

ASSEMBLY, No. 1856

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JANUARY 25, 2010

Sponsored by:

Assemblywoman CAROLINE CASAGRANDE

District 12 (Mercer and Monmouth)

Assemblywoman DAWN MARIE ADDIEGO

District 8 (Burlington)

SYNOPSIS

Changes date by which mail-in ballots are transmitted to mail-in and overseas voters from the 40th to the 45th day before an election.

CURRENT VERSION OF TEXT

As introduced.



A1856 CASAGRANDE, ADDIEGO

2

1 AN ACT concerning the timing of the distribution of vote by mail
2 ballots, and amending various parts of the statutory law and
3 supplementing P.L.1976, C.23.

4

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

7

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

9 19:13-19. If the candidate vacating the nomination was
10 nominated directly by petition his successor shall be nominated in
11 the same manner by direct petition, which new petition of
12 nomination must be filed with the Secretary of State or county
13 clerk, as the case may require, not later than **[54]** 59 days before
14 the day of election whereat such candidate is to be voted for.
15 (cf: P.L.1985, c.92, s.13)

16

17 2. R.S.19:13-20 is amended to read as follows:

18 19:13-20. In the event of a vacancy, howsoever caused, among
19 candidates nominated at a primary election for the general election,
20 which vacancy shall occur not later than the **[51st]** 56th day before
21 the general election, or in the event of inability to select a candidate
22 because of a tie vote at such primary, a candidate shall be selected
23 in the following manner:

24 a. (1) In the case of an office to be filled by the voters of the
25 entire State, the candidate shall be selected by the State committee
26 of the political party wherein such vacancy has occurred.

27 (2) In the case of an office to be filled by the voters of a single
28 and entire county, the candidate shall be selected by the county
29 committee in such county of the political party wherein such
30 vacancy has occurred.

31 (3) In the case of an office to be filled by the voters of a portion
32 of the State comprising all or part of two or more counties, the
33 candidate shall be selected by those members of the county
34 committees of the party wherein the vacancy has occurred who
35 represent those portions of the respective counties which are
36 comprised in the district from which the candidate is to be elected.

37 (4) In the case of an office to be filled by the voters of a portion
38 of a single county, the candidate shall be selected by those members
39 of the county committee of the party wherein the vacancy has
40 occurred who represent those portions of the county which are
41 comprised in the district from which the candidate is to be elected.

42 At any meeting held for the selection of a candidate under this
43 subsection, a majority of the persons eligible to vote thereat shall be
44 required to be present for the conduct of any business, and no
45 person shall be entitled to vote at that meeting who is appointed to

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 the State committee or county committee after the seventh day
2 preceding the date of the meeting.

3 Within 20 days after the meeting of each county committee that
4 is held on the first Tuesday following the primary election at which
5 committee members are elected, the municipal clerk shall certify to
6 the county clerk an official list of the duly elected county
7 committee members and an official list of the municipal committee
8 chairs. The county party chairperson shall have a continuing duty
9 to report to the county clerk any vacancies, resignations, and
10 committee positions filled pursuant to R.S.19:5-2 or 19:5-3. A
11 report of a resignation shall be accompanied by a notarized letter of
12 resignation signed by the resigning committee member or, if the
13 resigning committee member fails to provide such a letter, by a
14 notarized letter stating that the resignation has occurred signed by
15 the chair of the relevant municipal committee who shall also
16 provide a copy thereof to the resigning member. Notice of
17 vacancies in the membership of a county committee that are filled
18 pursuant to R.S.19:5-2 or 19:5-3 shall be accompanied by a
19 certificate of acceptance signed by the newly selected member. The
20 official list of the county committee members and of the municipal
21 committee chairs maintained by the county clerk shall be deemed to
22 be a government record and only those county committee members
23 listed thereon seven days prior to a selection to fill a vacancy and
24 otherwise qualified to vote on the vacancy shall be entitled to vote
25 on filling a vacancy pursuant to this section.

26 In addition, every person appointed to the county committee
27 shall file with the county clerk a certificate of acceptance which
28 shall be preserved by the county clerk as a government record.

29 In the case of a meeting held to select a candidate for other than
30 a Statewide office, the chairperson of the meeting shall be chosen
31 by majority vote of the persons present and entitled to vote thereat.
32 The chairperson so chosen may propose rules to govern the
33 determination of credentials and the procedures under which the
34 meeting shall be conducted, and those rules shall be adopted upon a
35 majority vote of the persons entitled to vote upon the selection. If a
36 majority vote is not obtained for those rules, the delegates shall
37 determine credentials and conduct the business of the meeting under
38 such other rules as may be adopted by a majority vote. All
39 contested votes taken at the selection meeting, as referenced in
40 subsections a. and b. of this section, shall be by secret ballot in a
41 location or manner that protects the anonymity of the person's vote.

42 b. (1) Whenever in accordance with subsection a. of this
43 section members of two or more county committees are empowered
44 to select a candidate to fill a vacancy, it shall be the responsibility
45 of the chairpersons of said county committees, acting jointly not
46 later in any case than the seventh day following the occurrence of
47 the vacancy, to give notice to each of the members of their
48 respective committees, as certified by the county clerk, who are so

1 empowered of the date, time and place of the meeting at which the
2 selection will be made, that meeting to be held at least one day
3 following the date on which the notice is given.

4 (2) Whenever in accordance with the provisions of subsection a.
5 of this section members of a county committee are empowered to
6 select a candidate to fill a vacancy, it shall be the responsibility of
7 the chairperson of such county committee, not later in any case than
8 the seventh day following the occurrence of the vacancy, to give
9 notice to each of the members of the committee, as certified by the
10 county clerk, who are so empowered of the date, time and place of
11 the meeting at which the selection will be made, that meeting to be
12 held at least one day following the date on which the notice is
13 given.

14 (3) A county committee chairperson or chairpersons who call a
15 meeting pursuant to paragraph (1) or (2) of this subsection shall not
16 be entitled to vote upon the selection of a candidate at such meeting
17 unless he or she or they are so entitled pursuant to subsection a.

18 (4) Whenever in accordance with the provisions of subsection a.
19 of this section the State committee of a political party is empowered
20 to select a candidate to fill a vacancy, it shall be the responsibility
21 of the chairperson of that State committee to give notice to each of
22 the members of the committee of the date, time and place of the
23 meeting at which the selection will be made, that meeting to be held
24 at least one day following the date on which the notice is given.

25 c. Whenever a selection is to be made pursuant to this section
26 to fill a vacancy resulting from inability to select a candidate
27 because of a tie vote at a primary election for the general election,
28 the selection shall be made from among those who have thus
29 received the same number of votes at the primary.

30 d. A selection made pursuant to this section shall be made not
31 later than the ~~48th~~ 53rd day preceding the date of the general
32 election, and a statement of such selection shall be filed with the
33 Secretary of State or the appropriate county clerk, as the case may
34 be, not later than that day, and in the following manner:

35 (1) A selection made by a State committee of a political party
36 shall be certified to the Secretary of State by the State chairperson
37 of the political party.

