ASSEMBLY, No. 5117

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED DECEMBER 9, 2024

Sponsored by:
Assemblyman LOUIS D. GREENWALD
District 6 (Burlington and Camden)

SYNOPSIS

Increases number of signatures required for candidates to be placed on primary, general, nonpartisan municipal, and school election ballots; requires Secretary of State to publish certain nominating petition forms by January 1 of each year.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning the number of signatures required for candidates to be placed on the ballots for the primary, general, nonpartisan municipal, and school elections, amending various sections of statutory law, and supplementing chapter 23 of Title 19 of the Revised Statutes.

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

1. R.S.19:13-5 is amended to read as follows:

19:13-5. The petition shall be signed by legally qualified voters of this State residing within the district or political division in and for which the officer or officers nominated are to be elected, equal in number to at least **[**two per centum (2%)**]** five percent of the entire vote cast for members of the General Assembly at the last preceding general election, held for the election of all of the members of the General Assembly, in the State, county, district or other political division in and for which the nominations are made; except that when the nomination is for an office to be filled by the voters of the entire State **[**eight hundred**]** 2,000 signatures in the aggregate for each candidate nominated in the petition shall be sufficient; and except that no more than **[**one hundred**]** 250 signatures shall be required to any petition for any officers to be elected save only such as are to be voted for by the voters of the State at large.

In case of a first general election to be held in a newly established election district, county, city or other political division, the number of **[**fifty**]** 50 signatures to a petition shall be sufficient to nominate a candidate to be voted for only in such election district, county, city or other political division.

A candidate shall be permitted to sign or circulate, or both sign and circulate, the petition required to nominate that candidate for elective public office.

(cf: P.L.2010, c.68, s.1)

2. R.S.19:23-8 is amended to read as follows:

19:23-8. a. The petitions for candidates to be voted for by the voters of a political party throughout the entire State shall in the aggregate be signed by at least **[**1,000**]** 2,500 of such voters; in the case of candidates to be voted for by the voters of a political party throughout a congressional district by at least **[**200**]** 500 of such voters; and in the case of candidates for the Senate and General Assembly at least **[**100**]** 250 of such voters **[**; in the case of candidates to be voted for by the voters of a political party throughout a county or any county election district, by at least 100

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.

of such voters; in the case of candidates to be voted for by the voters of a political party throughout a municipality having a population in excess of 14,000 as ascertained by the last Federal census by at least 50 of such voters; in the case of candidates to be voted for by the voters of a political party throughout all other municipalities or any ward of any municipality by at least 25 of such voters; in the case of a candidate to be voted for by the voters of a political party within a single election district by at least 10 of such voters.

Notwithstanding the above provisions, in the case of petitions for candidates to be voted for by the voters of a political party throughout any municipality having a population that is less than 7,000 as ascertained by the last federal census, or any ward or election district of any municipality, the number of signers of any such petition may be fewer than the minimum number specified above, but shall be at least five percent in number of the total vote cast by the voters of that political party at the last preceding primary election held for the election of that party's candidates for the General Assembly. In no case, however, shall there be fewer than one signer of any such petition**]**.

b. The petitions for candidates to be voted for by the voters of a political party throughout a county or any county election district shall in the aggregate be signed by at least one percent in number of the total votes cast by the voters of that political party at the last preceding primary election held for the election of that party's candidates for the General Assembly, or at least 300 of such voters, whichever is less.

c. The petitions for candidates to be voted for by the voters of a political party throughout a municipality shall in the aggregate be signed by at least five percent in number of the total votes cast by the voters of that political party at the last preceding primary election held for the election of that party's candidates for the General Assembly, or by a number of such voters based upon the population of the municipality as ascertained by the last Federal census, whichever is less, as follows:

(1) at least 100 of such voters in municipalities having a population in excess of 100,000;

(2) at least 75 of such voters in municipalities having a population in excess of 50,000 and up to 100,000;

(3) at least 50 of such voters in municipalities having a population in excess of 25,000 and up to 50,000;

(4) at least 25 of such voters in municipalities having a population of 25,000 or below, or any ward of any municipality.

d. The petitions for candidates to be voted for by the voters of a political party within a single election district shall in the aggregate be signed by at least 10 of such voters.

e. In no case shall there be fewer than one signer of any such petition.

f. For a person to be nominated for any office or elected to any political party position at the primary election by having the person's name written or pasted upon the primary election ballot, that person shall receive a number of votes at least equal to the number of signatures required on a candidate nominating petition pursuant to this section.

