

[First Reprint]

**SENATE, No. 814**

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**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**SYNOPSIS**

Permits candidate in any election to sign own nominating petition and be circulator thereof.

**CURRENT VERSION OF TEXT**

As amended by the Senate on March 11, 2010.



1 AN ACT concerning the signers and circulators of petitions of  
2 nomination in elections, and amending various parts of the  
3 statutory law.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. R.S.19:13-5 is amended to read as follows:

9 19:13-5. The petition shall be signed by legally qualified voters  
10 of this State residing within the district or political division in and  
11 for which the officer or officers nominated are to be elected, equal  
12 in number to at least two per centum (2%) of the entire vote cast  
13 for members of the General Assembly at the last preceding general  
14 election, held for the election of all of the members of the General  
15 Assembly, in the State, county, district or other political division in  
16 and for which the nominations are made; except that when the  
17 nomination is for an office to be filled by the voters of the entire  
18 State eight hundred signatures in the aggregate for each candidate  
19 nominated in the petition shall be sufficient; and except that no  
20 more than one hundred signatures shall be required to any petition  
21 for any officers to be elected save only such as are to be voted for  
22 by the voters of the State at large.

23 In case of a first general election to be held in a newly  
24 established election district, county, city or other political division,  
25 the number of fifty signatures to a petition shall be sufficient to  
26 nominate a candidate to be voted for only in such election district,  
27 county, city or other political division.

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

31 (cf: P.L.1948, c.438, s.6)

32  
33 2. R.S.19:13-7 is amended to read as follows:

34 19:13-7. Before any petition shall be filed as hereinafter  
35 provided, at least one of the voters signing the same, or a candidate  
36 who signs or circulates, or both signs and circulates, such a petition,  
37 shall make oath before a duly qualified officer that the petition is  
38 made in good faith, that the affiant saw all the signatures made  
39 thereto and verily believes that the signers are duly qualified  
40 voters.

41 (cf: P.L.1973, c.135, s.1)

42  
43 3. R.S.19:23-10 is amended to read as follows:

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate floor amendments adopted March 11, 2010.

1 19:23-10. Not all of the names of petitioners need be signed to a  
2 single petition, but any number of petitions of the same purport  
3 may be filed; but in the aggregate the signatures thereto indorsing  
4 any one person shall be the number required by this title. The  
5 signers to petitions shall not therein indorse or recommend more  
6 persons as candidates for the position than are to be chosen at the  
7 ensuing primary election in the state or political subdivision in  
8 which the signers to the petition reside, nor shall such signers  
9 indorse more persons as candidates for nomination to office than  
10 are to be elected in the state or political subdivision.

11 No member of one political party shall sign his name to any  
12 petition purporting to indorse any person as a candidate for office of  
13 another political party.

14 A candidate shall be permitted to sign or circulate, or both sign  
15 and circulate, the petition required for that candidate to seek  
16 nomination for elective office.

17 (cf: R.S.19:23-10)

18

19 4. R.S.19:23-11 is amended to read as follows:

20 19:23-11. Such petitions shall be verified by the oath or  
21 affirmation of one or more of the signers thereof, including a  
22 candidate who signs or circulates, or both signs and circulates, such  
23 a petition, taken and subscribed before a person qualified under the  
24 laws of New Jersey to administer an oath, to the effect that the  
25 petition is signed by each of the signers thereof in his proper  
26 handwriting; that the signers are to the best knowledge and belief  
27 of the affiant legal voters of the state or political subdivision  
28 thereof, as the case may be, as stated in the petition, belong to the  
29 political party named in the petition, and that the petition is  
30 prepared and filed in absolute good faith for the sole purpose of  
31 indorsing the person or persons therein named, in order to secure  
32 his or their nomination or selection as stated in such petition.

33 (cf: R.S.19:23-11)

34

35 5. Section 5 of P.L.1995, c.278 (C.19:60-5) is amended to read  
36 as follows:

37 5. Notwithstanding the provisions of R.S.19:13-4, each  
38 nominating petition for a candidate to be voted upon at a school  
39 election shall be addressed to the secretary of the board of  
40 education and therein shall be set forth:

41 a. A statement that the signers of the petition are all qualified  
42 voters of the school district or, in the case of a regional school  
43 district, qualified voters of the constituent district which the  
44 candidate shall represent on the board of education of the regional  
45 district;

46 b. The name, residence and post office address of the person  
47 endorsed and the office for which he is endorsed;

1 c. That the signers of the petition endorse the candidate named  
2 in the petition for that office and request that the person's name be  
3 printed upon the official ballot to be used at the ensuing election;  
4 and

5 d. That the person so endorsed is legally qualified to be elected  
6 to the office.

7 A candidate shall be permitted to sign or circulate, or both sign  
8 and circulate, the petition required to nominate that candidate for  
9 membership on the board.

10 Any form of a petition of nomination hereunder which is  
11 provided to candidates in a school election shall contain the  
12 following notice: "Notice: All candidates are required by law to  
13 comply with the provisions of 'The New Jersey Campaign  
14 Contributions and Expenditures Reporting Act.' For further  
15 information, please call (insert phone number of the Election Law  
16 Enforcement Commission)."

