, 2001  
36 shall not be required by this section to re-file a petition to be  
37 considered a candidate for nomination to that office; however, any  
38 such candidate who has filed a petition of nomination before the filing  
39 deadline established by this subsection based on the primary date  
40 designated in subsection a. of this section shall be permitted to  
41 withdraw that petition and file a petition of nomination by the deadline  
42 established by this subsection.

43 (2) For candidates with the committee provided for by R.S.19:23-  
44 12, the certificate provided for in that section shall be filed at least 48  
45 days before the day of the primary election as set forth in subsection  
46 a. of this section and that filing day shall not be altered by any

1 provision of this section regardless of the date set for filing petitions  
2 of nomination.

3 (3) Nothing in this section shall bar a candidate for the office of  
4 member of the Legislature from providing notice to the county clerk  
5 of the candidate's wish to be placed on the line with other candidates  
6 who have filed a joint petition as provided for by R.S.19:49-2;  
7 however, nothing in this section shall permit a non-legislative  
8 candidate who has already provided notice to the county clerk by the  
9 effective date of P.L. , c. (now pending before the Legislature as  
10 this bill) that the candidate wishes to be placed on the line with other  
11 candidates who have filed a joint petition to withdraw that notice. In  
12 the event that either a candidate for the office of member of the  
13 Legislature or a non-legislative candidate is nominated pursuant to the  
14 provisions of R.S.19:23-12 and the candidate for whom the  
15 substitution was made has provided notice to the county clerk of the  
16 candidate's wish to be placed on the line with other candidates who  
17 have filed a joint petition as provided for by R.S.19:49-2, the  
18 candidate nominated pursuant to the provisions of R.S.19:23-12 shall  
19 take the place on the line of the candidate for whom the substitution  
20 was made.

21 [b.] c. Notwithstanding the provisions of section 23 of P.L.1953,  
22 c.211 (C.19:57-23) or any other law, rule or regulation to the contrary  
23 concerning the deadline for receiving absentee ballots, an absentee  
24 ballot for the primary election for the general election in the year 2001  
25 that is transmitted from outside of the fifty States of the United States,  
26 regardless of the date of the postmark or the absence of a postmark,  
27 must be received by the county board of elections or its designee  
28 before 8:00 p.m. of the seventh day following the day of the primary  
29 election for the general election and if so received shall be counted and  
30 canvassed by the county board of elections unless the absentee ballot  
31 is otherwise rejected or declared invalid.

32 [c.] d. The Attorney General shall make such appropriate  
33 adjustments for the dates of the pre-primary election and post-primary  
34 election activities specified by law or otherwise as may be necessary  
35 to accommodate the petition filing deadline set forth in subsection [a.]  
36 b. of this section [and to], permit the holding of the primary election  
37 on the day [provided by R.S.19:2-1 and R.S.19:23-40] set forth in  
38 subsection a. of this section, and [to] accommodate the receipt of  
39 absentee ballots by the deadline set forth in subsection [b.] c. of this  
40 section.

41 [d.] e. (1) The Attorney General shall provide notice to the public  
42 of the [petition filing deadline] day for the primary election set forth  
43 in subsection a. of this section, of the change in the deadline for filing  
44 petitions of nomination set forth in subsection b. of this section, of the  
45 change in the deadline for receipt of absentee ballots set forth in

1 subsection [b.] c. of this section and of the dates adjusted pursuant to  
2 subsection [c.] d. of this section and official written notice thereof to  
3 the clerk of each county and to the superintendent of elections or the  
4 commissioner of registration, as the case may be, of each county. The  
5 public notice shall be published in one or more newspapers published  
6 or in general circulation in each county of the State, and shall be  
7 posted on Internet sites of the State and, as may be appropriate and  
8 practical, its instrumentalities. The Attorney General may provide  
9 additional public notice through television and radio announcements.

10 (2) The county clerk shall notify each municipal clerk in the county  
11 of the provisions of this section. The county clerk shall provide notice  
12 with each absentee ballot application form, and each absentee ballot,  
13 transmitted to an absentee ballot voter outside of the United States of  
14 the deadline set forth in subsection [b.] c. of this section for the  
15 receipt of the absentee ballot by the county board of elections or its  
16 designee.