38 (2) A selection made by a county committee of a political party,
39 or a portion of the members thereof, shall be certified to the county
40 clerk of the county by the county chairperson of such political
41 party; except that when such selection is of a candidate for the
42 Senate or General Assembly or the United States House of
43 Representatives the county chairperson shall certify the selection to
44 the State chairperson of such political party, who shall certify the
45 same to the Secretary of State.

46 (3) A selection made by members of two or more county
47 committees of a political party acting jointly shall be certified by
48 the chairpersons of said committees, acting jointly, to the State

1 chairperson of such political party, who shall certify the same to the
2 Secretary of State.

3 e. A statement filed pursuant to subsection d. of this section
4 shall state the residence and post office address of the person so
5 selected, and shall certify that the person so selected is qualified
6 under the laws of this State to be a candidate for such office, and is
7 a member of the political party filling the vacancy. Accompanying
8 the statement, the person endorsed therein shall file a certificate
9 stating that he or she is qualified under the laws of this State to be a
10 candidate for the office mentioned in the statement, that he or she
11 consents to stand as a candidate at the ensuing general election and
12 that he or she is a member of the political party named in said
13 statement, and further that he or she is not a member of, or
14 identified with, any other political party or any political
15 organization espousing the cause of candidates of any other
16 political party, to which shall be annexed the oath of allegiance
17 prescribed in R.S.41:1-1 duly taken and subscribed by him or her
18 before an officer authorized to take oaths in this State. The person
19 so selected shall be the candidate of the party for such office at the
20 ensuing general election. Each candidate for the office of Governor
21 or the office of member of the Senate or General Assembly filing a
22 certification shall annex thereto a statement signed by the candidate
23 that he or she:

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

28 (2) has been so convicted, in which case, the candidate shall
29 disclose on the statement the crime for which convicted, the date
30 and place of the conviction and the penalties imposed for the
31 conviction. Such a candidate may, as an alternative, submit with
32 the statement a copy of an official document that provides such
33 information. If the candidate has been convicted of more than one
34 criminal offense, such information about each conviction shall be
35 provided. Records expunged pursuant to chapter 52 of Title 2C of
36 the New Jersey Statutes shall not be subject to disclosure.

37 (cf: P.L.2009, c.135, s.5)

38

39 3. R.S.19:13-21 is amended to read as follows:

40 19:13-21. If the nomination vacated is that of a candidate for
41 elector of the President and Vice-President of the United States, the
42 vacancy shall be filled by the committee to whom power shall have
43 been delegated to fill vacancies if such there be, otherwise by the
44 State committee of the political party which nominated the elector
45 whose nomination is vacated. The chairman and secretary of the
46 vacancy committee or State committee shall file with the Secretary
47 of State on or before the **[48th]** 53rd day prior to the general
48 election a certificate of nomination for filling the vacancy. This

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1 certificate shall be made and filed in the same manner and form as
2 heretofore provided for filling vacancies among candidates
3 nominated at the primary and there shall be annexed thereto the
4 oath of allegiance prescribed in section 41:1-1 of the Revised
5 Statutes duly taken and subscribed by the person so nominated
6 before an officer authorized to take oaths in this State.
7 (cf: P.L.1985, c.92, s.15)

8

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

10 19:14-1. Every county clerk shall have ready for the printer on
11 or before the ~~43rd~~ 48th day prior to the general election a copy of
12 the contents of official ballots as hereinafter required to be printed
13 for use at such election. He shall also on or before that time place
14 another copy of such contents on file in his office and keep the
15 same open to public inspection until the sample ballots hereinafter
16 provided to be printed shall have been distributed.
17 (cf: P.L.1985, c.92, s.16)

18

19 5. R.S.19:23-12 is amended to read as follows:

20 19:23-12. The signers to petitions for "Choice for President,"
21 delegates and alternates to national conventions, for Governor,
22 United States Senator, member of the House of Representatives,
23 State Senator, member of the General Assembly and any county
24 office may name three persons in their petition as a committee on
25 vacancies.

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

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

42 The certificate so made shall be executed and sworn to by the
43 members of such committee, and shall upon being filed at least
44 ~~48~~ 53 days before election have the same force and effect as the
45 original petition of nomination for the primary election for the
46 general election and there shall be annexed thereto the oath of
47 allegiance prescribed in R.S. 41:1-1 duly taken and subscribed by
48 the person so nominated before an officer authorized to take oaths

1 in this State. The name of the candidate submitted shall be
2 immediately certified to the proper municipal clerks. In addition, a
3 person so nominated for the office of Governor or the office of
4 member of the Senate or General Assembly shall annex to the
5 certificate a statement signed by the candidate that he or she:

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

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

19 (cf: P.L.2004, c.26, s.3)

20

21 6. R.S.19:23-14 is amended to read as follows:

22 19:23-14. Petitions addressed to the **【Attorney General】**
23 Secretary of State, the county clerks, or the municipal clerks shall
24 be filed with such officers, respectively, before 4:00 p.m. of the
25 **【57th】 62nd** day next preceding the day of the holding of the
26 primary election for the general election.

27 Not later than the close of business of the **【48th】 53rd** day
28 preceding the primary election for the general election, the
29 municipal clerk shall certify to the county clerk the full and correct
30 names and addresses of all candidates for nomination for public and
31 party office and the name of the political party of which such
32 persons are candidates together with their slogan and designation.
33 The county clerk shall transmit this information to the Election Law
34 Enforcement Commission in the form and manner prescribed by the
35 commission and shall notify the commission immediately upon the
36 withdrawal of a petition of nomination.

37 (cf: P.L.2001, c.211, s.1)

38

39 7. R.S.19:23-21 is amended to read as follows:

40 19:23-21. The Secretary of State shall certify the names of the
41 persons indorsed in the petitions filed in his office to the clerks of
42 counties concerned thereby not later than the **【48th】 53rd** day prior
43 to the holding of the primary election, specifying in such certificate
44 the political parties to which the persons so nominated in the
45 petitions belong. In the case of candidates for offices other than
46 federal office, the Secretary of State shall also transmit this
47 information to the Election Law Enforcement Commission in the
48 form and manner prescribed by the commission and shall notify the

1 commission immediately upon the withdrawal of a petition of
2 nomination.

3 (cf: P.L.1985, c.92, s.19)

4

5 8. R.S.19:23-22 is amended to read as follows:

6 19:23-22. The county clerk shall certify all of the persons so
7 certified to him by the Secretary of State and in addition the names
8 of all persons indorsed in petitions filed in his office to the clerk of
9 each municipality concerned thereby in his respective county not
10 later than the close of business of the **[47th]** 52nd day prior to the
11 time fixed by law for the holding of the primary election, specifying
12 in such certificate the political party to which the person or persons
13 so nominated belong. The county clerk shall also transmit this
14 information with respect to persons, other than candidates for
15 federal office, indorsed in petitions filed in his office to the Election
16 Law Enforcement Commission in the form and manner prescribed
17 by the commission and shall notify the commission immediately
18 upon the withdrawal of a petition of nomination filed in his office.

