

**SENATE, No. 1886**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED FEBRUARY 28, 2022

**Sponsored by:**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**SYNOPSIS**

Changes certain primary election deadlines.

**CURRENT VERSION OF TEXT**

As introduced.



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2

1 AN ACT concerning certain deadlines for primary elections and  
2 amending various parts of the statutory law.

3

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

6

7 1. R.S.19:23-12 is amended to read as follows:

8 19:23-12. The signers to petitions for "Choice for President,"  
9 delegates and alternates to national conventions, for Governor,  
10 United States Senator, member of the House of Representatives,  
11 State Senator, member of the General Assembly and any county  
12 office may name three persons in their petition as a committee on  
13 vacancies.

14 This committee shall have power in case of death or resignation  
15 or otherwise of the person indorsed as a candidate in said petition to  
16 fill such vacancy by filing with the Secretary of State in the case of  
17 officers to be voted for by the voters of the entire State or a portion  
18 thereof involving more than one county thereof or any  
19 congressional district, and with the county clerk in the case of  
20 officers to be voted for by the voters of the entire county or any  
21 county election district, a certificate of nomination to fill the  
22 vacancy.

23 Such certificate shall set forth the cause of the vacancy, the name  
24 of the person nominated and that **[he]** the person is a member of  
25 the same political party as the candidate for whom **[he]** the person  
26 is substituted, the office for which **[he]** the person is nominated,  
27 the name of the person for whom the new nominee is to be  
28 substituted, the fact that the committee is authorized to fill  
29 vacancies and such further information as is required to be given in  
30 any original petition of nomination.

31 The certificate so made shall be executed and sworn to by the  
32 members of such committee, and shall upon being filed at least  
33 **[55]** 56 days before election have the same force and effect as the  
34 original petition of nomination for the primary election for the  
35 general election and there shall be annexed thereto the oath of  
36 allegiance prescribed in R.S.41:1-1 duly taken and subscribed by  
37 the person so nominated before an officer authorized to take oaths  
38 in this State. The name of the candidate submitted shall be  
39 immediately certified to the proper municipal clerks. In addition, a  
40 person so nominated for the office of Governor or the office of  
41 member of the Senate or General Assembly shall annex to the  
42 certificate a statement signed by the candidate that **[he or she]** the  
43 candidate:

44 a. has not been convicted of any offense graded by Title 2C of  
45 the New Jersey Statutes as a crime of the first, second, third or

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

**Matter underlined thus is new matter.**

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1 fourth degree, or any offense in any other jurisdiction which, if  
2 committed in this State, would constitute such a crime; or

3 b. has been so convicted, in which case, the candidate shall  
4 disclose on the statement the crime for which convicted, the date  
5 and place of the conviction and the penalties imposed for the  
6 conviction. Such a candidate may, as an alternative, submit with  
7 the statement a copy of an official document that provides such  
8 information. If the candidate has been convicted of more than one  
9 criminal offense, such information about each conviction shall be  
10 provided. Records expunged pursuant to chapter 52 of Title 2C of  
11 the New Jersey Statutes shall not be subject to disclosure.

12 (cf: P.L.2011, c.37, s.7)

13

14 2. R.S.19:23-14 is amended to read as follows:

15 19:23-14. Petitions addressed to the Secretary of State, the  
16 county clerks, or the municipal clerks shall be filed with such  
17 officers, respectively, before 4:00 p.m. of the 64th day next  
18 preceding the day of the holding of the primary election for the  
19 general election.

20 Not later than the close of business of the **[54th]** 55th day  
21 preceding the primary election for the general election, the  
22 municipal clerk shall certify to the county clerk the full and correct  
23 names and addresses of all candidates for nomination for public and  
24 party office and the name of the political party of which such  
25 persons are candidates together with their slogan and designation.  
26 The county clerk shall transmit this information to the Election Law  
27 Enforcement Commission in the form and manner prescribed by the  
28 commission and shall notify the commission immediately upon the  
29 withdrawal of a petition of nomination.

30 (cf: P.L.2011, c.37, s.8)

31

32 3. R.S.19:23-21 is amended to read as follows:

33 19:23-21. The Secretary of State shall certify the names of the  
34 persons indorsed in the petitions filed in **[his]** the secretary's office  
35 to the clerks of counties concerned thereby not later than the **[54th]**  
36 55th day prior to the holding of the primary election, specifying in  
37 such certificate the political parties to which the persons so  
38 nominated in the petitions belong. In the case of candidates for  
39 offices other than federal office, the Secretary of State shall also  
40 transmit this information to the Election Law Enforcement  
41 Commission in the form and manner prescribed by the commission  
42 and shall notify the commission immediately upon the withdrawal  
43 of a petition of nomination.

44 (cf: P.L.2011, c.37, s.9)

45

46 4. R.S.19:23-22 is amended to read as follows:

47 19:23-22. The county clerk shall certify all of the persons so  
48 certified to **[him]** the clerk by the Secretary of State and in addition

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1 the names of all persons indorsed in petitions filed in **his** the  
2 clerk's office to the clerk of each municipality concerned thereby in  
3 **his** the clerk's respective county not later than the close of  
4 business of the **53rd** 54th day prior to the time fixed by law for  
5 the holding of the primary election, specifying in such certificate  
6 the political party to which the person or persons so nominated  
7 belong. The county clerk shall also transmit this information with  
8 respect to persons, other than candidates for federal office, indorsed  
9 in petitions filed in **his** the clerk's office to the Election Law  
10 Enforcement Commission in the form and manner prescribed by the  
11 commission and shall notify the commission immediately upon the  
12 withdrawal of a petition of nomination filed in **his** the clerk's  
13 office.

