

[First Reprint]

**SENATE, No. 3595**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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INTRODUCED FEBRUARY 13, 2023

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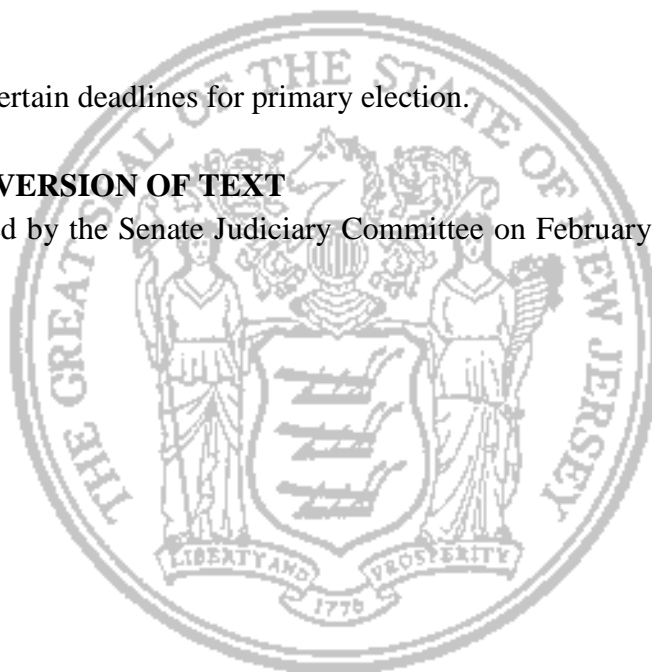
**Senator Durr**

**SYNOPSIS**

Changes certain deadlines for primary election.

**CURRENT VERSION OF TEXT**

As reported by the Senate Judiciary Committee on February 23, 2023, with amendments.



(Sponsorship Updated As Of: 2/27/2023)

1 AN ACT concerning certain primary election deadlines 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. Section 6 of P.L.1976, c.83 (C.19:4-15) is amended to read as  
8 follows:

9 6. a. No county board shall make division of an election district  
10 in any year in the period commencing **[75]** 82 days before the  
11 primary election for the general election, and the day of the general  
12 election.

13 b. To facilitate the use of Federal decennial census populations  
14 for apportionment and redistricting purposes and notwithstanding  
15 the provisions of this or any other law, no election districts shall,  
16 except with the prior approval of the Secretary of State, be created,  
17 abolished, divided or consolidated between January 1 of any year  
18 whose last digit is 7 and December 1 of any year whose last digit is  
19 0.

20 (cf: P.L.2011, c.134, s.4)

21

22 2. R.S.19:12-1 is amended to read as follows:

23 19:12-1. The Secretary of State shall within thirty days after the  
24 completion of the canvass by the board of State canvassers, certify  
25 to each county clerk and county board the fact that at the next  
26 preceding general election held for the election of all of the  
27 members of the General Assembly ten per centum (10%) of the total  
28 vote cast in the State for members of the General Assembly had  
29 been cast for candidates having the same designation, thereby  
30 creating, within the meaning of this Title, a political party, to be  
31 known and recognized as such under the same designation as used  
32 by the candidates for whom the required number of votes were cast.

33 The Secretary of State shall also not later than the **[67th]** 74th  
34 day preceding the primary election for the general election in every  
35 year in which electors of President and Vice-President of the United  
36 States, a representative of the United States Senate, members of the  
37 House of Representatives, a Governor, a Lieutenant Governor, or  
38 Senator, or member or members of the General Assembly for any  
39 county, or any of them, are to be elected or any public question is to  
40 be submitted to the voters of the entire State, direct and cause to be  
41 delivered to the clerk of the county and the county board wherein  
42 any such election is to be held, a notice stating that such officer or  
43 officers are to be elected and that such public question is to be  
44 submitted to the voters of the entire State at the ensuing general  
45 election.