19 (cf: P.L.1985, c.92, s.20)

20

21 9. R.S.19:23-24 is amended to read as follows:

22 19:23-24. The position which the candidates and bracketed
23 groups of names of candidates for the primary for the general
24 election shall have upon the ballots used for the primary election for
25 the general election, in the case of candidates for nomination for
26 members of the United States Senate, Governor, members of the
27 House of Representatives, members of the State Senate, members of
28 the General Assembly, candidates for party positions, and county
29 offices or party positions which are to be voted for by the voters of
30 the entire county or a portion thereof greater than a single
31 municipality, including a congressional district which is wholly
32 within a single municipality, shall be determined by the county
33 clerks in their respective counties; and, excepting in counties where
34 R.S.19:49-2 applies, the position on the ballot used for the primary
35 election for the general election in the case of candidates for
36 nomination for office or party position wherein the candidates for
37 office or party position to be filled are to be voted for by the voters
38 of a municipality only, or a subdivision thereof (excepting in the
39 case of members of the House of Representatives) shall be
40 determined by the municipal clerk in such municipalities, in the
41 following manner: The county clerk, or his deputy, or the
42 municipal clerk or his deputy, as the case may be, shall at his office
43 on the **[47th]** 52nd day prior to the primary election for the general
44 election at three o'clock in the afternoon draw from the box, as
45 hereinafter described, each card separately without knowledge on
46 his part as to which card he is drawing. Any legal voter of the
47 county or municipality, as the case may be, shall have the privilege
48 of witnessing such drawing. The person making the drawing shall

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

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

38 (cf: P.L.2005, c.136, s.26)

39

40 10. R.S.19:23-45 is amended to read as follows:

41 19:23-45. No voter shall be allowed to vote at any primary
42 election unless his name appears in the signature copy register.

43 A voter who votes in a primary election of a political party or
44 who signs and files with the municipal clerk or the county
45 commissioner of registration a declaration that he desires to vote in
46 any primary election of a political party, or who indicates on a voter
47 registration form the voter's choice of political party affiliation and
48 submits the form to the commissioner of registration of the county

1 wherein the voter resides, to the employees or agents of a public
2 agency, as defined in subsection a. of section 15 of P.L.1974, c.30
3 (C.19:31-6.3), or a voter registration agency, as defined in
4 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), or to
5 the **【Attorney General】** Secretary of State, shall be deemed to be a
6 member of that party until the voter signs and files with the
7 municipal clerk or the commissioner of registration a declaration
8 that he desires to vote in a primary election of another political
9 party at which time he shall be deemed to be a member of such
10 other political party. The **【Attorney General】** Secretary of State
11 shall cause to be prepared political party affiliation declaration
12 forms and shall provide such forms to the commissioners of
13 registration of the several counties and to the clerks of the
14 municipalities within such counties.

15 No voter, except a newly registered voter at the first primary at
16 which he is eligible to vote, or a voter who has not previously voted
17 in a primary election, may vote in a primary election of a political
18 party unless he was deemed to be a member of that party on the
19 **【50th】** 55th day next preceding such primary election.

20 A member of the county committee of a political party and a
21 public official or public employee holding any office or public
22 employment to which he has been elected or appointed as a member
23 of a political party shall be deemed a member of such political
24 party.

25 A voter may declare the voter's party affiliation or change the
26 voter's party affiliation, or declare that the voter is unaffiliated with
27 any party regardless of any previously declared party affiliation, by
28 so indicating on a political party declaration form filed with the
29 municipal clerk or the county commissioner of registration. A voter
30 may also indicate that the voter wishes to declare a political party
31 affiliation or that the voter does not want to declare a political party
32 affiliation on a voter registration form filed at the time of initial
33 registration.

34 Any person voting in the primary ballot box of any political
35 party in any primary election in contravention of the election law
36 shall be guilty of a disorderly persons offense, and any person who
37 aids or assists any such person in such violation by means of public
38 proclamation or order, or by means of any public or private
39 direction or suggestions, or by means of any help or assistance or
40 cooperation, shall likewise be guilty of a disorderly persons offense.
41 (cf: P.L.2005, c.154, s.6)

42

43 11. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to
44 read as follows:

45 2. a. The county commissioner of registration in each of the
46 several counties shall cause a notice to be published in each
47 municipality of their respective counties in a newspaper or
48 newspapers circulating therein. The notice to be so published shall

1 be published once during each of the two calendar weeks next
2 preceding the week in which the ~~50th~~ 55th day next preceding
3 any primary election of a political party occurs.

4 b. The notice required to be published by the preceding
5 paragraph shall inform the reader thereof that no voter, except a
6 newly registered voter at the first primary at which he is eligible to
7 vote, or a voter who has not previously voted in a primary election
8 may vote in a primary election of a political party unless he was
9 deemed to be a member of that party on the ~~50th~~ 55th day next
10 preceding such primary election. It shall further inform the reader
11 thereof that a voter who votes in any primary election of a political
12 party, or who signs and files with the municipal clerk or the county
13 commissioner of registration a declaration that he desires to vote in
14 a primary election of a political party, or who indicates on a voter
15 registration form the voter's choice of political party affiliation and
16 submits the form to the commissioner of registration of the county
17 wherein the voter resides, to the employees or agents of a public
18 agency, as defined in subsection a. of section 15 of P.L.1974, c.30
19 (C.19:31-6.3), or a voter registration agency, as defined in
20 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11) or to
21 the ~~Attorney General~~ Secretary of State, shall be deemed to be a
22 member of that party until the voter signs and files with the
23 municipal clerk or the commissioner of registration a declaration
24 that he desires to vote in a primary election of another political
25 party, at which time he shall be deemed to be a member of such
26 other political party, or that the voter chooses not to be affiliated
27 with any political party. The notice shall also state the time and
28 location where a person may obtain political party affiliation
29 declaration forms or voter registration forms.
30 (cf: P.L.2005, c.153, s.2)

31

32 12. R.S.19:24-4 is amended to read as follows:

33 19:24-4. Not less than 100 members of each such political party
34 may file with the ~~Attorney General~~ Secretary of State at least
35 ~~57~~ 62 days prior to the presidential primary election in any year
36 of a national convention a petition requesting that the name of a
37 person therein indorsed shall be printed on the presidential primary
38 ticket of such political party as candidate for the position of
39 delegate-at-large or alternate-at-large, to be chosen by the party
40 voters throughout the State to the national convention of that party,
41 or as a delegate or alternate to be chosen to that convention by the
42 voters of any congressional district.

