

19:13-9

LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 19:13-9 et al (Presidential and Vice Presidential candidates-- electors-- filing time)

**LAWS OF:** 1989 **CHAPTER:** 70

**BILL NO:** A2885

**SPONSOR(S):** Martin

**Date Introduced:** April 18, 1988

**Committee:** **Assembly:** State Government  
**Senate:** State Government

**Amended during passage:** No

**Date of Passage:** **Assembly:** May 9, 1988  
**Senate:** May 2, 1989

**Date of Approval:** April 14, 1989

**Following statements are attached if available:**

**Sponsor statement:** Yes

**Committee statement:** **Assembly** Yes  
**Senate** Yes

**Fiscal Note:** No

**Veto Message:** No

**Message on Signing:** No

**Following were printed:**

**Reports:** No

**Hearings:** No

RDV

1 **AN ACT** concerning certain nominating petitions and amending  
R.S. 19:13-9, R.S. 19:13-11, R.S. 19:13-12 and R.S. 19:13-13.

3

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

1. R.S. 19:13-9 is amended to read as follows:

7 19:13-9. All such petitions and acceptances thereof shall be  
filed with the officer or officers to whom they are addressed  
9 before 4:00 p.m. of the 54th day next preceding the day of the  
holding of the primary election for the general election in this  
11 Title provided. All petitions when filed shall be open under  
proper regulations for public inspection.

13 Notwithstanding the above provision, all petitions and  
15 acceptances thereof nominating electors of candidates for  
President and Vice President of the United States, which  
17 candidates have not been nominated at a convention of a political  
party as defined by this Title, shall be filed with the Secretary of  
19 State before 4:00 p.m. of the 99th day preceding the general  
election in this Title provided. All petitions when filed shall be  
opened under proper regulations for public inspection.

21 The officer or officers shall transmit to the Election Law  
Enforcement Commission the names of all candidates, other than  
23 candidates for federal office, nominated by petition and any  
other information required by the commission in the form and  
25 manner prescribed by the commission and shall notify the  
commission immediately upon the withdrawal of a petition of  
27 nomination.

(cf: P.L. 1985, c. 92, s. 7)

29 2. R.S.19:13-11 is amended to read as follows:

31 19:13-11. The officer with whom the original petition was  
filed shall in the first instance pass upon the validity of such  
objection in a summary way unless an order shall be made in the  
33 matter by a court of competent jurisdiction and for this purpose  
such officer shall have power to subpoena witnesses and take

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 testimony or depositions. He shall file his determination in  
writing in his office on or before the 48th day before the primary  
3 election for the general election, which determination shall be  
open for public inspection.

5 In the case of petitions nominating electors of candidates for  
President and Vice President of the United States, which  
7 candidates have not been nominated at a convention of a political  
party as defined by this Title, the Secretary of State shall file his  
9 or her determination in writing in his or her office on or before  
the 93rd day before the general election, which determination  
11 shall be open for public inspection.

(cf: P.L. 1985, c. 92, s. 9)

13 3. R.S. 19:13-12 is amended to read as follows:

15 19:13-12. Any judge of the Superior Court, in the case of  
candidates to be voted for by the electors of the entire State or  
of more than one county thereof, and in all other cases a judge of  
17 the Superior Court assigned to the county in which any petition of  
nomination shall be filed, on the application or complaint, duly  
19 verified, of any candidate, which application or complaint shall  
be made at least 50 days before the election, setting forth any  
21 invasion or threatened invasion of his rights under the petition of  
nomination filed with the Secretary of State or with any county  
23 clerk, shall hear such application or complaint in a summary way  
and make such order thereon as will protect and enforce the  
25 rights of such candidates, which order or determination shall be  
filed within three days after the filing of the application or  
27 complaint.

29 Notwithstanding the above provision, in the case of a  
nomination petition or petitions for electors of candidates for  
President and Vice President of the United States, which  
31 candidates have not been nominated at a convention of a political  
party as defined by this Title, any judge of the Superior Court, on  
33 the application or complaint, duly verified, of any candidate,  
which application or complaint shall be made at least 95 days  
35 before the general election, setting forth any invasion or  
threatened invasion of his or her rights under the petition of  
37 nomination filed with the Secretary of State, shall hear such  
application or complaint in a summary way and make such order

1 thereon as will protect and enforce the rights of such candidates,  
2 which order or determination shall be filed within three days  
3 after the filing of the application or complaint.

(cf: P.L. 1985, c. 92, s. 10)

5 4. R.S. 19:13-13 is amended to read as follows:

6 19:13-13. A candidate whose petition of nomination, or any  
7 affidavit or affidavits thereto, is defective may cause such  
8 petition, or the affidavit or affidavits thereto, to be amended in  
9 matters of substance or of form as may be necessary, but not to  
10 add signatures, or such amendment or amendments may be made  
11 by filing a new or substitute petition, or affidavit or affidavits,  
12 and the same when so amended shall be of the same effect as if  
13 originally filed in such amended form; but every amendment shall  
14 be made on or before the 48th day before the primary election  
15 for the general election. This provision shall be liberally  
16 construed to protect the interest of candidates.