46 (cf: P.L.2011, c.134, s.15)

**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>Senate SJU committee amendments adopted February 23, 2023.

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

2       19:12-3. The clerk of each county shall immediately upon the  
3 receipt of the certificate from the Secretary of State setting forth  
4 that a political party has been created, forward a certified copy of  
5 such certificate to each municipal clerk of his county.

6       He shall also, not later than the **【57th】** 64th day preceding the  
7 primary election for the general election in every year, cause a copy  
8 of the notice received from the Secretary of State of the officer or  
9 officers to be elected at the ensuing general election, certified under  
10 his hand to be true and correct, to be delivered to the clerk of each  
11 municipality in the county.

12 (cf: P.L.2011, c.134, s.16)

13

14       <sup>1</sup>4. R.S.19:12-5 is amended to read as follows:

15       19:12-5. The clerk of every county shall, not later than the  
16 **【57th】** 71st day preceding the primary election for the general  
17 election, immediately preceding the expiration of the term of office  
18 of all other officers who are voted for by the voters of the entire  
19 county or of more than one municipality within the county, direct  
20 and cause to be delivered to the clerk of each municipality and the  
21 county board in counties of the first class, a notice that such officer  
22 or officers, as the case may be, will be chosen at the ensuing  
23 general election.<sup>1</sup>

24 (cf: P.L.2011, c.134, s.17)

25

26       <sup>1</sup>5. R.S.19:14-1 is amended to read as follows:

27       19:14-1. Every county clerk shall have ready for the printer on  
28 or before the **【45th】** 60th day prior to the primary election and on  
29 or before the 64th day prior to the general election a copy of the  
30 contents of official ballots as hereinafter required to be printed for  
31 use at such election **【**, except that every county clerk shall have  
32 ready for the printer on or before the 50th day prior to a federal  
33 primary election or any general election in this State a copy of the  
34 contents of the official ballots for use in such election **】**. The county  
35 clerk shall also on or before that time place another copy of such  
36 contents on file in the county clerk's office and keep the same open  
37 to public inspection until the sample ballots hereinafter provided to  
38 be printed shall have been distributed.

39       **【Nothing in this section, as amended by P.L.2022, c.70, shall be**  
40 **construed to hinder, limit, or interfere with the ability of a county**  
41 **clerk to comply with the federal "Uniformed and Overseas Citizens**  
42 **Absentee Voting Act" (52 U.S.C. s.20301 et seq.).**】**<sup>1</sup>**

43 (cf: P.L.2022, c.70, s.1)

44

45       <sup>1</sup>**【4.】** 6.<sup>1</sup> R.S.19:12-6 is amended to read as follows:

46       19:12-6. All municipal clerks, not later than the **【57th】** 71st day  
47 preceding the primary election for the general election, shall make

1 and certify under their hands and seals of office and forward to the  
2 clerk of the county in which the municipality is located a statement  
3 designating the public offices to be filled at such election, and the  
4 number of persons to be voted for each office. In counties of the  
5 first class such statement shall also be forwarded to the county  
6 board.

7 (cf: P.L.2011, c.134, s.18)

8

9 <sup>1</sup>**[5.] 7.**<sup>1</sup> R.S.19:23-1 is amended to read as follows:

10 19:23-1. The chairman of the State committee of a political  
11 party shall, on or before March 1 in the year when a Governor is to  
12 be elected, notify in writing the chairman of each county committee  
13 of such party of the number of male or female members or members  
14 with less than one full vote to be elected from the county at the  
15 ensuing primary election for the general election, and each such  
16 chairman shall, **[on or before April 1 of such year]** not later than  
17 the 74th day preceding the primary election for the general election,  
18 send a copy of such notice to the county clerk.

19 The chairman of each county committee shall also, **[on or before**  
20 **April 1 in each year]** not later than the 74th day preceding the  
21 primary election for the general election, file with the clerks of the  
22 several municipalities the number of committeemen to be elected at  
23 the ensuing primary for the general election to the county  
24 committee.