43 The signers to the petition for any delegate-at-large or alternate-
44 at-large shall be legal voters resident in the State; and the signers
45 for any delegate or alternate from any Congressional district shall
46 be voters of such district.

1 The **[Attorney General]** Secretary of State shall not later than
2 the **[48th]** 53rd day preceding the presidential primary election
3 certify to each county clerk and county board such nominations for
4 delegates and alternates-at-large and the nominations for delegate or
5 alternate for any Congressional district.

6 (cf: P.L.2005, c.136, s.36)

7
8 13. Section 1 of P.L.1952, c.2 (C.19:25-3) is amended to read as
9 follows:

10 1. Not less than **[one thousand]** 1,000 voters of any political
11 party may file a petition with the **[Attorney General]** Secretary of
12 State on or before the **[57th]** 62nd day before a presidential
13 primary election, requesting that the name of the person indorsed
14 therein as a candidate of such party for the office of President of the
15 United States shall be printed upon the official presidential primary
16 ballot of that party for the then ensuing election for delegates and
17 alternates to the national convention of such party.

18 The petition shall be prepared and filed in the form and manner
19 herein required for the indorsement of candidates to be voted for at
20 the primary election for the general election, except that the
21 candidate shall not be permitted to have a designation or slogan
22 following his name, and that it shall not be necessary to have the
23 consent of such candidate for President indorsed on the petition.

24 (cf: P.L.2005, c.136, s.37)

25
26 14. Section 2 of P.L.1952, c.2 (C.19:25-4) is amended to read as
27 follows:

28 2. The **[Attorney General]** Secretary of State shall certify the
29 names so indorsed to the county clerk of each county not later than
30 the **[48th]** 53rd day before such presidential primary election, but if
31 any person so indorsed shall on or before such date decline in
32 writing, filed in the office of the **[Attorney General]** Secretary of
33 State, to have his name printed upon the presidential primary
34 election ballot as a candidate for President, the **[Attorney General]**
35 Secretary of State shall not so certify such name.

36 (cf: P.L.2005, c.136, s.38)

37
38 15. R.S.19:27-6 is amended to read as follows:

39 19:27-6. In the case of a vacancy in the representation of this
40 State in the United States Senate or House of Representatives, the
41 writ may designate the next general election day for the election,
42 but if a special day is designated, it shall specify the cause and
43 purpose of such election, the name of the officer in whose office the
44 vacancy has occurred, the day on which a special primary election
45 shall be held, which shall be not less than **[65]** 70 days nor more
46 than **[71]** 76 days following the date of such proclamation, and the
47 day on which the special election shall be held, which shall be not

1 less than **[46]** 51 nor more than **[52]** 57 days following the day of
2 the special primary election. The writ shall also specify the day or
3 days when the district boards shall meet for the purpose of making,
4 revising or correcting the registers of voters to be used at such
5 special election.

6 If the vacancy happens in the representation of this State in the
7 United States Senate the election shall take place at the general
8 election next succeeding the happening thereof, unless the vacancy
9 shall happen within **[64]** 69 days next preceding the primary
10 election prior to the general election, in which case it shall be filled
11 by election at the second succeeding election, unless the Governor
12 shall deem it advisable to call a special election therefor, which he
13 is authorized hereby to do.

14 If the vacancy happens in the representation of this State in the
15 House of Representatives in any year, not later than the **[65th]** 70th
16 day prior to the day for holding the next primary election for the
17 general election, the Governor shall issue a writ of election to fill
18 such vacancy, designating in said writ the next general election day
19 as the day on which the election shall be held to fill such vacancy.
20 The nomination of candidates to fill such vacancy shall be made in
21 the same manner as the nomination of other candidates at the said
22 primary election for the general election.

23 (cf: P.L.1985, c.92, s.25)

24

25 16. Section 1 of P.L.1945, c.206 (C.19:27-10.1) is amended to
26 read as follows:

27 1. When a vacancy, howsoever caused, happens in the
28 representation of this State in the House of Representatives in any
29 year later than the **[64th]** 69th day prior to the day for holding the
30 primary election for the general election but before the **[52nd]**
31 57nd day preceding the day of the general election, and the
32 unexpired term to be filled exceeds **[1]** one year, the Governor, in
33 issuing a writ of election to fill such vacancy, may designate in said
34 writ the next general election day as the day on which the election
35 shall be held to fill such vacancy and that no primary election shall
36 be held for nomination of candidates to fill such vacancy.

37 In such case, each political party shall select its candidate to fill
38 such vacancy in the same manner prescribed in R.S. 19:13-20 for
39 selecting candidates to fill vacancies arising among candidates
40 nominated at primary elections, except that the time for making
41 such selection and filing the statement thereof shall be within 10
42 days following the issuance of the writ of election.

43 In such case, petitions of nomination of other candidates shall be
44 filed in the office of the Secretary of State within 10 days of the
45 date of such proclamation.

46 The Secretary of State on the eleventh day following the date of
47 such proclamation shall certify to the clerk and county board of

1 each county affected by the vacancy, a statement of all candidates
2 selected and nominated for the office so vacated.

3 The election to fill such vacancy shall in all other respects be
4 conducted as though it were being conducted to fill the office upon
5 the expiration of the term of the incumbent.

6 (cf: P.L.1985, c.92, s.27)

7

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

9 19:27-11. In the event of any vacancy in any county or
10 municipal office, except for the office of a member of the board of
11 chosen freeholders, which vacancy shall occur after the 11th day
12 preceding the last day for filing petitions for nominations for the
13 primary election for the general election and on or before the **[51st]**
14 56th day preceding the general election, each political party may
15 select a candidate for the office in question in the manner
16 prescribed in R.S.19:13-20 for selecting candidates to fill vacancies
17 among candidates nominated at primary elections to the general
18 elections. A statement of such selection shall be filed with the
19 county clerk not later than the close of business of the **[48th]** 53rd
20 day preceding the date of the general election.

21 Besides the selection of candidates by each political party as
22 before provided, candidates may also be nominated by petition in a
23 similar manner as herein provided for direct nomination by petition
24 for the general election but the petition shall be filed with the
25 county clerk at least **[48]** 53 days prior to such general election.

