

19:6-22

**LEGISLATIVE HISTORY CHECKLIST**  
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(County boards of elections--  
selection of)

NJSA: 19:6-22

LAWS OF: 1996 CHAPTER: 90

BILL NO: S686

SPONSOR(S): Inverso

DATE INTRODUCED: February 15, 1996

COMMITTEE: ASSEMBLY: State Government

SENATE: State Government

AMENDED DURING PASSAGE: Yes Amendments during passage  
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: June 17, 1996

SENATE: June 20, 1996

DATE OF APPROVAL: July 26, 1996

**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

KBP:pp

P.L. 1996, CHAPTER 90, *approved July 26, 1996*  
Senate, No. 686 (*First Reprint*)

1 AN ACT concerning county boards of elections and amending  
2 R.S.19:6-22.

3

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

6

7 1. R.S.19:6-22 is amended to read as follows:

8 19:6-22. <sup>1</sup>a. (1)<sup>1</sup> The county boards shall, at 10 a.m., on the second  
9 Tuesday in March or on such other day as they may agree on within  
10 the first 15 days in March, in each year, meet at the courthouse, or  
11 other place as provided for, in their respective counties, and <sup>1</sup>, subject  
12 to the provisions of paragraph (2) of this subsection.<sup>1</sup> organize by  
13 electing one of their number to be chairman and one to be secretary;  
14 but the chairman and secretary shall not be members of the same  
15 political party.

16 <sup>1</sup>(2)<sup>1</sup> In case of failure to elect a chairman [for] after three ballots  
17 or viva voce votes, the [senior] member [in age of] having the greatest  
18 seniority on the board shall be the chairman thereof [, and on] <sup>1</sup>,  
19 except that if the member having the greatest seniority on the board so  
20 chooses, that member shall instead be secretary of the board; in the  
21 event that that senior member so chooses to become secretary, no  
22 election shall be held to choose a secretary of the board, the board  
23 shall elect one of its members who is not of the same political party as  
24 the secretary to be the chairman of the board, and in the case of a  
25 failure again to elect a chairman after three ballots or viva voce votes,  
26 the person among those members having the greatest seniority on the  
27 board shall be the chairman thereof<sup>1</sup>.

28 <sup>1</sup>In any case of failure to elect a chairman, if two or more members  
29 of the board who are eligible to become chairman have greatest and  
30 equal seniority on the board, then the board shall, not later than the  
31 fifth day following the organization meeting, notify the Governor of an

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:

<sup>1</sup> Assembly ASG committee amendments adopted May 20, 1996.

1 inability to fill the position of chairman either by election or on the  
2 basis of seniority, including in that notice a certification of the names  
3 of those senior members of the board. In addition, if the position of  
4 secretary has not otherwise been filled under the foregoing provisions  
5 of this paragraph, the board shall defer for the time being the election  
6 of a secretary. Not later than the fifth day following receipt of the  
7 notice, the Governor shall designate one of those senior members to  
8 be chairman of the board and certify that designation to the board. If  
9 the position of secretary was not filled at the initial meeting of the  
10 county board to organize, then not later than the fifth day following  
11 receipt of that certification, the board shall reconvene at the call of the  
12 chairman so designated and shall elect a secretary of the board.<sup>1</sup>

13 In case of failure to elect a secretary [for] after three ballots or  
14 viva voce votes, the [next senior] member of the board [in age] having  
15 the greatest seniority shall be secretary of the board[; but] , except  
16 that if that member has become chairman because of election to that  
17 position or because of designation as a result of the failure to elect a  
18 chairman, the member with the next greatest seniority shall be  
19 secretary. In no case, however, shall the chairman and secretary [shall  
20 not] be members of the same political party.

21 Seniority for the purposes of this section shall be determined by the  
22 total amount of time that a person has served as a member of the  
23 board, beginning from the date <sup>1</sup>[and time]<sup>1</sup> that that person took the  
24 oath of office as a member.

25 <sup>1</sup>b. <sup>1</sup> The boards shall have power in their discretion to hold their  
26 meetings for any purpose, except organization, in any part of their  
27 respective counties. Meetings may be called by either the chairman or  
28 the secretary of the board, or at the request of any two members.

