ASSEMBLY, No. 2557

STATE OF NEW JERSEY

214th LEGISLATURE

INTRODUCED MARCH 16, 2010

Sponsored by:
Assemblyman DOMENICK DICICCO, JR.
District 4 (Camden and Gloucester)

SYNOPSIS
Makes various changes to “Uniform Recall Election Law.”

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning the conduct of recall elections and amending

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

1. Section 4 of P.L.1995, c.105 (C.19:27A-4) is amended to
read as follows:

4. a. An elected official shall be recalled from office upon the
affirmative vote of a majority of those voting on the question of
recall at a recall election which shall have been held after the
officeholder shall have served one year of the term of office from
which the person is sought to be recalled. A person serving to fill a
vacancy in the term of an elective office shall be subject to recall at
such an election after one year of such service. No election to
recall an elected official shall be held after the date occurring six
months prior to the general election or regular election for that
office, as appropriate, in the final year of the official's term.

No statement of reasons or grounds for the holding of a recall
election or for the recall at such an election of an elected official
shall be required in connection with the preparation or circulation of
a recall petition, with the transmittal of any notice required under
the provisions of this act, with the submission to the voters of the
question of the recall of an elected official, or with any other action
or procedure relating to such a recall, and to the extent that any
such statement of reasons or grounds is offered by the sponsors of a
recall petition or by any other person, the sufficiency of that
statement shall be a political rather than a judicial question.

b. The procedures established in this act to initiate the calling
of a recall election may be commenced not earlier than the [50th]
75th day preceding the completion of the first year of the term of
office by the official sought to be recalled. In the case of an official
serving to fill a vacancy in the term of an elective office, the
procedures established in this act to initiate the calling of a recall
election may be commenced not earlier than the [50th] 75th day
preceding the completion of the first year of such service. In the
case of an official serving a two-year term, the procedures
established in this act to initiate the calling of a recall election may
be commenced not earlier than the 90th day preceding the
completion of the first year of such service. However, the recall
election itself shall not be held until after the official has completed
one year of such term or service, as appropriate.

(cf: P.L.1995, c.105, s.4)

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.
2. Section 11 of P.L.1995, c.105 (C.19:27A-11) is amended to read as follows:

   11. All sections of a completed recall petition shall be filed with the recall election official at the same time. When a petition is presented for filing, the recall election official, within 10 business days, shall determine the total number of signatures affixed thereto and whether the completed petition complies with the other provisions of this act. **[A]** When a recall election official determines that a petition [which] contains an insufficient number of signatures or otherwise fails to comply with the provisions of this act, the recall election official shall allow 10 business days for the recall committee to collect the additional number of signatures necessary or otherwise take appropriate actions to bring the petition into compliance with this act. If, within that timeframe, the recall committee fails to bring the petition into compliance, the petition shall be void.

   (cf: P.L.1995, c.105, s.11)

3. This act shall take effect immediately.

**STATEMENT**

This bill makes various changes to the “Uniform Recall Election Law.”

Currently, under Article I, paragraph 2b. of the New Jersey State Constitution, the people are granted the right to recall, after at least one year of service, any elected official in this State or representing this State in the United States Congress. The Constitution further provides that such a recall election must be held upon petition of at least 25% of the registered voters in the electoral district of the official sought to be recalled. Other requirements of the recall election process are provided pursuant to law.

Under the bill, persons engaged in a recall effort would be permitted to initiate the recall procedures not earlier than 75 days preceding the completion of the first year of the term of office by the official sought to be recalled, increasing this number from the current 50 days allowed. Also, the bill provides that in the case of an elected official serving a two-year term, such effort may be commenced 90 days prior to the completion of the elected official’s first year of the term.

The bill also requires that, when a recall election official determines that a recall petition contains an insufficient number of signatures or otherwise fails to comply with the established requirements and procedures, the recall election official must allow 10 business days for the recall committee to collect the additional number of signatures necessary or otherwise take appropriate actions to bring the petition into compliance. Under the bill, if
within that timeframe the recall committee fails to bring the petition into compliance, the petition will be void.