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

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

38 (cf: P.L.2005, c.136, s.40)

39

40 18. Section 7 of P.L.1988, c.126 (C.19:27-11.1) is amended to
41 read as follows:

42 7. When any vacancy happens in the Legislature otherwise than
43 by expiration of term, it shall be filled by election for the unexpired
44 term only at the next general election occurring not less than **[51]**
45 56 days after the occurrence of the vacancy, except that no such
46 vacancy shall be filled at the general election which immediately
47 precedes the expiration of the term in which the vacancy occurs. In
48 the event a vacancy eligible to be filled by election hereunder

1 occurs on or before the sixth day preceding the last day for filing
2 petitions for nomination for the primary election, such petitions
3 may be prepared and filed for nomination in that primary election in
4 the manner provided by article 3 of chapter 23 of this Title. In the
5 event the vacancy occurs after that sixth day preceding the last day
6 for filing petitions for nomination for the primary election for the
7 general election, a political party may select a candidate for the
8 office in question in the manner prescribed in subsections a. and b.
9 of R.S.19:13-20 for selecting candidates to fill vacancies among
10 candidates nominated at primary elections for the general elections.
11 A statement of such selection under R.S.19:13-20 shall be filed with
12 the **【Attorney General】** Secretary of State not later than the **【48th】**
13 53rd day preceding the date of the general election.

14 Besides the selection of candidates by each political party,
15 candidates may also be nominated by petition in a manner similar to
16 direct nomination by petition for the general election; but if the
17 candidate of any party to fill the vacancy will be chosen at a
18 primary election, such petition shall be filed with the **【Attorney**
19 **General】** Secretary of State at least **【55】** 60 days prior to the
20 primary election; and if no candidate of any party will be chosen at
21 a primary election, such petition shall be filed with the **【Attorney**
22 **General】** Secretary of State not later than 12 o'clock noon of the
23 day on which the first selection meeting by any party is held under
24 this section to select a nominee to fill the vacancy.

25 When the vacancy occurs in the Senate or General Assembly, the
26 county clerk of each county which is comprised in whole or part in
27 the Senate or General Assembly district shall forthwith give notice
28 thereof to the chairman of the county committee of each political
29 party and in counties of the first class to the county board.

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

35 (cf: P.L.2005, c.136, s.41)

36
37 19. Section 8 of P.L.1988, c.126 (C.19:27-11.2) is amended to
38 read as follows:

39 8. In the case of a vacancy occurring with respect to a member
40 of the Senate or General Assembly who was elected as the
41 candidate of a political party which at the last preceding general
42 election held for all members of the General Assembly received the
43 largest number of votes or the next largest number of votes in the
44 State for members of the General Assembly, for the interim period
45 pending the election and qualification of a permanent successor to
46 fill the vacancy, or for the interim period constituting the remainder
47 of the term in the case of a vacancy occurring which cannot be

1 filled pursuant to section 7 of this amendatory and supplementary
2 act at a general election, the vacancy shall be filled within **[35]** 40
3 days by a member of the political party of which the person who
4 vacated the office was the candidate at the time of his election
5 thereto. The interim successor shall be selected by the appropriate
6 political party's county committee or committees in the same
7 manner prescribed in subsections a. and b. of R.S. 19:13-20 for
8 selecting candidates to fill vacancies among candidates nominated
9 at primary elections, and a statement of the selection of that
10 successor shall be certified to and filed with the Secretary of State
11 in the same manner prescribed by subsection d. of that section for
12 certifying statements concerning the selection of such candidates.

13 The Secretary of State shall thereupon issue to the interim
14 successor a certificate of selection based upon that filed statement
15 of selection, and shall sign his name and affix the seal of the State
16 thereto, and shall without delay deliver that statement to the person
17 so selected. The Secretary of State shall also prepare a certified
18 statement of selection, similar in form to the certificate but
19 addressed to the presiding officer of the house of the Legislature in
20 which the vacancy occurred, and shall sign the statement, affix the
21 seal of the State thereto, and promptly deliver the same to the
22 President of the Senate or Speaker of the General Assembly as
23 appropriate.

24 (cf: P.L.1988, c. 126, s. 8)

25

26 20. Section 13 of P.L.1995, c.105 (C.19:27A-13) is amended to
27 read as follows:

28 13. a. (1) If the recall election official determines that a
29 petition contains the required number of signatures and otherwise
30 complies with the provisions of this act and if the official sought to
31 be recalled makes no timely challenge to that determination, or if
32 the official makes such a challenge but the original determination is
33 confirmed by the recall election official or the court, the recall
34 election official shall forthwith issue a certificate as to the
35 sufficiency of the petition to the recall committee. A copy of the
36 certificate shall be served by the recall election official on the
37 elected official sought to be recalled by personal service or certified
38 mail. If, within five business days of service of the certification, the
39 official has not resigned from office, the recall election official
40 shall order and fix the holding of a recall election on the date
41 indicated in the certificate.

42 (2) In the case of an office which is ordinarily filled at the
43 general election, a recall election shall be held at the next general
44 election occurring at least **[55]** 60 days following the fifth business
45 day after service of the certification, unless it was indicated in the
46 notice of intention that the recall election shall be held at a special
47 election in which case the recall election official shall order and fix
48 the date for holding the recall election to be the next Tuesday

1 occurring during the period beginning with the 55th day and ending
2 on the 61st day following the fifth business day after service of the
3 certification of the petition or, if that Tuesday falls on, or during the
4 28-day period before or after, a day on which any general, primary,
5 nonpartisan municipal, school district or other recall election is to
6 be held or shall have been held within all or any part of the
7 jurisdiction, then the first Tuesday thereafter which does not fall
8 within such period. In the case of an office which is ordinarily
9 filled at an election other than the general election, a recall election
10 shall be held at the next general election or the next regular election
11 for that office occurring at least ~~55~~ 60 days following the fifth
12 business day after service of the certification, unless it was
13 indicated in the notice of intention that the recall election shall be
14 held at a special election in which case the recall election official
15 shall order and fix the date for holding the recall election to be the
16 next Tuesday occurring during the period beginning with the ~~55th~~
17 ~~60th~~ day and ending on the ~~61st~~ 66th day following the fifth
18 business day after service of the certification of the petition or, if
19 that Tuesday falls on, or during the 28-day period before or after, a
20 day on which any general, primary, nonpartisan municipal, school
21 district or other recall election is to be held or shall have been held
22 within all or any part of the jurisdiction, then the first Tuesday
23 thereafter which does not fall within such period. A recall election
24 to be held at a special election shall not be scheduled on the same
25 day as a primary election. The date for a recall election shall not be
26 fixed, and no recall election shall be held, after the date occurring
27 six months prior to the general election or regular election for the
28 office, as appropriate, in the final year of an official's term.

29 (3) A vacancy in an elective office resulting from the
30 resignation of an elective official sought to be recalled prior to the
31 expiration of the five-day period shall be filled in the manner
32 provided by law for filling vacancies in that office.

33 b. The certificate issued by the recall election official shall
34 contain:

35 (1) the name and office of the official sought to be recalled;

36 (2) the number of signatures required by law to cause a recall
37 election to be held for that office;

38 (3) a statement to the effect that a valid recall petition,
39 determined to contain the required number of signatures, has been
40 filed with the recall election official and that a recall election will
41 be held; and

42 (4) the date and time when the election will be held if the
43 official does not resign.