14 (cf: P.L.2011, c.37, s.10)

15

16 5. R.S.19:23-24 is amended to read as follows:

17 19:23-24. The position which the candidates and bracketed  
18 groups of names of candidates for the primary for the general  
19 election shall have upon the ballots used for the primary election for  
20 the general election, in the case of candidates for nomination for  
21 members of the United States Senate, Governor, members of the  
22 House of Representatives, members of the State Senate, members of  
23 the General Assembly, choice for President, delegates and  
24 alternates-at-large to the national conventions of political parties,  
25 district delegates and alternates to conventions of political parties,  
26 candidates for party positions, and county offices or party positions  
27 which are to be voted for by the voters of the entire county or a  
28 portion thereof greater than a single municipality, including a  
29 congressional district which is wholly within a single municipality,  
30 shall be determined by the county clerks in their respective  
31 counties; and, excepting in counties where R.S.19:49-2 applies, the  
32 position on the ballot used for the primary election for the general  
33 election in the case of candidates for nomination for office or party  
34 position wherein the candidates for office or party position to be  
35 filled are to be voted for by the voters of a municipality only, or a  
36 subdivision thereof (excepting in the case of members of the House  
37 of Representatives) shall be determined by the municipal clerk in  
38 such municipalities, in the following manner: The county clerk, or  
39 **his** the county clerk's deputy, or the municipal clerk or **his** the  
40 municipal clerk's deputy, as the case may be, shall at **his** the  
41 clerk's office on the **53rd** 54th day prior to the primary election  
42 for the general election at three o'clock in the afternoon draw from  
43 the box, as hereinafter described, each card separately without  
44 knowledge on **his** the clerk's part as to which card **he** the clerk  
45 is drawing. Any legal voter of the county or municipality, as the  
46 case may be, shall have the privilege of witnessing such drawing.  
47 The person making the drawing shall make public announcement at

1 the drawing of each name, the order in which same is drawn, and  
2 the office for which the drawing is made. When there is to be but  
3 one person nominated for the office, the names of the several  
4 candidates who have filed petitions for such office shall be written  
5 upon cards (one name on a card) of the same size, substance and  
6 thickness. The cards shall be deposited in a box with an aperture in  
7 the cover of sufficient size to admit a man's hand. The box shall be  
8 well shaken and turned over to thoroughly mix the cards, and the  
9 cards shall then be withdrawn one at a time. The first name drawn  
10 shall have first place, the second name drawn, second place, and so  
11 on; the order of the withdrawal of the cards from the box  
12 determining the order of arrangement in which the names shall  
13 appear upon the primary election ballot. Where there is more than  
14 one person to be nominated to an office where petitions have  
15 designated that certain candidates shall be bracketed, the position of  
16 such bracketed names on the ballot (each bracket to be treated as a  
17 single name), together with individuals who have filed petitions for  
18 nomination for such office, shall be determined as above described.  
19 Where there is more than one person to be nominated for an office  
20 and there are more candidates who have filed petitions than there  
21 are persons to be nominated, the order of the printing of such names  
22 upon the primary election ballots shall be determined as above  
23 described.

24 The county clerk in certifying to the municipal clerk the offices  
25 to be filled and the names of candidates to be printed upon the  
26 ballots used for the primary election for the general election, shall  
27 certify them in the order as drawn in accordance with the above  
28 described procedure, and the municipal clerk shall print the names  
29 upon the ballots as so certified and in addition shall print the names  
30 of such candidates as have filed petitions with him in the order as  
31 determined as a result of the drawing as above described.  
32 Candidates for the office of the county executive in counties that  
33 have adopted the county executive plan of the "Optional County  
34 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall precede  
35 the candidates for other county offices for which there are  
36 candidates on the ballot used for the primary election for the  
37 general election.

38 (cf: P.L.2011, c.134, s.24)

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40 6. This act shall take effect immediately.

41

42

43

STATEMENT

44

45 This bill changes the dates of certain primary election deadlines.

46 Under current law, the deadline for filing a certificate to fill a  
47 vacancy of a primary election candidate by the appointed vacancy  
48 committee is 55 days before the primary election. Additionally, the

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1 deadline for the municipal clerk to certify to the county clerk the  
2 names of the candidates who filed a primary election nomination  
3 petition with the clerk and the transmittal of the Secretary of State  
4 certification of federal and State primary election candidates to the  
5 county clerks is 54 days before the primary election. Finally, the  
6 deadline for the certification of nominees and the drawing of ballot  
7 positions is 53 days before the primary election.

8 This bill would change the deadline for filing a certificate to fill  
9 a vacancy from 55 days to 56 days before the primary election.  
10 This bill would also change the deadline for municipal clerks to  
11 certify names of candidates to the county clerks and the transmittal  
12 of the Secretary of State certification from 54 days to 55 days  
13 before the primary election. This bill would also change the  
14 deadline for the certification of nominees and the drawing of ballot  
15 positions from 53 days to 54 days before the primary election.