29 (cf: P.L.1973, c.179, s.1)

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31 2. This act shall take effect immediately <sup>1</sup>, and shall be applicable to  
32 the first annual organization meeting of each county board of elections  
33 that is held following the effective date of the act and thereafter<sup>1</sup>.

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38 Revises method of selecting chairman and secretary of county boards  
39 of elections whenever members unable to do so after three ballots.

1       2. This act shall take effect immediately.

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STATEMENT

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6       This bill revises the statute providing for designation of the  
7 chairman and the secretary of the county board of elections in the  
8 event that the board is unable to fill either or both of those positions  
9 by election.

10       Under present law, in the event of such a failure to elect a  
11 chairman, the board's senior member in age is to be chairman, and in  
12 the event of such a failure to elect a secretary, the next senior member  
13 in age is to become secretary, subject to the condition that the  
14 chairman and secretary may not be members of the same political  
15 party.

16       Under the bill, in the event of failure by the board to elect a  
17 chairman, the member having greatest seniority on the board is to be  
18 chairman of the board. In the event of failure to elect a secretary, the  
19 member of the board having the greatest seniority is to be secretary,  
20 except that if that member has been elected or designated to the  
21 position of chairman, the member with the next greatest seniority  
22 be secretary, still subject to the condition that the chairman and  
23 secretary may not be members of the same political party.

24       The bill provides that, for purposes of the legislation, a member's  
25 seniority on the county board of elections is to be determined by the  
26 total amount of time that the person has served as a member of the  
27 board, beginning from the date and time that the person took the oath  
28 of office as a member.

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33       Revises method of selecting chairman and secretary of county boards  
34 of elections whenever members unable to do so after three ballots.

[First Reprint]  
SENATE, No. 686

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Senators INVERSO and BENNETT

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2 R.S.19:6-22.

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

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9 second Tuesday in March or on such other day as they may agree on  
10 within the first 15 days in March, in each year, meet at the courthouse,  
11 or other place as provided for, in their respective counties, and <sup>1</sup>  
12 subject to the provisions of paragraph (2) of this subsection,<sup>1</sup> organize  
13 by electing one of their number to be chairman and one to be  
14 secretary; but the chairman and secretary shall not be members of the  
15 same political party.

16 <sup>1</sup>(2)<sup>1</sup> In case of failure to elect a chairman **[for]** after three ballots  
17 or viva voce votes, the **[senior]** member **[in age of]** having the  
18 greatest seniority on the board shall be the chairman thereof **[,** and  
19 on] <sup>1</sup>, except that if the member having the greatest seniority on the  
20 board so chooses, that member shall instead be secretary of the board;  
21 in the event that that senior member so chooses to become secretary,  
22 no election shall be held to choose a secretary of the board, the board  
23 shall elect one of its members who is not of the same political party as  
24 the secretary to be the chairman of the board, and in the case of a  
25 failure again to elect a chairman after three ballots or viva voce votes,  
26 the person among those members having the greatest seniority on the  
27 board shall be the chairman thereof<sup>1</sup>.

28 <sup>1</sup>In any case of failure to elect a chairman, if two or more members  
29 of the board who are eligible to become chairman have greatest and  
30 equal seniority on the board, then the board shall, not later than the  
31 fifth day following the organization meeting, notify the Governor of an

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Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly ASG committee amendments adopted May 20, 1996.

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 2 basis of seniority, including in that notice a certification of the names  
 3 of those senior members of the board. In addition, if the position of  
 4 secretary has not otherwise been filled under the foregoing provisions  
 5 of this paragraph, the board shall defer for the time being the election  
 6 of a secretary. Not later than the fifth day following receipt of the  
 7 notice, the Governor shall designate one of those senior members to  
 8 be chairman of the board and certify that designation to the board. If  
 9 the position of secretary was not filled at the initial meeting of the  
 10 county board to organize, then not later than the fifth day following  
 11 receipt of that certification, the board shall reconvene at the call of the  
 12 chairman so designated and shall elect a secretary of the board.<sup>1</sup>

13 In case of failure to elect a secretary [for] after three ballots or  
 14 viva voce votes, the [next senior] member of the board [in age]  
 15 having the greatest seniority shall be secretary of the board[; but] .  
 16 except that if that member has become chairman because of election  
 17 to that position or because of designation as a result of the failure to  
 18 elect a chairman, the member with the next greatest seniority shall be  
 19 secretary. In no case, however, shall the chairman and secretary [shall  
 20 not] be members of the same political party.