44 c. The recall election official shall transmit a copy of the
45 certificate to the officer or public body designated by law to be
46 responsible for publishing notice of any other election to be held in
47 the jurisdiction on the same day as the recall election, and that
48 officer or body shall cause notice of the recall election, including all

1 of the information contained in the certificate as prescribed by
2 subsection b. of this section, to be printed in a newspaper published
3 in the jurisdiction of the official sought to be recalled or, if none
4 exists, in a newspaper generally circulated in the jurisdiction. The
5 notice of the recall election shall appear on the same schedule
6 applicable to the notice of such other election. In the event that the
7 recall election is to be held as a special election, the recall election
8 official shall transmit a copy of the certificate to the county board
9 or boards of elections, and the county board or boards shall cause
10 notice of the recall election to be printed, in the manner
11 hereinbefore prescribed, once during the 30 days next preceding the
12 day fixed for the closing of the registration books for the recall
13 election and once during the calendar week next preceding the week
14 in which the recall election is held.
15 (cf: P.L.1995, c.105, s.13)

16

17 21. R.S.19:37-1 is amended to read as follows:

18 19:37-1. When the governing body of any municipality or of any
19 county desires to ascertain the sentiment of the legal voters of the
20 municipality or county upon any question or policy pertaining to the
21 government or internal affairs thereof, and there is no other statute
22 by which the sentiment can be ascertained by the submission of
23 such question to a vote of the electors in the municipality or county
24 at any election to be held therein, the governing body may adopt at
25 any regular meeting an ordinance or a resolution requesting the
26 clerk of the county to print upon the official ballots to be used at the
27 next ensuing general election a certain proposition to be formulated
28 and expressed in the ordinance or resolution in concise form. Such
29 request shall be filed with the clerk of the county not later than
30 **[74]** 79 days previous to the election.

31 (cf: P.L.1985, c.92, s.29)

32

33 22. Section 2 of P.L.1967, c.101 (C.19:37-1.1) is amended to
34 read as follows:

35 2. Whenever a governing body of a municipality has adopted
36 an ordinance or resolution pursuant to section 19:37-1 of the
37 Revised Statutes, upon the presentation to the governing body of
38 such municipality of a petition signed by 10% or more of the voters
39 registered and qualified to vote at the last general election in such
40 municipality, requesting the governing body of such municipality to
41 ascertain the sentiment of the legal voters of the municipality upon
42 any question or policy pertaining to the government or internal
43 affairs thereof that is reasonably related to any proposition
44 formulated and expressed in such ordinance or resolution, such
45 governing body of the municipality shall thereupon adopt at its next
46 regular meeting following the presentation of such petition a
47 resolution requesting the clerk of the county to print upon the
48 official ballots to be used at the next ensuing general election a

1 certain proposition as formulated and expressed in the petition.
2 Such request shall be filed with the clerk of the county not later
3 than the ~~60th~~ 65th day previous to the election.

4 (cf: P.L.1985, c.92, s.30)

5
6 23. R.S.19:37-2 is amended to read as follows:

7 19:37-2. If a copy of the ordinance or resolution certified by the
8 clerk or secretary of the governing body of any such municipality
9 or county is delivered to the county clerk not less than ~~60~~ 65
10 days before any such general election, he shall cause it to be
11 printed on each sample ballot and official ballot to be printed for or
12 used in such municipality or county, as the case may be, at the next
13 ensuing general election.

14 (cf: P.L.1971, c.217, s.3)

15
16 24. Section 12 of P.L.1993, c.73 (C.19:59-8.1) is amended to
17 read as follows:

18 12. Whenever a county clerk receives a request by electronic
19 means from an overseas voter that an overseas ballot be sent to that
20 person by electronic means, the county clerk shall verify the voter's
21 eligibility to vote as an overseas voter in the State and the county
22 desired. If the overseas voter is eligible to vote therein, the county
23 clerk shall send the ballot to the voter ~~as soon as practicable~~ at
24 least 45 days before the day of the election and thereafter by
25 electronic means using the telephone number or electronic address
26 supplied by the voter for that purpose. If the overseas voter is not
27 eligible to vote in the State or the county desired, notice of
28 noneligibility shall be provided to the voter by electronic means as
29 soon as practicable after the receipt of the request.

30 (cf: P.L.2008, c.61, s.9)

31
32 25. (New section) For the purpose of complying with the federal
33 "Uniformed and Overseas Citizens Absentee Voting Act," 42
34 U.S.C. 1973ff-1 et seq., the office of the Secretary of State shall:

35 a. be designated as the single State office responsible for
36 providing information to all overseas voters who wish to register to
37 vote or vote in any jurisdiction in the State with respect to voter
38 registration procedures and vote by mail procedures to be used by
39 overseas voters for all elections for federal offices;

40 b. work with the Election Assistance Commission and the
41 federal Department of Defense to develop standards to report data
42 on the number of overseas voter ballots transmitted and received by
43 mail or electronic means pursuant to the "Overseas Residents
44 Absentee Voting Law" P.L.1976, c.23 (C.19:59-1 et seq.) and
45 section 7 of P.L.2004, c.88 (C.19:61-7); and

46 c. provide such additional information relating to voting by
47 overseas voters from this State as the Department of Defense
48 determines is appropriate.

1 26. Section 5 of P.L.2004, c.88 (C.19:61-5) is amended to read
2 as follows:

3 5. The Secretary of State shall establish a free-access system,
4 such as a toll-free telephone number, an Internet website or any
5 combination thereof, that any individual who casts a mail-in ballot
6 or an overseas ballot in a federal election may access to ascertain:
7 (1) whether an application for a mail-in ballot or an overseas ballot
8 has been approved and if not, the reason for its rejection; and (2)
9 whether the mail-in ballot or overseas ballot was received and
10 accepted for counting and, if the ballot was not counted, the reason
11 for the rejection of the ballot. The system shall at all times preserve
12 the confidentiality of each person who has requested an application
13 to vote by mail-in ballot or overseas ballot, or who has voted by
14 mail-in ballot or overseas ballot, and shall ensure that no person,
15 other than the individual who requested or cast the ballot, may
16 discover whether or not that individual's application or ballot was
17 accepted, unless so informed by the voter. This system may be the
18 same one used for provisional ballots, established pursuant to
19 section 4 of P.L.2004, c.88 (C.19:61-4).
20 (cf: P.L.2009, c.79, s.35)

21
22 27. Section 2 of P.L.2005, c.148 (C.19:62-2) is amended to read
23 as follows:

24 2. If an election by mail is authorized pursuant to section 1 of
25 this act, P.L.2005, c.148 (C.19:62-1), the county clerk shall:

26 a. publish, in advance of the election and pursuant to rules and
27 regulations promulgated by the Secretary of State, official notice
28 that the election shall be conducted by mail together with such other
29 information regarding the conduct of the election as shall be
30 deemed necessary by the Secretary of State;