17 Notwithstanding the above provision, in the case of nomination  
18 petitions for electors for candidates for President and Vice  
19 President of the United States, which candidates have not been  
20 nominated at a convention of a political party as defined by this  
21 Title, every statutorily authorized amendment shall be made on  
22 or before the 93rd day before the general election.

23 (cf: P.L. 1985, c. 92, s. 11)

24 5. This act shall take effect immediately.

25

27

#### STATEMENT

29 The purpose of this bill is to require petitions nominating  
30 electors of candidates for President and Vice President of the  
31 United States who have not been nominated at a convention of a  
32 political party to be filed with the Secretary of State no later  
33 than the 99th day preceding the date of the general election.

34 This change is necessary because the current law that requires  
35 independent candidates for President and Vice President to have  
36 their petitions for nomination filed with the Secretary of State at  
37 the same time as petitions for nomination for the primary  
38 elections are due was found to be unconstitutional in the case of  
39 LaRouche v. Burgio, 594 F. Supp. 614 (1984).

**ELECTIONS**

**Vote Procedures and Ballots**

1

3

5

**Requires certain petitions nominating electors of candidates for  
President and Vice President to be filed with the Secretary of  
State no later than the 99th day preceding the general election.**

1 thereon as will protect and enforce the rights of such candidates,  
2 which order or determination shall be filed within three days  
3 after the filing of the application or complaint.

(cf: P.L. 1985, c. 92, s. 10)

5 4. R.S. 19:13-13 is amended to read as follows:

6 19:13-13. A candidate whose petition of nomination, or any  
7 affidavit or affidavits thereto, is defective may cause such  
8 petition, or the affidavit or affidavits thereto, to be amended in  
9 matters of substance or of form as may be necessary, but not to  
10 add signatures, or such amendment or amendments may be made  
11 by filing a new or substitute petition, or affidavit or affidavits,  
12 and the same when so amended shall be of the same effect as if  
13 originally filed in such amended form; but every amendment shall  
14 be made on or before the 48th day before the primary election  
15 for the general election. This provision shall be liberally  
16 construed to protect the interest of candidates.

17 Notwithstanding the above provision, in the case of nomination  
18 petitions for electors for candidates for President and Vice  
19 President of the United States, which candidates have not been  
20 nominated at a convention of a political party as defined by this  
21 Title, every statutorily authorized amendment shall be made on  
22 or before the 93rd day before the general election.

23 (cf: P.L. 1985, c. 92, s. 11)

24 5. This act shall take effect immediately.

25

27

## STATEMENT

29 The purpose of this bill is to require petitions nominating  
30 electors of candidates for President and Vice President of the  
31 United States who have not been nominated at a convention of a  
32 political party to be filed with the Secretary of State no later  
33 than the 99th day preceding the date of the general election.

34 This change is necessary because the current law that requires  
35 independent candidates for President and Vice President to have  
36 their petitions for nomination filed with the Secretary of State at  
37 the same time as petitions for nomination for the primary  
38 elections are due was found to be unconstitutional in the case of  
39 LaRouche v. Burgio, 594 F. Supp. 614 (1984).

1

ELECTIONS

Vote Procedures and Ballots

3

Requires certain petitions nominating electors of candidates for  
5 President and Vice President to be filed with the Secretary of  
State no later than the 99th day preceding the general election.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2885

STATE OF NEW JERSEY

DATED: APRIL 25, 1988

The Assembly State Government reports favorably Assembly Bill No. 2885.

This bill requires petitions nominating electors of candidates for President and Vice President of the United States who have not been nominated at a convention of a political party to be filed with the Secretary of State no later than the 99th day preceding the date of the general election.

This change is proposed because the current law that requires independent candidates for President and Vice President to have their petitions for nomination filed with the Secretary of State at the same time as petitions for nomination for the primary elections are due was found to be unconstitutional in the case of LaRouche v. Burgio, 594 F. Supp. 614 (1984).

SENATE STATE GOVERNMENT, FEDERAL AND  
INTERSTATE RELATIONS AND  
VETERANS' AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2885

STATE OF NEW JERSEY

DATED: JUNE 30, 1988

The Senate State Government, Federal and Interstate Relations and Veterans' Affairs Committee reports favorably Assembly Bill No. 2885.

The current law requiring independent candidates for President and Vice President to have their petitions for nomination filed with the Secretary of State at the same time as petitions for nomination for the primary elections are due was held unconstitutional in LaRouche v. Burgio, 594 F. Supp. 614 (1984).

This bill provides that petitions nominating electors of candidates for President and Vice President of the United States who have not been nominated at a convention of a political party shall be filed with the Secretary of State no later than the 99th day preceding the date of the general election. The bill also establishes cut-off dates for related actions in accordance with this new time frame.