

ASSEMBLY, No. 3186

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED SEPTEMBER 15, 2008

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen, Essex and Passaic)

Assemblyman PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

SYNOPSIS

Provides for adjustment and notice of date on which certain elections can occur if date coincides with period of religious observance.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT providing for the adjustment of the date for holding certain
2 elections and 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.19:2-1 is amended to read as follows:

8 19:2-1. Presidential primary elections for delegates and
9 alternates to national conventions of political parties shall be held in
10 each presidential year on the Tuesday next after the first Monday in
11 February.

12 Primary elections for the general election shall be held in each
13 year on the Tuesday next after the first Monday in June.

14 All primary elections shall occur between the hours of 6:00 A.M.
15 and 8:00 P.M., Standard Time. Primary elections for special
16 elections shall be held not earlier than 30 nor later than 20 days
17 prior to the special elections.

18 Notwithstanding the provisions of this section, the Secretary of
19 State may change the date provided for a presidential primary
20 election or a primary election for the general election in any year if
21 the date coincides with a period of religious observance that limits
22 significantly the usual activities of the followers of a particular
23 religion or that would result in significant religious consequences
24 for such followers. For a presidential primary election, the
25 secretary shall inform the county clerks and boards of election of
26 the adjustment no later than the first working day in January of the
27 year prior to the year in which the adjustments are to occur and for
28 all other primary elections, the secretary shall inform the county
29 clerks and boards of election of the adjustment no later than the first
30 working day in January of the year in which the adjustments are to
31 occur.

32 As used in this section “a period of religious observance” means
33 any day or portion thereof on which a religious observance imposes
34 a substantial burden on an individual’s ability to vote.

35 (cf: P.L.2007, c.61, s.1)

36

37 2. R.S.19:23-40 is amended to read as follows:

38 19:23-40. The presidential primary election shall be held for all
39 political parties in each presidential year on the first Tuesday next
40 after the first Monday in February.

41 The primary election for the general election shall be held for all
42 political parties upon the Tuesday next after the first Monday in
43 June.

44 All primary elections shall occur between the hours of 6:00 A.M.
45 and 8:00 P.M., Standard Time and shall be held for all political

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.

1 parties in the same places as hereinbefore provided for the ensuing
2 general election.

3 Notwithstanding the provisions of this section, the Secretary of
4 State may change the date provided for a presidential primary
5 election or a primary election for the general election in any year if
6 the date coincides with a period of religious observance that limits
7 significantly the usual activities of the followers of a particular
8 religion or that would result in significant religious consequences
9 for such followers. For a presidential primary election, the
10 secretary shall inform the county clerks and boards of election of
11 the adjustment no later than the first working day in January of the
12 year prior to the year in which the adjustments are to occur and for
13 all other primary elections, the secretary shall inform the county
14 clerks and boards of election of the adjustment no later than the first
15 working day in January of the year in which the adjustments are to
16 occur.

17 As used in this section “a period of religious observance” means
18 any day or portion thereof on which a religious observance imposes
19 a substantial burden on an individual’s ability to vote.

20 (cf: P.L.2007, c.61, s.11)

21

22 3. Section 1 of P.L.1995, c.278 (C.19:60-1) is amended to read
23 as follows:

24 1. a. An annual school election shall be held in each type II
25 district on the third Tuesday in April. However, in any school year,
26 the Commissioner of Education shall make any adjustments to the
27 school budget and election calendar which may be necessary to
28 change the annual school election date or any other school budget
29 and election calendar date if that date coincides with a period of
30 religious observance that limits significantly the usual activities of
31 the followers of a particular religion or that would result in
32 significant religious consequences for such followers. The
33 commissioner shall inform local school boards, county clerks and
34 boards of elections of these adjustments no later than the first
35 working day in January of the year in which the adjustments are to
36 occur.

37 As used in this subsection “a period of religious observance”
38 means any day or portion thereof on which a religious observance
39 imposes a substantial burden on an individual’s ability to vote.

40 b. All school elections shall be by ballot and, except as
41 otherwise provided by P.L.1995, c.278 (C.19:60-1 et al.), shall be
42 conducted in the manner provided for general elections pursuant to
43 Title 19 of the Revised Statutes. No grouping of candidates or
44 party designation shall appear on any ballot to be used in a school
45 election.