(cf: P.L.2023, c.288, s.1)

3. Section 7 of P.L.1995, c.278 (C.19:60-7) is amended to read as follows:

7. Each candidate to be voted upon at a school election shall be nominated directly by petition, and the procedures for such nomination shall, to the extent not inconsistent with the provisions of P.L.1995, c.278 (C.19:60-1 et al.), conform to the procedure for nominating candidates by direct petition under chapter 13 of Title 19 of the Revised Statutes. Notwithstanding the provisions of R.S.19:13-5, however, a petition of nomination for such office shall be signed by at least **[**10**]** 25 persons, one of whom may be the candidate, and filed with the secretary of the board of education on or before four p.m. of the 50th day preceding the date of the April school election, or with the county clerk on or before four p.m. of the last Monday in July preceding the November school election, as applicable. The signatures need not all appear upon a single petition and any number of petitions may be filed on behalf of any candidate or on behalf of two or more candidates filing a joint petition. A petition for one or more candidates may include a designation in not more than three words that conveys the principles which the candidate or candidates therein named represent, but such designation shall not contain the name, or a derivative thereof, as a noun or an adjective of any political party entitled to participate in a primary election. The petitions of a candidate for member of a board of education shall also include a functioning e-mail address for the candidate.

Any candidate may withdraw as a candidate in a school election by filing a notice in writing, signed by the candidate, of such withdrawal with the secretary of the board of education before the 44th day before the date of the April election or with the county clerk on the 81st day before the date of the November election, as applicable, and thereupon the name of that candidate shall be withdrawn by the secretary of the board of education and shall not be printed on the ballot.

A vacancy created by a declination of nomination or withdrawal by, or death of, a nominee, or in any other manner, shall be filled under the provisions of R.S.19:13-19.

Whenever written objection to a petition of nomination hereunder shall have been made and timely filed with the secretary of the board of education or with the county clerk, as may be appropriate, the board of education shall file its determination of the

objection on or before the 44th day preceding the April school election or the county clerk shall file the clerk's determination of the objection on or before the 10th day after the last day for the filing of petitions for candidates seeking election as a member of a board of education at the November school election, as applicable. The last day upon which a candidate may file with the Superior Court a verified complaint setting forth any invasion or threatened invasion of the candidate's rights under the candidate's petition of nomination shall be the 46th day before the April election or the 12th day after the last day for the filing of petitions for candidates seeking election as a member of a board of education at the November election, as applicable. The last day upon which a candidate whose petition of nomination or any affidavit thereto is defective may amend such petition or affidavit shall be the 44th day before the April election or the 10th day after the last day for the filing of petitions for candidates seeking election as a member of a board of education at the November election, as applicable.

In each school district in which candidates for the office of member of a board of education will seek election at the November school election, the school business administrator thereof shall certify to the county clerk no later than the day of the holding of the primary election for the general election next occurring a statement designating the public offices to be filled at such election, and the number of such offices to be filled.

(cf: P.L.2023, c.124, s.14)

4. Section 4 of P.L.1981, c.379 (C.40:45-8) is amended to read as follows:

4. On or before the 75th day prior to a regular municipal election, the names of candidates for all elective offices shall be filed with the municipal clerk, in the following manner and form and subject to the following conditions:

a. The petition of nomination shall consist of individual certificates, equal in number to at least **[**1%, but in no event less than 25,**]** five percent of the registered voters of the municipality or the ward, as the case may be, **[**and**]** or equal to a number based upon the population of the municipality or ward as ascertained by the last Federal census, whichever is less, as follows:

(1) at least 100 in municipalities or wards having a population in excess of 100,000;

(2) at least 75 in municipalities or wards having a population in excess of 50,000 and up to 100,000;

(3) at least 50 in municipalities or wards having a population in excess of 25,000 and up to 50,000;

(4) at least 25 in municipalities or wards having a population of 25,000 or below.

b. The petition of nomination shall read substantially as follows:

"I, the undersigned, a registered voter of the municipality of ....., residing at ..... certify that I do hereby join in a petition of the nomination of ..... whose residence is at ..... for the office of mayor (or councilman-at-large, or ward councilman of the ..... ward, or commissioner, or village trustee, as the case may be) to be voted for at the election to be held in the municipality on the ....., 20....., and I further certify that I know this candidate to be a registered voter, for the period required by law, of the municipality (and the ward, in the case of ward councilman) and a person of good moral character, and qualified, in my judgment, to perform the duties of the office, and I further certify that I have not signed more petitions or certificates of nomination than there are places to be filled for the above office.

Signed ..... ."

The petition of nomination shall also include a functioning e-mail address for the candidate.

Any such petition of nomination which is provided to candidates by the municipal clerk shall contain the following notice: "Notice: All candidates are required by law to comply with the provisions of the 'New Jersey Campaign Contributions and Expenditures Reporting Act.' For further information, please call (insert phone number of the Election Law Enforcement Commission)."

[b.**]** c. Each petition signature shall be on a separate sheet of paper and shall bear the name and address of the petitioner. The candidate for office and his campaign manager shall make an oath before an officer competent to administer oaths that the statements made therein are true, and that each signature to the papers appended thereto is the genuine signature of the person whose name it purports to be, to their best knowledge and belief. The oath, signed by the candidate, shall constitute his acceptance of nomination and shall be annexed to the petition, together with the oath of his campaign manager, at the time the petition is submitted.

[c.**]** d. The municipal clerk shall immediately provide the Election Law Enforcement Commission with official certification of the filing or withdrawal of a petition of nomination.

[d.**]** e. A candidate shall be permitted to sign or circulate, or both sign and circulate, the petition required to nominate that candidate for elective public office in any municipality holding regular municipal elections.

(cf: P.L.2023, c.124, s.17)

5. Notwithstanding the provisions of any other law, rule, or regulation to the contrary, the Secretary of State shall promulgate and publish the forms to be used for petitions nominating candidates to be voted for at the primary election for the general election by January 1 of each year in which a primary election is to be held.

6. This act shall take effect January 1 next following the date of enactment.

STATEMENT

This bill increases the number of signatures required for candidates to be eligible to be placed on primary, general, nonpartisan municipal, and school election ballots.

On October 24, 2024, the General Assembly passed AR167, which established the "Assembly Select Committee on Ballot Design." During the following public hearings the Select Committee heard testimony from election experts that the signature threshold for candidate nominating petitions could be considered unusually low.

Neighboring states of Pennsylvania and New York, states with population sizes relatively similar to New Jersey, require significantly more signatures than does this State. Additionally, States such as California and Colorado require as many as 2,000 and 1,000 nominating petition signatures, respectively, from qualifying voters in order to appear on the ballot. This bill will bring New Jersey more in line with its peer states, but far below states such as California and Colorado, and will correct New Jersey's outlier status.

The Select Committee also heard testimony from the public that nominating petition signature requirements should be increased, because too many candidates on the ballot make the ballot unmanageable from the perspective of voters.

Indeed, the Supreme Court of the United States has also recognized a State interest in requiring "candidates to make a preliminary showing of substantial support in order to qualify for a place on the ballot, because it is both wasteful and confusing to encumber the ballot with the names of frivolous candidates." Anderson v. Celebrezze, 460 U.S. 780 (1983).

Moreover, the Supreme Court of the United States has recognized that the State has an interest in requiring a significant modicum of support to be shown before printing a name on a ballot in order to avoid voter confusion. Jenness v. Fortson, 403 U.S. 431 (1971).

