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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.
AN ACT concerning certain primary election deadlines and amending various parts of the statutory law.

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

1. Section 6 of P.L.1976, c.83 (C.19:4-15) is amended to read as follows:

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

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

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

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

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

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

   (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:
Senate SJU committee amendments adopted February 23, 2023.
3. R.S.19:12-3 is amended to read as follows:

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

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

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

14. R.S.19:12-5 is amended to read as follows:

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

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

15. R.S.19:14-1 is amended to read as follows:

19:14-1. Every county clerk shall have ready for the printer on or before the [45th] 50th day prior to the primary election and on or before the 64th day prior to the general election a copy of the contents of official ballots as hereinafter required to be printed for use at such election [ ], except that every county clerk shall have ready for the printer on or before the 50th day prior to a federal primary election or any general election in this State a copy of the contents of the official ballots for use in such election]. The county clerk shall also on or before that time place another copy of such contents on file in the county clerk's office and keep the same open to public inspection until the sample ballots hereinafter provided to be printed shall have been distributed.

[Nothing in this section, as amended by P.L.2022, c.70, shall be construed to hinder, limit, or interfere with the ability of a county clerk to comply with the federal "Uniformed and Overseas Citizens Absentee Voting Act" (52 U.S.C. s.20301 et seq.).]¹

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

14. R.S.19:12-6 is amended to read as follows:

19:12-6. All municipal clerks, not later than the [57th] 71st day preceding the primary election for the general election, shall make
and certify under their hands and seals of office and forward to the
clerk of the county in which the municipality is located a statement
designating the public offices to be filled at such election, and the
number of persons to be voted for each office. In counties of the
first class such statement shall also be forwarded to the county
board.
(cf: P.L.2011, c.134, s.18)

19:23-1. The chairman of the State committee of a political
party shall, on or before March 1 in the year when a Governor is to
be elected, notify in writing the chairman of each county committee
of such party of the number of male or female members or members
with less than one full vote to be elected from the county at the
ensuing primary election for the general election, and each such
chairman shall, [on or before April 1 of such year] not later than
the 74th day preceding the primary election for the general election,
send a copy of such notice to the county clerk.
The chairman of each county committee shall also, [on or before
April 1 in each year] not later than the 74th day preceding the
primary election for the general election, file with the clerks of the
several municipalities the number of committermen to be elected at
the ensuing primary for the general election to the county
committee.
(cf: P.L.2011, c.134, s.23)

19:23-12. The signers to petitions for "Choice for President,"
delegates and alternates to national conventions, for Governor,
United States Senator, member of the House of Representatives,
State Senator, member of the General Assembly and any county
office may name three persons in their petition as a committee on
vacancies.
This committee shall have power in case of death or resignation
or otherwise of the person indorsed as a candidate in said petition to
fill such vacancy by filing with the Secretary of State in the case of
officers to be voted for by the voters of the entire State or a portion
thereof involving more than one county thereof or any
congressional district, and with the county clerk in the case of
officers to be voted for by the voters of the entire county or any
county election district, a certificate of nomination to fill the
vacancy.
Such certificate shall set forth the cause of the vacancy, the name
of the person nominated and that the person is a member of the
same political party as the candidate for whom the person is
substituted, the office for which the person is nominated, the name
of the person for whom the new nominee is to be substituted, the
fact that the committee is authorized to fill vacancies and such
further information as is required to be given in any original petition of nomination.

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

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

b. has been so convicted, in which case, the candidate shall disclose on the statement the crime for which convicted, the date and place of the conviction and the penalties imposed for the conviction. Such a candidate may, as an alternative, submit with the statement a copy of an official document that provides such information. If the candidate has been convicted of more than one criminal offense, such information about each conviction shall be provided. Records expunged pursuant to chapter 52 of Title 2C of the New Jersey Statutes shall not be subject to disclosure. (cf: P.L.2022, c.7, s.2)

\[7.\] R.S.19:23-21 is amended to read as follows:

19:23-21. The Secretary of State shall certify the names of the persons indorsed in the petitions filed in the secretary's office to the clerks of counties concerned thereby not later than noon of the \(54\)th \(61\)st day prior to the holding of the primary election, specifying in such certificate the political parties to which the persons so nominated in the petitions belong. In the case of candidates for offices other than federal office, the Secretary of State shall also transmit this information to the Election Law Enforcement Commission in the form and manner prescribed by the commission and shall notify the commission immediately upon the withdrawal of a petition of nomination. (cf: P.L.2022, c.7, s.5)

\[8.\] R.S.19:23-22 is amended to read as follows:

19:23-22. The county clerk shall certify all of the persons so certified to the clerk by the Secretary of State and in addition the names of all persons indorsed in petitions filed in the clerk's office to the clerk of each municipality concerned thereby in the clerk's
respective county not later than the close of business of the [54th] 60th day prior to the time fixed by law for the holding of the primary election, specifying in such certificate the political party to which the person or persons so nominated belong. The county clerk shall also transmit this information with respect to persons, other than candidates for federal office, indorsed in petitions filed in the clerk's office to the Election Law Enforcement Commission in the form and manner prescribed by the commission and shall notify the commission immediately upon the withdrawal of a petition of nomination filed in the clerk's office.

(cf: P.L.2022, c.7, s.6)

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

19:23-24 is amended to read as follows:

1. R.S.19:23-24. The position which the candidates and bracketed groups of names of candidates for the primary for the general election shall have upon the ballots used for the primary election for the general election, in the case of candidates for nomination for members of the United States Senate, Governor, members of the House of Representatives, members of the State Senate, members of the General Assembly, choice for President, delegates and alternates-at-large to the national conventions of political parties, district delegates and alternates to conventions of political parties, candidates for party positions, and county offices or party positions which are to be voted for by the voters of the entire county or a portion thereof greater than a single municipality, including a congressional district which is wholly within a single municipality, shall be determined by the county clerks in their respective counties; and, excepting in counties where R.S.19:49-2 applies, the position on the ballot used for the primary election for the general election in the case of candidates for nomination for office or party position wherein the candidates for office or party position to be filled are to be voted for by the voters of a municipality only, or a subdivision thereof (excepting in the case of members of the House of Representatives) shall be determined by the municipal clerk in such municipalities, in the following manner: The county clerk, or the county clerk's deputy, or the municipal clerk or the municipal clerk's deputy, as the case may be, shall at the clerk's office on the [54th] [60th] 61st day prior to the primary election for the general election at three o'clock in the afternoon draw from the box, as hereinafter described, each card separately without knowledge on the clerk's part as to which card the clerk is drawing. Any legal voter of the county or municipality, as the case may be, shall have the privilege of witnessing such drawing. The person making the drawing shall make public announcement at the drawing of each name, the order in which same is drawn, and the office for which the drawing is made. When there is to be but one person nominated for the office, the names of the several candidates who have filed petitions for such office shall be written upon cards (one name on a card) of the same size, substance and thickness. The cards shall be deposited in a box with an aperture.
in the cover of sufficient size to admit a man's hand. The box shall be well shaken and turned over to thoroughly mix the cards, and the cards shall then be withdrawn one at a time. The first name drawn shall have first place, the second name drawn, second place, and so on; the order of the withdrawal of the cards from the box determining the order of arrangement in which the names shall appear upon the primary election ballot. Where there is more than one person to be nominated to an office where petitions have designated that certain candidates shall be bracketed, the position of such bracketed names on the ballot (each bracket to be treated as a single name), together with individuals who have filed petitions for nomination for such office, shall be determined as above described. Where there is more than one person to be nominated for an office and there are more candidates who have filed petitions than there are persons to be nominated, the order of the printing of such names upon the primary election ballots shall be determined as above described.

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

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

R.S.19:27-11 is amended to read as follows:

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

Besides the selection of candidates by each political party as before provided, candidates may also be nominated by petition in a similar manner as herein provided for direct nomination by petition
for the general election but the petition shall be filed with the county clerk at least \[64\] \[75\] days prior to such general election.

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

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

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

\[11.\] \[13.\] This act shall take effect immediately.