21 Seniority for the purposes of this section shall be determined by the  
 22 total amount of time that a person has served as a member of the  
 23 board, beginning from the date <sup>1</sup>[and time]<sup>1</sup> that that person took the  
 24 oath of office as a member.

25 <sup>1</sup>b.<sup>1</sup> The boards shall have power in their discretion to hold their  
 26 meetings for any purpose, except organization, in any part of their  
 27 respective counties. Meetings may be called by either the chairman or  
 28 the secretary of the board, or at the request of any two members.  
 29 (cf: P.L.1973, c.179, s.1)

30

31 2. This act shall take effect immediately <sup>1</sup>, and shall be applicable  
 32 to the first annual organization meeting of each county board of  
 33 elections that is held following the effective date of the act and  
 34 thereafter<sup>1</sup>.

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38

39 Revises method of selecting chairman and secretary of county boards  
 40 of elections whenever members unable to do so after three ballots.

# ASSEMBLY STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### **SENATE, No. 686**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 20, 1996

The Assembly State Government Committee reports favorably and with committee amendments Senate, No.686.

This bill revises the statute providing for designation of the chairman and the secretary of the county board of elections in the event that the board is unable to fill either or both of those positions by election.

Under present law, in the event of a failure to elect a chairman, the board's senior member in age is to be chairman, and in the event of a failure to elect a secretary, the next senior member in age is to become secretary, subject to the condition that the chairman and secretary may not be members of the same political party.

Under the bill, in the event of failure by the board to elect a chairman, the member having greatest seniority on the board is to be chairman of the board. (A member's seniority on the board is to be determined by the total amount of time that the person has served as a member of the board, beginning from the date on which the person took the oath of office as a member.) That senior member, however, is to have the right to choose instead to become secretary of the board. If the senior member chooses to become secretary, then the board is to elect another member, not of the secretary's political party, as chairman. If the board is again unable to elect a chairman, the member not of the secretary's party who has the greatest seniority is to become chairman. If, when either an initial or (if held) second balloting for the position of chairman has been inconclusive, two or more members of the board eligible to fill the position have equal and greatest seniority of service, the board is to notify the Governor of the inability to fill the position either by election or on the basis of seniority, and the Governor would thereupon designate one of those equally senior members to fill the position in question.

In the event of failure to elect a secretary, the member having the greatest seniority who is not of the chairman's political party is to be secretary, except that if that member has been elected or designated to the position of chairman, the member with the next greatest seniority not of the chairman's political party is to be secretary.

COMMITTEE AMENDMENTS

The committee adopted amendments to this bill to provide that (1) the senior member of the board could, in the event of a failure to elect a chairman of the board in the initial balloting, choose to assume instead the position of secretary, and (2) if, in the event of failure to elect a chairman either in the initial or second balloting, two persons eligible for the position have equal and greatest seniority of service, then the selection of a chairman shall be made by the Governor. The amendments also clarify the bill's provision for determination of seniority of service on the board.



SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

**SENATE, No. 686**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 22, 1996

The Senate State Government Committee reports without recommendation Senate, No. 686.

This bill revises the statute providing for designation of the chairman and secretary of the county board of elections in the event that the board is unable to fill either or both of those positions by election.

Under current law, in the event of such a failure to elect a chairman, the board's senior member in age is to be chairman, and in the event of such a failure to elect a secretary, the next senior member in age is to become secretary, subject to the condition that the chairman and secretary may not be members of the same political party.

Under the bill, in the event of failure by the board to elect a chairman, the member having greatest seniority on the board is to be chairman of the board. In the event of failure to elect a secretary, the member of the board having the greatest seniority is to be secretary, except that if the member has been elected or designated to the position of chairman, the member with the next greatest seniority is to be secretary, still subject to the condition that the chairman and secretary may not be members of the same political party.

The bill provides that, for the purposes of the legislation, a member's seniority on the county board of elections is to be determined by the total amount of time that the person has served as a member of the board, beginning from the date and time that the person took the oath of office as a member.