46 (cf: P.L.1995, c.278, s.1)

1 4. Section 2 of P.L.1995, c.278 (C.19:60-2) is amended to read
2 as follows:

3 2. a. 【The】 Except as otherwise provided pursuant to
4 subsection c. of this section, the board of education of a type II
5 district may call a special election of the legal voters of the district
6 on only the fourth Tuesday in January other than in a year when a
7 presidential primary election occurs, in which case no such election
8 on that date may be called, the second Tuesday in March, the last
9 Tuesday in September, or the second Tuesday in December when in
10 its judgment the interests of the schools require such an election.
11 The board of education shall give the municipal clerk or clerks, as
12 the case may be, and the county board of elections no less than 60
13 days' notice, in writing, of its intention to hold a special election.

14 b. No business shall be transacted at any special election except
15 such as shall have been set forth in the notices by which the election
16 was called.

17 c. The Commissioner of Education, in conjunction with the
18 Secretary of State, may change in any school year any date
19 authorized for a special school election pursuant to subsection a. of
20 this section if that date coincides with a period of religious
21 observance that limits significantly the usual activities of the
22 followers of a particular religion or that would result in significant
23 religious consequences for such followers. The commissioner shall
24 inform local school boards, county clerks, and boards of election of
25 the adjustment no later than the first working day in January of the
26 year in which the adjustments are to occur.

27 As used in this section “a period of religious observance” means
28 any day or portion thereof on which a religious observance imposes
29 a substantial burden on an individual’s ability to vote.

30 (cf: P.L.2007, c.61, s.15)

31

32 5. Section 3 of P.L.1981, c.379 (C.40:45-7) is amended to read
33 as follows:

34 3. Except as may otherwise be provided by law for initial
35 elections conducted in a municipality following its adoption of a
36 plan or form of government, or a charter or an amendment thereto,
37 regular municipal elections shall be held in each municipality
38 governed by this act on the second Tuesday in May in the years in
39 which municipal officers are to be elected. The municipal election
40 shall be held at the same place or places and conducted in the same
41 manner, so far as possible, as the general election. The election
42 officers shall be those provided for conducting the general election.

43 Notwithstanding the provisions of this section, the Secretary of
44 State may change in any year the date provided for a regular
45 municipal election if the date coincides with a period of religious
46 observance that limits significantly the usual activities of the
47 followers of a particular religion or that would result in significant
48 religious consequences for such followers. The secretary shall

1 inform the municipal clerks, county clerks and boards of election of
2 the adjustment no later than the first working day in January of the
3 year in which the adjustments are to occur.

4 As used in this section “a period of religious observance” means
5 any day or portion thereof on which a religious observance imposes
6 a substantial burden on an individual’s ability to vote.

7 (cf: P.L.1981, c.379, s.3)

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9 6. This act shall take effect immediately.

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STATEMENT

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14 The purpose of this bill is to provide for the adjustment of the
15 date on which certain elections can occur if that date coincides with
16 a period of religious observance.

17 Specifically, the bill permits the Secretary of State to change the
18 date provided for a presidential primary election, a primary election
19 for the general election or a regular municipal election in any year
20 if the date coincides with a period of religious observance that
21 limits significantly the usual activities of the followers of a
22 particular religion or that would result in significant religious
23 consequences for such followers. For a presidential primary
24 election, the secretary is to inform the county clerks and boards of
25 election of the adjustment no later than the first working day in
26 January of the year prior to the year in which the adjustments are to
27 occur and for all other primary elections, the secretary is to inform
28 the county clerks and boards of election of the adjustment no later
29 than the first working day in January of the year in which the
30 adjustments are to occur.

31 The bill also authorizes the Commissioner of Education, in
32 conjunction with the Secretary of State, to change any of the dates
33 authorized for a regular school election or a special school election
34 if that date coincides with a period of religious observance that
35 limits significantly the usual activities of the followers of a
36 particular religion or that would result in significant religious
37 consequences for such followers. The commissioner is directed to
38 inform local school boards, county clerks, and boards of election of
39 the adjustment no later than the first working day in January of the
40 year in which the adjustments are to occur.

41 As used in the bill, a “period of religious observance” means any
42 day or portion thereof on which a religious observance imposes a
43 substantial burden on an individual’s ability to vote.