

ASSEMBLY, No. 4632

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2022

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

SYNOPSIS

Prohibits New Jersey Legislature from solely altering conduct or outcome of any election; reaffirms separation of powers concerning elections.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/29/2022)

1 AN ACT concerning the power of the New Jersey Legislature to
2 alter the conduct or outcome of any election and supplementing
3 chapter 1 of Title 19 of the Revised Statutes.

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

7
8 1. The Legislature shall not have the sole power to prescribe the
9 conduct or alter the outcome of any election conducted in this State.
10 All elections in this State shall be conducted in a manner consistent
11 with the separation of powers among the legislative, executive, and
12 judicial branches of government stipulated under Article III,
13 paragraph 1 of the New Jersey Constitution, and no person or
14 persons belonging to or constituting one branch shall exercise any
15 of the powers properly belonging to either of the others, except as
16 expressly provided in the New Jersey Constitution.

17
18 2. This act shall take effect immediately.
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20

21 STATEMENT

22
23 This bill would prohibit the New Jersey State Legislature from
24 having the sole power alter the conduct or outcome of any election
25 in this State, and reaffirms the principle of the separation of powers
26 among the legislative, executive, and judicial branches of
27 government concerning elections.

28 Under the New Jersey State Constitution and various provisions
29 of Title 19 of the Revised Statutes, the conduct and outcome of any
30 election conducted in this State involves prescribed roles for the
31 legislative, executive, and judicial branches of government. For
32 example, the Legislature may pass laws concerning elections to be
33 signed by the Governor; the Division of Elections in the Department
34 of State and local election officials have multiple roles in the proper
35 administration of local, State, and federal elections; and courts in
36 the judicial branch may adjudicate election-related matters, such as
37 challenger disputes, challenges to certain election outcomes, and the
38 constitutionality of legislative and congressional district maps.

39 This bill prohibits the Legislature from having the sole power to
40 prescribe the conduct or alter the outcome of any election
41 conducted in this State. The bill further provides that all elections
42 conducted in this State must be conducted in a manner consistent
43 with the separation of powers among the legislative, executive, and
44 judicial branches of government stipulated under the New Jersey
45 Constitution. Under the bill, one branch would not be permitted to
46 exercise any of the powers properly belonging to either of the
47 others, except as expressly provided in the New Jersey Constitution.

1 This bill is intended to preserve these principles in the State of
2 New Jersey in the event the United States Supreme Court upholds
3 the “independent state legislature” theory, which holds that the
4 United States Constitution gives state legislatures the sole power to
5 regulate federal elections without review by state courts. The
6 “independent state legislature” theory is central to the *Moore v.*
7 *Harper* case, concerning legislative redistricting in North Carolina.