17 [e.] f. Each county or municipality may apply to the State  
18 Treasurer for such funds as may be necessary to reimburse the county  
19 or municipality for the reasonable and necessary expenses incurred as  
20 a result of the change in the day of the primary and the implementation  
21 of this section. An application shall be accompanied by such  
22 documentation as the State Treasurer may require. The State  
23 Treasurer shall review the applications and reimburse the applicants in  
24 a timely manner from funds appropriated for that purpose.

25 g. Notwithstanding the provisions of P.L.1973, c.83 (C.19:44A-1  
26 et seq.) or P.L.1974, c.26 (C.19:44A-27 et al.) or any rule or  
27 regulation to the contrary, the maximum amount which any qualified  
28 candidate for nomination for election to the office of Governor in the  
29 primary election in the year 2001 may receive from the fund for  
30 election campaign expenses shall be \$3,700,000, and the amount which  
31 may be spent in aid of the candidacy of any qualified candidate for  
32 Governor in the primary election in the year 2001 shall not exceed  
33 \$5,900,000.

34  
35 4. Section 2 of P.L.2001, c.50 is amended to read as follows:

36 2. a. There is appropriated from the General Fund to the  
37 Department of the Treasury such amounts as may be necessary to  
38 effectuate the purposes of subsections [d.] e. and [e.] f. of section 1  
39 of P.L.2001, c.50, as certified by the Director of the Division of  
40 Budget and Accounting

41 b. There is appropriated from the General Fund to the Department  
42 of Law and Public Safety for election law enforcement and the  
43 Gubernatorial Elections Fund such amounts as may be necessary to  
44 effectuate the purpose of subsection g. of section 1 of P.L.2001, c.50,  
45 as amended by this act, P.L. , c. (now pending before the  
46 Legislature as this bill), as certified by the Director of the Division of

1 Budget and Accounting.

2

3 5. (New Section) In the event that a certificate provided for in  
4 R.S.19:23-12 is filed for a candidate for nomination for election to the  
5 office of Governor, the candidate nominated in the certificate shall: (a)  
6 be given, on an accelerated basis determined by the Election Law  
7 Enforcement Commission, the opportunity to become a qualified  
8 candidate as defined in subsection m. of section 3 of P.L.1973, c. 83  
9 (C.19:44A-3) for the primary election; (b) if the candidate so  
10 nominated becomes a qualified candidate, be eligible to receive the  
11 maximum amount from the fund for election campaign expenses, as  
12 provided by law, which any other qualified candidate may be eligible  
13 to receive for the primary election pursuant to section 8 of P.L.1974,  
14 c.26 (C.19:44A-33), regardless of the amount from that fund received  
15 and expended by the candidate for whom the substitution has been  
16 made; (c) participate in the gubernatorial primary election debates held  
17 pursuant to sections 9 through 11 of P.L.1989, c.4 (C.19:44A-45 et  
18 seq.); and (d) fulfill any of the other responsibilities required of a  
19 qualified candidate, as provided for in P.L.1973, c.83 (C.19:44A-1 et  
20 seq), P.L.1974, c.26 (C.19:44A-27 et al.) or any other applicable rule  
21 or regulation derived therefrom. The candidate for whom the  
22 substitution was made by the certificate of nomination to fill the  
23 vacancy shall pay into the fund for election campaign expenses moneys  
24 received from the fund and not otherwise used to pay expenses which  
25 were incurred for the purposes permitted during the election  
26 campaign.

27

28 6. This act shall take effect immediately and sections 1 through 4,  
29 inclusive, shall expire on December 31, 2001.

30

31

32

STATEMENT

33

34 This bill amends P.L.2001, c.50 to change the day for the 2001  
35 primary election for all candidates to the fourth Tuesday in June,  
36 which will be June 26th. The 2001 primary is now scheduled to be  
37 held on June 5th. The Attorney General will provide comprehensive  
38 notice of this change, and funds appropriated by P.L.2001, c.50 will  
39 be used to pay for the Attorney General's notices and to reimburse  
40 counties and municipalities for any additional costs they may incur as  
41 a result of this bill.