More recently, the United States Court of Appeals for the Third Circuit, the jurisdiction which includes New Jersey, stated in a case upholding Pennsylvania's petition requirements that the State has a legitimate interest in "avoiding ballot clutter and ensuring viable candidates." Rogers v. Corbett, 468 F.3d 188 (2006).

Too many unserious and frivolous candidates that lack support from their community complicates ballot design, provides opportunity to confuse and misdirect voters away from candidates

who have the support of their community, and erodes voter confidence in elected representative democracy.

Furthermore, the signature requirements for nominating petitions under current law have existed at least since the reorganization of the New Jersey Revised Statutes completed in 1937. Eighty-seven years later, this has created imbalanced thresholds requirements.

Current law requires at least 50 signatures to appear on the primary ballot in a municipality having a population greater than 14,000. As a result, municipalities with 20,000 residents and municipalities with 75,000 residents are required to meet the same signature requirement. Revising the signature requirements will promote fairness in the nominating petition process by better reflecting the population of New Jersey in 2024 and beyond.

Accordingly, this bill updates and increases the signature requirements for candidates to be placed on a primary election ballot in this State.

Direct Nominating Petitions for General Elections

Under this bill, candidates running for an office in a general election will be required to collect signatures on their direct nominating petitions for the general election of at least five percent, an increase from at least two percent, of the entire vote cast for members of the General Assembly at the last preceding general election held for the election of all of the members of the General Assembly, in the State, county, district, or other political division in and for which the nominations are made.

Under this bill, candidates running for a Statewide office in a general election will be required to collect 2,000 signatures on their direct nominating petitions, an increase from 800. Candidates running for any other office will be required to collect no more than 250 signatures on their direct nominating petitions, an increase from 100.

Nominating Petitions for Primary Elections

Under this bill, candidates running for a Statewide office in a primary election will be required to collect 2,500 signatures on their nominating petitions, an increase from 1,000; candidates for a congressional seat will be required to collect 500 signatures, an increase from 200; and candidates for the Senate and General Assembly will be required to collect 250 signatures, an increase from 100.

Under this bill, candidates for a countywide position in a primary election will be required to collect at least one percent of the total vote cast by the voters of that political party at the last preceding primary election held for the election of that party's candidates for the General Assembly, or at least 300 signatures, whichever is less.

Under the bill, the signature requirements for candidates running for office in a primary election in a municipality will be either at least five percent of the total vote cast by the voters of that political party at the last preceding primary election held for the election of that party's candidates for the General Assembly, or a certain number of voter signatures based upon the municipality's population, whichever is less, as follows:

at least 100 in municipalities with a population over 100,000;

at least 75 in municipalities with a population over 50,000 and up to 100,000;

at least 50 in municipalities with a population over 25,000 and up to 50,000;

at least 25 in municipalities with a population of 25,000 or below, or any ward of any municipality.

Candidates running in a single election district in a primary election will be required to collect 10 signatures, which remains the same as under current law.

In no case will a petition be permitted to be signed by less than one person.

Nominating Petitions for School Elections

Under this bill, candidates for a school election will be required to collect 25 signatures on their direct nominating petitions, an increase from 10.

Nominating Petitions for Nonpartisan Local Elections

Under this bill, candidates for a nonpartisan municipal office will be required to collect five percent, an increase from at least one percent, of the registered voters of the municipality or the ward, as the case may be, or equal to a number based upon the population of the municipality or ward, whichever is less, as follows:

(1) at least 100 in municipalities or wards having a population in excess of 100,000;

(2) at least 75 in municipalities or wards having a population in excess of 50,000 and up to 100,000;

(3) at least 50 in municipalities or wards having a population in excess of 25,000 and up to 50,000;

(4) at least 25 in municipalities or wards having a population of 25,000 or below.

Publication of Petitions

Lastly, the bill also requires that the Secretary of State publish the forms required to be used for certain nominating petitions by January 1 in each year when a primary election is going to be held. Making the nominating petition forms available by January 1 of

each year gives candidates the time and opportunity to meet the requirements enumerated in this bill.