25 (cf: P.L.2011, c.134, s.23)

26

27 <sup>1</sup>**[6.] 8.**<sup>1</sup> R.S.19:23-12 is amended to read as follows:

28 19:23-12. The signers to petitions for "Choice for President,"  
29 delegates and alternates to national conventions, for Governor,  
30 United States Senator, member of the House of Representatives,  
31 State Senator, member of the General Assembly and any county  
32 office may name three persons in their petition as a committee on  
33 vacancies.

34 This committee shall have power in case of death or resignation  
35 or otherwise of the person indorsed as a candidate in said petition to  
36 fill such vacancy by filing with the Secretary of State in the case of  
37 officers to be voted for by the voters of the entire State or a portion  
38 thereof involving more than one county thereof or any  
39 congressional district, and with the county clerk in the case of  
40 officers to be voted for by the voters of the entire county or any  
41 county election district, a certificate of nomination to fill the  
42 vacancy.

43 Such certificate shall set forth the cause of the vacancy, the name  
44 of the person nominated and that the person is a member of the  
45 same political party as the candidate for whom the person is  
46 substituted, the office for which the person is nominated, the name  
47 of the person for whom the new nominee is to be substituted, the  
48 fact that the committee is authorized to fill vacancies and such

1 further information as is required to be given in any original  
2 petition of nomination.

3 The certificate so made shall be executed and sworn to by the  
4 members of such committee, and shall upon being filed at least  
5 **[56]** 62 days before election have the same force and effect as the  
6 original petition of nomination for the primary election for the  
7 general election and there shall be annexed thereto the oath of  
8 allegiance prescribed in R.S.41:1-1 duly taken and subscribed by  
9 the person so nominated before an officer authorized to take oaths  
10 in this State. The name of the candidate submitted shall be  
11 immediately certified to the proper municipal clerks. In addition, a  
12 person so nominated for the office of Governor or the office of  
13 member of the Senate or General Assembly shall annex to the  
14 certificate a statement signed by the candidate that the candidate:

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

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

28 (cf: P.L.2022, c.7, s.2)

29

30 <sup>1</sup>**[7.]** 9.<sup>1</sup> R.S.19:23-21 is amended to read as follows:

31 19:23-21. The Secretary of State shall certify the names of the  
32 persons indorsed in the petitions filed in the secretary's office to the  
33 clerks of counties concerned thereby not later than noon of the  
34 **[54th]** 61st day prior to the holding of the primary election,  
35 specifying in such certificate the political parties to which the  
36 persons so nominated in the petitions belong. In the case of  
37 candidates for offices other than federal office, the Secretary of  
38 State shall also transmit this information to the Election Law  
39 Enforcement Commission in the form and manner prescribed by the  
40 commission and shall notify the commission immediately upon the  
41 withdrawal of a petition of nomination.

42 (cf: P.L.2022, c.7, s.5)

43

44 <sup>1</sup>**[8.]** 10.<sup>1</sup> R.S.19:23-22 is amended to read as follows:

45 19:23-22. The county clerk shall certify all of the persons so  
46 certified to the clerk by the Secretary of State and in addition the  
47 names of all persons indorsed in petitions filed in the clerk's office  
48 to the clerk of each municipality concerned thereby in the clerk's

1    respective county not later than the close of business of the **[54th]**  
2    **60th** day prior to the time fixed by law for the holding of the  
3    primary election, specifying in such certificate the political party to  
4    which the person or persons so nominated belong. The county clerk  
5    shall also transmit this information with respect to persons, other  
6    than candidates for federal office, indorsed in petitions filed in the  
7    clerk's office to the Election Law Enforcement Commission in the  
8    form and manner prescribed by the commission and shall notify the  
9    commission immediately upon the withdrawal of a petition of  
10   nomination filed in the clerk's office.