42 P.L.2001, c.50, enacted on April 4, 2001, changed the deadline for  
43 the filing of petitions of nomination by candidates for the Legislature  
44 for the 2001 primary election to the 47th day next preceding the day  
45 of the holding of the primary election. This provision is retained by  
46 the bill; however, the new filing deadline for legislative candidates will

1 be May 10th because the day of the primary is being changed. The bill  
2 does not require legislative candidates who have filed petitions of  
3 nomination prior to May 10th to re-file such petitions, but it does  
4 permit such candidates who have filed a petition before the new filing  
5 deadline to withdraw that petition and file a petition of nomination by  
6 the deadline established by the bill. The bill permits a legislative  
7 candidate to seek to be placed on the line with candidates who have  
8 filed a joint petition, but it does not allow non-legislative candidates  
9 who have sought such a position to withdraw from it.

10 P.L.2001, c.50 also provided a seven-day extension for the receipt  
11 and counting of absentee ballots from overseas voters; authorized the  
12 Attorney General to make appropriate adjustments for the dates of  
13 pre-primary and post-primary election activities specified by law and  
14 to give comprehensive notice of these changes; required county clerks  
15 to give notice with each absentee ballot application form, and each  
16 absentee ballot, transmitted to a voter outside of the United States of  
17 the extension for receipt of absentee ballots; provided for  
18 reimbursements to counties for the reasonable and necessary expenses  
19 incurred as a result of the law; and appropriated funds for the notices  
20 and reimbursements.

21 This bill amends the provisions of P.L.2001, c.50 to the extent  
22 necessary to change the primary date from June 5th to June 26th, and  
23 retains the extension for absentee ballots from overseas voters, the  
24 notice requirements, and the reimbursement and appropriation  
25 provisions with the addition of the reimbursement for municipalities.

26 Finally, the bill increases for the year 2001 the amount of money  
27 that a qualified candidate for nomination for election for the office of  
28 Governor may receive from the fund for election campaign expenses  
29 from \$2,300,000 to \$3,700,000 and increases for the year 2001 the  
30 amount of money that such a candidate may spend in the aggregate to  
31 aid his or her candidacy in the primary election for the general election  
32 from \$3,800,000 to \$5,900,000. Additional funds are appropriated by  
33 the bill to the Department of Law and Public Safety for election law  
34 enforcement and to increase the amount of public funds available to  
35 gubernatorial candidates through the Gubernatorial Elections Fund.

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40 Changes primary election date for 2001 from June 5 to June 26;  
41 increases expenditure and public financing limits for gubernatorial  
42 candidates for that primary election; provides public financing for  
43 certain primary gubernatorial candidates; makes appropriation.

## CHAPTER 73

**AN ACT** concerning the primary election for the general election in the year 2001 and gubernatorial candidates who receive public financing in a primary election, and amending the title and body of P.L.2001, c.50, supplementing P.L.1974, c.26 and making an appropriation.

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

1. The Legislature finds and declares:

a. A combination of several circumstances and events, some of them extraordinary, have forced the Legislature to change the date of the primary election for the general election in 2001.

b. These circumstances and events include the occurrence of legislative elections in odd-numbered years, the later than usual delivery of the official federal decennial census of the United States for New Jersey, the limited time available between when the Apportionment Commission announced new legislative districts and the filing date for petitions of nomination for the primary election and the legal challenges arising from the legislative district plan adopted by the commission.

c. The Legislature recognizes that changing the date of the primary election for the general election risks creating confusion among those political party members who are accustomed to voting for the candidates of their choice on the first Tuesday after the first Monday in June and increases the likelihood that overall voter turnout for the election may be affected.

d. Nevertheless, the Legislature believes it is compelled by extraordinary circumstances and events, largely beyond its control, to change the day of the primary from June 5 to June 26 for the year 2001.

e. To help make this change known to as many candidates and members of the voting public as possible, the Legislature believes it is necessary to provide more notice to the public than usual.

f. The Legislature recognizes that these extraordinary circumstances cannot be met by an ordinary response and instead necessitate an extraordinary increase, above a simple per diem amount, in the amount of public funds that gubernatorial candidates who participate in the public financing program can receive in public funding for the primary election and can spend in total for that election because the campaign for nomination for that public office will be three weeks longer than it is regularly.

g. Such an increase will allow gubernatorial candidates, who are the most visible of all the candidates seeking public office this year, to get the attention of many voters who may be concerned with families, friends and occupations, not governmental activities, and to spread the word to the citizens of the State about the change in the date of the primary election.