31 b. mail a ballot, including an outer envelope and an inner
32 envelope substantially similar to the envelopes provided for mail-in
33 ballots pursuant to sections 12 and 13 of P.L.2009, c.79 (C.19:63-
34 12 and C.19:63-13), not sooner than the 20th day prior to the day of
35 the election nor later than the 14th day prior to the day of the
36 election, to each person registered to vote in the municipality at that
37 election;

38 c. designate the county clerk's office or the municipal clerk's
39 office as the places to obtain a replacement ballot pursuant to
40 section 5 of P.L.2005, c.148 (C.19:62-5);

41 d. designate, after consultation with the county board of
42 elections and pursuant to criteria established by the Secretary of
43 State, places within the county or municipality that shall be
44 available for the deposit of voted ballots for the election;

45 e. make a provisional ballot available at the office of the
46 county clerk and the office of the municipal clerk so that each
47 person who has been a resident of the county or municipality in
48 which the person seeks to register and vote at least 21 days prior to

1 the day of the election and has moved to a location within the
2 municipality after that 21st day and prior to the day of the election
3 may vote;

4 f. suspend distribution to each registered voter in the
5 municipality of samples of the official ballot of any election, but
6 distribute to each registered voter in the municipality with each
7 ballot a copy of the voter information notice provided for in section
8 1 of P.L.2005, c.149 (C.19:12-7.1) as modified and supplemented
9 by the Secretary of State as deemed appropriate for use in
10 municipalities conducting elections by mail, and such instruction
11 about the completion of the ballot as deemed necessary by the
12 Secretary of State;

13 g. make certain that all qualified voters in the municipality
14 requesting a mail-in ballot between the ~~40th~~ 45th day and the
15 21st day prior to the day of an election receive such ballot after the
16 20th day prior to the day of an election and voters requesting a
17 ballot on or before the seventh day prior to the date of the election
18 shall receive a ballot authorized pursuant to this section; and

19 h. establish, after consultation with the county board of
20 elections and in accordance with rules and regulations adopted by
21 the Secretary of State, the time by which all ballots must be
22 received by the board on the day of an election to be considered
23 valid and counted.

24 (cf: P.L.2009, c.79, s.36)

25

26 28. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read
27 as follows:

28 6. a. The county clerk, in the case of any Statewide election,
29 countywide election, or school election in a regional or other school
30 district comprising more than one municipality; the municipal clerk,
31 in the case of any municipal election or school election in a school
32 district comprising a single municipality; and the commissioners or
33 other governing or administrative body of the district, in the case of
34 any election to be held in any fire district or other special district,
35 other than a municipality, created for specified public purposes
36 within one or more municipalities, shall publish the following
37 notice in substantially the following form:

38 **NOTICE TO PERSONS WANTING MAIL-IN BALLOTS**

39 If you are a qualified and registered voter of the State who wants
40 to vote by mail in the..... (school, municipal, primary,
41 presidential primary, general, or other) election to be held
42 on..... (date of election) complete the application form
43 below and send to the undersigned, or write or apply in person to
44 the undersigned at once requesting that a mail-in ballot be
45 forwarded to you. The request must state your home address and
46 the address to which the ballot should be sent. The request must be
47 dated and signed with your signature.

1 If any person has assisted you to complete the mail-in ballot
 2 application, the name, address and signature of the assistor must be
 3 provided on the application, and you must sign and date the
 4 application for it to be valid and processed. No person shall serve
 5 as an authorized messenger for more than 10 qualified voters in an
 6 election. No person who is a candidate in the election for which the
 7 voter requests a mail-in ballot may provide any assistance in the
 8 completion of the ballot or may serve as an authorized messenger or
 9 bearer.

10 No mail-in ballot will be provided to any applicant who submits
 11 a request therefor by mail unless the request is received at least
 12 seven days before the election and contains the requested
 13 information. A voter may, however, request an application in
 14 person from the county clerk up to 3 p.m. of the day before the
 15 election.

16 Voters who want to vote only by mail in all future general
 17 elections in which they are eligible to vote, and who state that on
 18 their application shall, after their initial request and without further
 19 action on their part, be provided a mail-in ballot by the county clerk
 20 until the voter requests that the voter no longer be sent such a
 21 ballot. A voter's failure to vote in the fourth general election
 22 following the general election at which the voter last voted may
 23 result in the suspension of that voter's ability to receive a mail-in
 24 ballot for all future general elections unless a new application is
 25 completed and filed with the county clerk.

26 Voters also have the option of indicating on their mail-in ballot
 27 applications that they would prefer to receive mail-in ballots for
 28 each election that takes place during the remainder of this calendar
 29 year. Voters who exercise this option will be furnished with mail-in
 30 ballots for each election that takes place during the remainder of
 31 this calendar year, without further action on their part.

32 Application forms may be obtained by applying to the
 33 undersigned either in writing or by telephone, or the application
 34 form provided below may be completed and forwarded to the
 35 undersigned.

36 Dated.....
 37

38 (signature and title of county clerk)

39

40 (address of county clerk)

41

42 (telephone no. of county clerk)

43 b. (1) The Secretary of State shall be responsible for providing
 44 all information regarding overseas **【federal election voter】** ballots
 45 to each overseas voter eligible for such a ballot pursuant to
 46 P.L.1976, c.23 (C.19:59-1 et seq.). The secretary shall also make
 47 available valid overseas **【federal election】** voter registration and
 48 ballot applications to any voter who is a member of the armed

1 forces of the United States and who is a permanent resident of this
2 State, or who is an overseas [federal election] voter who wishes to
3 register to vote or to vote in any jurisdiction in this State. The
4 secretary shall provide such public notice as may be deemed
5 necessary to inform members of the armed forces of the United
6 States and overseas federal election voters how to obtain valid
7 overseas [federal election] voter registration and ballot
8 applications.

9 (2) The Secretary of State shall undertake a program to inform
10 voters in this State about their eligibility to vote by mail pursuant to
11 this act. Dissemination of this information shall be included in the
12 standard notices required by this section and other provisions of
13 current law, including but not limited to the notice requirements of
14 R.S.19:12-7, and shall be effectuated by such means as the secretary
15 deems appropriate and to the extent that funds for such
16 dissemination are appropriated including, but not limited to, by
17 means of Statewide or local electronic media, public service
18 announcements broadcast by such media, notices on the Internet site
19 of the Department of State or any other department or agency of the
20 Executive Branch of State government or its political subdivisions
21 deemed appropriate by the secretary, and special mailings or notices
22 in newspapers or other publications circulating in the counties or
23 municipalities of this State.

24 c. The mail-in ballot materials shall contain a notice that any
25 person voting by mail-in ballot who has registered by mail after
26 January 1, 2003, who did not provide personal identification
27 information when registering and is voting for the first time in his
28 or her current county of residence following registration shall
29 include copies of the required identification information with the
30 mail-in ballot, and that failure to include such information shall
31 result in the rejection of the ballot.

