

[First Reprint]

SENATE, No. 1886

STATE OF NEW JERSEY

220th LEGISLATURE

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 amended by the Senate on March 24, 2022.



1 AN ACT concerning certain deadlines for primary elections and
2 amending various parts of the statutory law ¹and supplementing
3 chapter 23 of Title 19 of the Revised Statutes¹.

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

7
8 ¹1. R.S.19:13-10 is amended to read as follows:

9 19:13-10. Every petition of nomination in apparent conformity
10 with the provisions of this Title shall be deemed to be valid, unless
11 objection thereto be duly made in writing and filed with the officer
12 with whom the original petition was filed not later than 4:00 p.m. of
13 the fourth day after the last day for filing of petitions. If such
14 objection is made, notice thereof signed by such officer shall
15 forthwith be mailed to the candidate who may be affected thereby,
16 addressed to **【him at his】** the candidate at the candidate's place of
17 residence as given in the petition of nomination.¹

18 (cf: P.L.1985, c.92, s.8)

19

20 ¹**【1.】** 2.¹ R.S.19:23-12 is amended to read as follows:

21 19:23-12. The signers to petitions for "Choice for President,"
22 delegates and alternates to national conventions, for Governor,
23 United States Senator, member of the House of Representatives,
24 State Senator, member of the General Assembly and any county
25 office may name three persons in their petition as a committee on
26 vacancies.

27 This committee shall have power in case of death or resignation
28 or otherwise of the person indorsed as a candidate in said petition to
29 fill such vacancy by filing with the Secretary of State in the case of
30 officers to be voted for by the voters of the entire State or a portion
31 thereof involving more than one county thereof or any
32 congressional district, and with the county clerk in the case of
33 officers to be voted for by the voters of the entire county or any
34 county election district, a certificate of nomination to fill the
35 vacancy.

36 Such certificate shall set forth the cause of the vacancy, the name
37 of the person nominated and that **【he】** the person is a member of
38 the same political party as the candidate for whom **【he】** the person
39 is substituted, the office for which **【he】** the person is nominated,
40 the name of the person for whom the new nominee is to be
41 substituted, the fact that the committee is authorized to fill
42 vacancies and such further information as is required to be given in
43 any original petition of nomination.

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:

¹Senate floor amendments adopted March 24, 2022.

1 The certificate so made shall be executed and sworn to by the
2 members of such committee, and shall upon being filed at least
3 **[55]** 56 days before election have the same force and effect as the
4 original petition of nomination for the primary election for the
5 general election and there shall be annexed thereto the oath of
6 allegiance prescribed in R.S.41:1-1 duly taken and subscribed by
7 the person so nominated before an officer authorized to take oaths
8 in this State. The name of the candidate submitted shall be
9 immediately certified to the proper municipal clerks. In addition, a
10 person so nominated for the office of Governor or the office of
11 member of the Senate or General Assembly shall annex to the
12 certificate a statement signed by the candidate that **[he or she]** the
13 candidate:

14 a. has not been convicted of any offense graded by Title 2C of
15 the New Jersey Statutes as a crime of the first, second, third or
16 fourth degree, or any offense in any other jurisdiction which, if
17 committed in this State, would constitute such a crime; or

18 b. has been so convicted, in which case, the candidate shall
19 disclose on the statement the crime for which convicted, the date
20 and place of the conviction and the penalties imposed for the
21 conviction. Such a candidate may, as an alternative, submit with
22 the statement a copy of an official document that provides such
23 information. If the candidate has been convicted of more than one
24 criminal offense, such information about each conviction shall be
25 provided. Records expunged pursuant to chapter 52 of Title 2C of
26 the New Jersey Statutes shall not be subject to disclosure.

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

28

29 **¹[2.] 3.¹** R.S.19:23-14 is amended to read as follows:

30 19:23-14. Petitions addressed to the Secretary of State, the
31 county clerks, or the municipal clerks shall be filed with such
32 officers, respectively, before 4:00 p.m. of the 64th day next
33 preceding the day of the holding of the primary election for the
34 general election.

35 Not later than **¹[the close of business]** noon¹ of the **[54th]**
36 **¹[55th]** 54th¹ day preceding the primary election for the general
37 election, the municipal clerk shall certify to the county clerk the full
38 and correct names and addresses of all candidates for nomination
39 for public and party office and the name of the political party of
40 which such persons are candidates together with their slogan and
41 designation. The county clerk shall transmit this information to the
42 Election Law Enforcement Commission in the form and manner
43 prescribed by the commission and shall notify the commission
44 immediately upon the withdrawal of a petition of nomination.

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

46

47 **¹4.** R.S.19:23-20 is amended to read as follows:

1 19:23-20. Such candidate shall be permitted to amend the
2 petition either in form or in substance, but not to add signatures, so
3 as to remedy the defect **[within three days]** not later than 4:00 p.m.
4 of the third day after the last day for the filing of petitions.¹
5 (cf: R.S.19:23-20)

6
7 ¹**[3.] 5.**¹ R.S.19:23-21 is amended to read as follows:

8 19:23-21. The Secretary of State shall certify the names of the
9 persons indorsed in the petitions filed in **[his]** the secretary's office
10 to the clerks of counties concerned thereby not later than ¹noon of¹
11 the [54th] ¹**[55th]** 54th¹ day prior to the holding of the primary
12 election, specifying in such certificate the political parties to which
13 the persons so nominated in the petitions belong. In the case of
14 candidates for offices other than federal office, the Secretary of
15 State shall also transmit this information to the Election Law
16 Enforcement Commission in the form and manner prescribed by the
17 commission and shall notify the commission immediately upon the
18 withdrawal of a petition of nomination.
19 (cf: P.L.2011, c.37, s.9)