2. The Title of P.L.2001, c.50 is amended to read as follows:

**AN ACT** concerning the primary election in the year 2001 and the expenditure and public financing limits for gubernatorial candidates for that primary election, and making an appropriation.

3. Section 1 of P.L.2001, c.50 is amended to read as follows:

1. a. Notwithstanding the provisions of R.S.19:2-1, R.S.19:23-40 or any other law to the contrary, the primary election for the general election in the year 2001 shall be held on the fourth Tuesday after the first Monday in June.

b. (1) Notwithstanding the provisions of R.S.19:23-14 or any other law, rule or regulation to the contrary, the petitions of nomination for candidates for the office of member of the Legislature for the primary election for the general election in the year 2001 shall be filed with the Attorney General no later than 4:00 p.m. of the 47th day next preceding the day of the holding of the primary election for the general election. The day by which petitions of nomination for all candidates other than candidates for the office of member of the Legislature shall be filed for the primary election in the year 2001 shall not be altered by any provision of this section and the filing day for all non-legislative candidates shall remain the day provided for in R.S.19:23-14 based on the day of the primary election set forth in R.S.19:2-1 and R.S.19:23-40 regardless of the day of the primary election in the year 2001 set forth in subsection a. of this section. A candidate for the office of member of the Legislature who filed a petition on or before April 19, 2001 shall not be required by this section to re-file a petition to be considered

a candidate for nomination to that office; however, any such candidate who has filed a petition of nomination before the filing deadline established by this subsection based on the primary date designated in subsection a. of this section shall be permitted to withdraw that petition and file a petition of nomination by the deadline established by this subsection.

(2) For candidates with the committee provided for by R.S.19:23-12, the certificate provided for in that section shall be filed at least 48 days before the day of the primary election as set forth in subsection a. of this section and that filing day shall not be altered by any provision of this section regardless of the date set for filing petitions of nomination.

(3) Nothing in this section shall bar a candidate for the office of member of the Legislature from providing notice to the county clerk of the candidate's wish to be placed on the line with other candidates who have filed a joint petition as provided for by R.S.19:49-2; however, nothing in this section shall permit a non-legislative candidate who has already provided notice to the county clerk by the effective date of P.L. , c. (now pending before the Legislature as this bill) that the candidate wishes to be placed on the line with other candidates who have filed a joint petition to withdraw that notice. In the event that either a candidate for the office of member of the Legislature or a non-legislative candidate is nominated pursuant to the provisions of R.S.19:23-12 and the candidate for whom the substitution was made has provided notice to the county clerk of the candidate's wish to be placed on the line with other candidates who have filed a joint petition as provided for by R.S.19:49-2, the candidate nominated pursuant to the provisions of R.S.19:23-12 shall take the place on the line of the candidate for whom the substitution was made.

c. Notwithstanding the provisions of section 23 of P.L.1953, c.211 (C.19:57-23) or any other law, rule or regulation to the contrary concerning the deadline for receiving absentee ballots, an absentee ballot for the primary election for the general election in the year 2001 that is transmitted from outside of the fifty States of the United States, regardless of the date of the postmark or the absence of a postmark, must be received by the county board of elections or its designee before 8:00 p.m. of the seventh day following the day of the primary election for the general election and if so received shall be counted and canvassed by the county board of elections unless the absentee ballot is otherwise rejected or declared invalid.

d. The Attorney General shall make such appropriate adjustments for the dates of the pre-primary election and post-primary election activities specified by law or otherwise as may be necessary to accommodate the petition filing deadline set forth in subsection b. of this section, permit the holding of the primary election on the day set forth in subsection a. of this section, and accommodate the receipt of absentee ballots by the deadline set forth in subsection c. of this section.