11   (cf: P.L.2022, c.7, s.6)

12

13       <sup>1</sup>**[9.] 11.**<sup>1</sup> R.S.19:23-24 is amended to read as follows:

14       19:23-24. The position which the candidates and bracketed groups  
15   of names of candidates for the primary for the general election shall  
16   have upon the ballots used for the primary election for the general  
17   election, in the case of candidates for nomination for members of the  
18   United States Senate, Governor, members of the House of  
19   Representatives, members of the State Senate, members of the General  
20   Assembly, choice for President, delegates and alternates-at-large to the  
21   national conventions of political parties, district delegates and  
22   alternates to conventions of political parties, candidates for party  
23   positions, and county offices or party positions which are to be voted  
24   for by the voters of the entire county or a portion thereof greater than a  
25   single municipality, including a congressional district which is wholly  
26   within a single municipality, shall be determined by the county clerks  
27   in their respective counties; and, excepting in counties where  
28   R.S.19:49-2 applies, the position on the ballot used for the primary  
29   election for the general election in the case of candidates for  
30   nomination for office or party position wherein the candidates for  
31   office or party position to be filled are to be voted for by the voters of  
32   a municipality only, or a subdivision thereof (excepting in the case of  
33   members of the House of Representatives) shall be determined by the  
34   municipal clerk in such municipalities, in the following manner: The  
35   county clerk, or the county clerk's deputy, or the municipal clerk or the  
36   municipal clerk's deputy, as the case may be, shall at the clerk's office  
37   on the **[54th]** <sup>1</sup>**[60th]** **61st**<sup>1</sup> day prior to the primary election for the  
38   general election at three o'clock in the afternoon draw from the box, as  
39   hereinafter described, each card separately without knowledge on the  
40   clerk's part as to which card the clerk is drawing. Any legal voter of  
41   the county or municipality, as the case may be, shall have the privilege  
42   of witnessing such drawing. The person making the drawing shall  
43   make public announcement at the drawing of each name, the order in  
44   which same is drawn, and the office for which the drawing is made.  
45   When there is to be but one person nominated for the office, the names  
46   of the several candidates who have filed petitions for such office shall  
47   be written upon cards (one name on a card) of the same size, substance  
48   and thickness. The cards shall be deposited in a box with an aperture

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

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

30 (cf: P.L.2022, c.7, s.7)

31

32 <sup>1</sup>~~10.~~ 12.<sup>1</sup> R.S.19:27-11 is amended to read as follows:

33 19:27-11. In the event of any vacancy in any county or  
34 municipal office, except for the office of a member of the board of  
35 ~~chosen freeholders~~ county commissioners, which vacancy shall  
36 occur after the ~~70th~~ 77th day preceding the primary election for  
37 the general election and on or before the ~~70th~~ <sup>1</sup>~~77th~~ 70th<sup>1</sup> day  
38 preceding the general election, each political party may select a  
39 candidate for the office in question in the manner prescribed in  
40 R.S.19:13-20 for selecting candidates to fill vacancies among  
41 candidates nominated at primary elections for the general elections.  
42 A statement of such selection shall be filed with the county clerk  
43 not later than the close of business of the <sup>1</sup>~~55th~~ 68th<sup>1</sup> day  
44 preceding the date of the general election.

45 Besides the selection of candidates by each political party as  
46 before provided, candidates may also be nominated by petition in a  
47 similar manner as herein provided for direct nomination by petition

1 for the general election but the petition shall be filed with the  
2 county clerk at least <sup>1</sup>~~64~~ 75<sup>1</sup> days prior to such general election.

3 When the vacancy occurs in a county office the county clerk  
4 shall forthwith give notice thereof to the chairman of the county  
5 committee of each political party and in counties of the first class to  
6 the county board, and in case the vacancy occurs in a municipal  
7 office the municipal clerk shall forthwith give notice thereof to the  
8 county clerk, the chairman of the county committee of each political  
9 party and in counties of the first class the county board.

10 The county clerk shall print on the ballots for the territory  
11 affected, in the personal choice column, the title of office and leave  
12 a proper space under such title of office; and print the title of office  
13 and the names of such persons as have been duly nominated, in  
14 their proper columns.

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

16

17 <sup>1</sup>~~11.~~ 13.<sup>1</sup> This act shall take effect immediately.