20
21 ¹**[4.] 6.**¹ R.S.19:23-22 is amended to read as follows:

22 19:23-22. The county clerk shall certify all of the persons so
23 certified to **[him]** the clerk by the Secretary of State and in addition
24 the names of all persons indorsed in petitions filed in **[his]** the
25 clerk's office to the clerk of each municipality concerned thereby in
26 **[his]** the clerk's respective county not later than the close of
27 business of the **[53rd]** 54th day prior to the time fixed by law for
28 the holding of the primary election, specifying in such certificate
29 the political party to which the person or persons so nominated
30 belong. The county clerk shall also transmit this information with
31 respect to persons, other than candidates for federal office, indorsed
32 in petitions filed in **[his]** the clerk's office to the Election Law
33 Enforcement Commission in the form and manner prescribed by the
34 commission and shall notify the commission immediately upon the
35 withdrawal of a petition of nomination filed in **[his]** the clerk's
36 office.
37 (cf: P.L.2011, c.37, s.10)

38
39 ¹**[5.] 7.**¹ R.S.19:23-24 is amended to read as follows:

40 19:23-24. The position which the candidates and bracketed
41 groups of names of candidates for the primary for the general
42 election shall have upon the ballots used for the primary election for
43 the general election, in the case of candidates for nomination for
44 members of the United States Senate, Governor, members of the
45 House of Representatives, members of the State Senate, members of
46 the General Assembly, choice for President, delegates and
47 alternates-at-large to the national conventions of political parties,

1 district delegates and alternates to conventions of political parties,
2 candidates for party positions, and county offices or party positions
3 which are to be voted for by the voters of the entire county or a
4 portion thereof greater than a single municipality, including a
5 congressional district which is wholly within a single municipality,
6 shall be determined by the county clerks in their respective
7 counties; and, excepting in counties where R.S.19:49-2 applies, the
8 position on the ballot used for the primary election for the general
9 election in the case of candidates for nomination for office or party
10 position wherein the candidates for office or party position to be
11 filled are to be voted for by the voters of a municipality only, or a
12 subdivision thereof (excepting in the case of members of the House
13 of Representatives) shall be determined by the municipal clerk in
14 such municipalities, in the following manner: The county clerk, or
15 **[his]** the county clerk's deputy, or the municipal clerk or **[his]** the
16 municipal clerk's deputy, as the case may be, shall at **[his]** the
17 clerk's office on the **[53rd]** 54th day prior to the primary election
18 for the general election at three o'clock in the afternoon draw from
19 the box, as hereinafter described, each card separately without
20 knowledge on **[his]** the clerk's part as to which card **[he]** the clerk
21 is drawing. Any legal voter of the county or municipality, as the
22 case may be, shall have the privilege of witnessing such drawing.
23 The person making the drawing shall make public announcement at
24 the drawing of each name, the order in which same is drawn, and
25 the office for which the drawing is made. When there is to be but
26 one person nominated for the office, the names of the several
27 candidates who have filed petitions for such office shall be written
28 upon cards (one name on a card) of the same size, substance and
29 thickness. The cards shall be deposited in a box with an aperture in
30 the cover of sufficient size to admit a man's hand. The box shall be
31 well shaken and turned over to thoroughly mix the cards, and the
32 cards shall then be withdrawn one at a time. The first name drawn
33 shall have first place, the second name drawn, second place, and so
34 on; the order of the withdrawal of the cards from the box
35 determining the order of arrangement in which the names shall
36 appear upon the primary election ballot. Where there is more than
37 one person to be nominated to an office where petitions have
38 designated that certain candidates shall be bracketed, the position of
39 such bracketed names on the ballot (each bracket to be treated as a
40 single name), together with individuals who have filed petitions for
41 nomination for such office, shall be determined as above described.
42 Where there is more than one person to be nominated for an office
43 and there are more candidates who have filed petitions than there
44 are persons to be nominated, the order of the printing of such names
45 upon the primary election ballots shall be determined as above
46 described.

47 The county clerk in certifying to the municipal clerk the offices
48 to be filled and the names of candidates to be printed upon the

1 ballots used for the primary election for the general election, shall
2 certify them in the order as drawn in accordance with the above
3 described procedure, and the municipal clerk shall print the names
4 upon the ballots as so certified and in addition shall print the names
5 of such candidates as have filed petitions with him in the order as
6 determined as a result of the drawing as above described.
7 Candidates for the office of the county executive in counties that
8 have adopted the county executive plan of the "Optional County
9 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall precede
10 the candidates for other county offices for which there are
11 candidates on the ballot used for the primary election for the
12 general election.

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

14

15 ¹8. (New section) Every petition of nomination in apparent

16 conformity with the provisions of this Title shall be deemed to be

17 valid, unless objection thereto be duly made in writing and filed

18 with the officer with whom the original petition was filed not later

19 than 4:00 p.m. of the fourth day after the last day for filing of

20 petitions. If such objection is made, notice thereof signed by such

21 officer shall forthwith be mailed to the candidate who may be

22 affected thereby, addressed to the candidate at the candidate's place

23 of residence as given in the petition of nomination.¹

24

25 ¹9. (New section) The officer with whom the original petition

26 was filed shall in the first instance pass upon the validity of such

27 objection in a summary way unless an order shall be made in the

28 matter by a court of competent jurisdiction and for this purpose

29 such officer shall have power to subpoena witnesses and take

30 testimony or depositions. The officer shall file a determination in

31 writing in the officer's office on or before the ninth day after the

32 last day for the filing of petitions, which determination shall be

33 open for public inspection.¹

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35 ¹**[6.] 10.**¹ This act shall take effect immediately.