32 d. The notice provided for in subsection a. of this section shall
33 be published before the [50th] 55th day immediately preceding the
34 holding of any election.

35 Notices relating to any Statewide or countywide election shall be
36 published in at least two newspapers published in each county. All
37 officials charged with the duty of publishing such notices shall
38 publish the same in at least one newspaper published in each
39 municipality or district in which the election is to be held, or if no
40 newspaper is published in the municipality or district, then in a
41 newspaper published in the county and circulating in the
42 municipality or district. All such notices shall be display
43 advertisements.

44 (cf: P.L.2009, c.79, s.6)

45

46 29. Section 9 of P.L.2009, c.79 (C.19:63-9) is amended to read
47 as follows:

1 9. a. Starting on or before the ~~【40th】~~ 45th day before the day
2 an election is held, each county clerk shall forward mail-in ballots
3 by first-class postage or hand delivery to each mail-in voter whose
4 request therefor has been approved. Mail-in ballots that have been
5 approved before the ~~【40th】~~ 45th day before an election shall be
6 forwarded or delivered no later than the third business day
7 following ~~【that 40th】~~ the day of approval. Hand delivery of a mail-
8 in ballot shall be made by the county clerk or the clerk's designee
9 only to the voter, or the voter's authorized messenger, who must
10 appear in person. No person shall serve as an authorized messenger
11 for more than 10 qualified voters in an election. Ballots that have
12 not been hand delivered shall be addressed to the voter at the
13 forwarding address given in the application.

14 b. (1) Whenever the clerk forwards a mail-in ballot by mail to a
15 mail-in voter between the ~~【40th】~~ 45th day and the 13th day before
16 the day of an election, the ballot shall be transmitted within three
17 business days of the receipt of the application.

18 (2) Whenever the clerk forwards a mail-in ballot by mail to a
19 mail-in voter between the 12th day and the seventh day before the
20 day of an election, the ballot shall be transmitted within two
21 business days of the receipt of the application.

22 The provisions of this subsection shall not apply to any
23 municipality in which elections are conducted by mail, pursuant to
24 P.L.2005, c.148 (C.19:62-1 et seq.).

25 c. Whenever a mail-in ballot is mailed to a voter for use in any
26 annual school or regional school district election pursuant to an
27 application therefor, and thereafter a special district school election
28 is called pursuant to section 2 of P.L.1995, c.278 (C.19:60-2), the
29 county clerk shall cause the mail-in ballot used in the election to be
30 mailed to the voter without any further application for any such
31 ballot.

32 (cf: P.L.2009, c.79, s.9)

33

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

36 4. On or before the ~~【54th】~~ 62nd day prior to a regular
37 municipal election, the names of candidates for all elective offices
38 shall be filed with the municipal clerk, in the following manner and
39 form and subject to the following conditions:

40 a. The petition of nomination shall consist of individual
41 certificates, equal in number to at least 1%, but in no event less than
42 25, of the registered voters of the municipality or the ward, as the
43 case may be, and shall read substantially as follows:

44 "I, the undersigned, a registered voter of the municipality of
45, residing at certify that I do
46 hereby join in a petition of the nomination of
47 whose residence is at for the office

1 of mayor (or councilman-at-large, or ward councilman of the
2 ward, or commissioner, or village trustee, as the case may
3 be) to be voted for at the election to be held in the municipality on
4 the, **[19]** 2....., and I further certify that I know this
5 candidate to be a registered voter, for the period required by law, of
6 the municipality (and the ward, in the case of ward councilman) and
7 a person of good moral character, and qualified, in my judgment, to
8 perform the duties of the office, and I further certify that I have not
9 signed more petitions or certificates of nomination than there are
10 places to be filled for the above office.

11 Signed"

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

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

28 c. The municipal clerk shall immediately provide the Election
29 Law Enforcement Commission with official certification of the
30 filing or withdrawal of a petition of nomination.

31 (cf: P.L.1985, c.92, s.34)

32

33 31. Section 5 of P.L.1981, c.379 (C.40:45-9) is amended to read
34 as follows:

35 5. a. The municipal clerk shall furnish, upon request, a
36 reasonable number of forms of individual certificates of
37 nomination.

38 b. Each certificate shall contain the name of one candidate, and
39 no more. Each signer must not, at the time of signing the
40 certificate, have signed more certificates for candidates for that
41 office than there are places to be filled for the office. Where ward
42 councilmen are to be elected, no petitioner shall sign more than one
43 certificate for ward council, and the candidate named in the petition
44 shall reside in the same ward as the signer. All certificates not
45 complying substantially with this act shall be rejected.

46 c. When a petition of nomination is presented for filing to the
47 municipal clerk, he shall examine it and ascertain whether or not it
48 conforms to the provisions of this act and, where applicable, the

1 provisions of the general election laws. If it does not conform, he
2 shall retain the petition and notify the person nominated of the
3 defect, by written notice delivered to him personally or by certified
4 mail to his place of residence stated in the petition.

5 d. Where the nominating petition, or any affidavit or affidavits
6 thereto is found defective, the candidate named therein may file
7 such amendment or amendments as may be necessary to eliminate
8 the defect, whether of matters of substance or form, and when so
9 amended the effect shall be as if the petition had been originally
10 filed in the amended form. After the last day for the filing of the
11 original petition, no amendment may be made for the purpose of
12 adding the name of any person who did not sign the original
13 petition, nor shall any amendment be made at any time for the
14 purpose of changing the name of the candidate or the office for
15 which he was to be nominated. No amendment to a nominating
16 petition shall be made and filed less than ~~48~~ 53 days before the
17 election.

18 (cf: P.L.1985, c.92, s.35)

19

20 32. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 The purpose of this bill is to change the date by which mail-in
26 ballots must be transmitted to mail-in voters and overseas voters
27 from starting on the 40th day before the day of an election to
28 starting on or before the 45th day before the day of an election.

29 This change in current law has been necessitated by the federal
30 government's enactment of the "Military and Overseas Voter
31 Empowerment (MOVE) Act," on October 28, 2009. That law
32 requires, in part, that a validly requested ballot must be sent by mail
33 or by electronic means to a military or overseas voter starting on or
34 before the 45th day before the day of the federal election for which
35 it is requested.

36 To effectuate the provisions of the MOVE act, the bill:

37 1) designates the office of the Secretary of State as the single
38 State office responsible for providing information regarding voter
39 registration procedures and vote by mail procedures to be used by
40 overseas voters;

41 2) requires the secretary to work with the federal Elections
42 Assistance Commission and the federal Department of Defense to
43 develop standards to report data on the number of overseas voter
44 ballots transmitted by mail or electronic means; and

45 3) amends N.J.S.A.19:61-5, which establishes a free-access
46 system whereby a mail-in voter can check whether their request for
47 a mail-in ballot has been accepted, to permit overseas voters to use
48 the system to check on the status of their request for a ballot.