e. (1) The Attorney General shall provide notice to the public of the day for the primary election set forth in subsection a. of this section, of the change in the deadline for filing petitions of nomination set forth in subsection b. of this section, of the change in the deadline for receipt of absentee ballots set forth in subsection c. of this section and of the dates adjusted pursuant to subsection d. of this section and official written notice thereof to the clerk of each county and to the superintendent of elections or the commissioner of registration, as the case may be, of each county. The public notice shall be published in one or more newspapers published or in general circulation in each county of the State, and shall be posted on Internet sites of the State and, as may be appropriate and practical, its instrumentalities. The Attorney General may provide additional public notice through television and radio announcements.

(2) The county clerk shall notify each municipal clerk in the county of the provisions of this section. The county clerk shall provide notice with each absentee ballot application form, and each absentee ballot, transmitted to an absentee ballot voter outside of the United States of the deadline set forth in subsection c. of this section for the receipt of the absentee ballot by the county board of elections or its designee.

f. Each county or municipality may apply to the State Treasurer for such funds as may be necessary to reimburse the county or municipality for the reasonable and necessary expenses incurred as a result of the change in the day of the primary and the implementation of this section. An application shall be accompanied by such documentation as the State Treasurer may require. The State Treasurer shall review the applications and reimburse the applicants in a

timely manner from funds appropriated for that purpose.

g. Notwithstanding the provisions of P.L.1973, c.83 (C.19:44A-1 et seq.) or P.L.1974, c.26 (C.19:44A-27 et al.) or any rule or regulation to the contrary, the maximum amount which any qualified candidate for nomination for election to the office of Governor in the primary election in the year 2001 may receive from the fund for election campaign expenses shall be \$3,700,000, and the amount which may be spent in aid of the candidacy of any qualified candidate for Governor in the primary election in the year 2001 shall not exceed \$5,900,000.

4. Section 2 of P.L.2001, c.50 is amended to read as follows:

2. a. There is appropriated from the General Fund to the Department of the Treasury such amounts as may be necessary to effectuate the purposes of subsections e. and f. of section 1 of P.L.2001, c.50, as certified by the Director of the Division of Budget and Accounting

b. There is appropriated from the General Fund to the Department of Law and Public Safety for election law enforcement and the Gubernatorial Elections Fund such amounts as may be necessary to effectuate the purpose of subsection g. of section 1 of P.L.2001, c.50, as amended by this act, P.L.2001, c.73, as certified by the Director of the Division of Budget and Accounting.

C.19:44A-33.1 Substituted candidates for nomination for Governor, eligibility as qualified candidate.

5. In the event that a certificate provided for in R.S.19:23-12 is filed for a candidate for nomination for election to the office of Governor, the candidate nominated in the certificate shall: (a) be given, on an accelerated basis determined by the Election Law Enforcement Commission, the opportunity to become a qualified candidate as defined in subsection m. of section 3 of P.L.1973, c. 83 (C.19:44A-3) for the primary election; (b) if the candidate so nominated becomes a qualified candidate, be eligible to receive the maximum amount from the fund for election campaign expenses, as provided by law, which any other qualified candidate may be eligible to receive for the primary election pursuant to section 8 of P.L.1974, c.26 (C.19:44A-33), regardless of the amount from that fund received and expended by the candidate for whom the substitution has been made; (c) participate in the gubernatorial primary election debates held pursuant to sections 9 through 11 of P.L.1989, c.4 (C.19:44A-45 et seq.); and (d) fulfill any of the other responsibilities required of a qualified candidate, as provided for in P.L.1973, c.83 (C.19:44A-1 et seq.), P.L.1974, c.26 (C.19:44A-27 et al.) or any other applicable rule or regulation derived therefrom. The candidate for whom the substitution was made by the certificate of nomination to fill the vacancy shall pay into the fund for election campaign expenses moneys received from the fund and not otherwise used to pay expenses which were incurred for the purposes permitted during the election campaign.

6. This act shall take effect immediately and sections 1 through 4, inclusive, shall expire on December 31, 2001.

Approved April 23, 2001.