17 (cf: P.L.1995, c.278, s.5)

18

19 <sup>1</sup>¶6. Section 4 of P.L.1981, c.379 (C.40:45-8) is amended to  
20 read as follows:

21 4. On or before the **¶54th** 57th day prior to a regular  
22 municipal election, the names of candidates for all elective offices  
23 shall be filed with the municipal clerk, in the following manner and  
24 form and subject to the following conditions:

25 a. The petition of nomination shall consist of individual  
26 certificates, equal in number to at least 1%, but in no event less than  
27 25, of the registered voters of the municipality or the ward, as the  
28 case may be, and shall read substantially as follows:

29 "I, the undersigned, a registered voter of the municipality of  
30 ....., residing at ..... certify that I do  
31 hereby join in a petition of the nomination of .....  
32 whose residence is at ..... for the office  
33 of mayor (or councilman-at-large, or ward councilman of the  
34 ..... ward, or commissioner, or village trustee, as the case may  
35 be) to be voted for at the election to be held in the municipality on  
36 the ....., **¶19.....,** 20....., and I further certify that I know this  
37 candidate to be a registered voter, for the period required by law, of  
38 the municipality (and the ward, in the case of ward councilman) and  
39 a person of good moral character, and qualified, in my judgment, to  
40 perform the duties of the office, and I further certify that I have not  
41 signed more petitions or certificates of nomination than there are  
42 places to be filled for the above office.

43 Signed ....."

44 Any such petition of nomination which is provided to candidates  
45 by the municipal clerk shall contain the following notice: "Notice:  
46 All candidates are required by law to comply with the provisions of  
47 the "New Jersey Campaign Contributions and Expenditures

1 Reporting Act." For further information, please call (insert phone  
2 number of the Election Law Enforcement Commission)."

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

13 c. The municipal clerk shall immediately provide the Election  
14 Law Enforcement Commission with official certification of the  
15 filing or withdrawal of a petition of nomination.

16 d. A candidate shall be permitted to sign or circulate, or both  
17 sign and circulate, the petition required to nominate that candidate  
18 for elective public office in any municipality holding regular  
19 municipal elections.

20 (cf: P.L.1985, c.92, s.34)¶<sup>1</sup>

21

22 <sup>1</sup>6. Section 4 of P.L.1981, c.379 (C.40:45-8) is amended to read  
23 as follows:

24 4. On or before the 57th day prior to a regular municipal  
25 election, the names of candidates for all elective offices shall be  
26 filed with the municipal clerk, in the following manner and form  
27 and subject to the following conditions:

28 a. The petition of nomination shall consist of individual  
29 certificates, equal in number to at least 1%, but in no event less than  
30 25, of the registered voters of the municipality or the ward, as the  
31 case may be, and shall read substantially as follows:

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

46 Signed ....."

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

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

17 c. The municipal clerk shall immediately provide the Election  
18 Law Enforcement Commission with official certification of the  
19 filing or withdrawal of a petition of nomination.

20 d. A candidate shall be permitted to sign or circulate, or both  
21 sign and circulate, the petition required to nominate that candidate  
22 for elective public office in any municipality holding regular  
23 municipal elections.<sup>1</sup>

24 (cf: P.L.2009, c.196, s.5)

25

26 <sup>1</sup>[7. Section 1 of P.L.1971, c.197 (C.40A:14-71) is amended to  
27 read as follows:

28 1. Candidates for membership on the board shall be nominated  
29 by verified petitions. Any such petition shall be in writing,  
30 addressed to the municipal clerk or the clerk of the board, as the  
31 case may be, stating that the signers thereof are qualified voters and  
32 residents in the district and requesting that the name of the  
33 candidate be placed on the official ballot. The petition shall state  
34 the residence of the candidate and certify his qualification for  
35 membership. The candidate's consent to his nomination shall be  
36 annexed to the petition and shall constitute his agreement to serve  
37 in the event of his election. The petition shall contain the name of  
38 only one candidate, but several petitions may nominate the same  
39 person. Each petition shall be signed by not less than 10 qualified  
40 voters and shall be filed at least 28 days before the date of the  
41 election.

42 Any form of a petition of nomination which is provided to  
43 candidates by the Secretary of State, the county clerk, or the  
44 municipal clerk shall contain the following notice: "Notice: All  
45 candidates are required by law to comply with the provisions of  
46 'The New Jersey Campaign Contributions and Expenditures  
47 Reporting Act,' P.L. 1973, c. 83 (C. 19:44A-1 et seq.). For further

1 information please call (insert telephone number of the Election  
2 Law Enforcement Commission)."

3 If a petition is found to be defective, either in form or substance,  
4 the municipal clerk or the clerk of the board, as the case may be,  
5 shall forthwith notify the candidate to cause it to be corrected  
6 before the petition is given consideration.

7 A candidate shall be permitted to sign or circulate, or both sign  
8 and circulate, the petition required to nominate that candidate for  
9 membership on the board.

10 (cf: P.L.1985, c.288, s.2)]<sup>1</sup>

11

12 <sup>1</sup>7. Section 1 of P.L.1971, c.197 (C.40A:14-71) is amended to  
13 read as follows:

14 1. Candidates for membership on the board shall be nominated  
15 by verified petitions. Any such petition shall be in writing,  
16 addressed to the municipal clerk or the clerk of the board, as the  
17 case may be, stating that the signers thereof are qualified voters and  
18 residents in the district and requesting that the name of the  
19 candidate be placed on the official ballot. The petition shall state  
20 the residence of the candidate and certify his qualification for  
21 membership. The candidate's consent to his nomination shall be  
22 annexed to the petition and shall constitute his agreement to serve  
23 in the event of his election. The petition shall contain the name of  
24 only one candidate, but several petitions may nominate the same  
25 person. Each petition shall be signed by not less than 10 qualified  
26 voters and shall be filed at least 29 days before the date of the  
27 election.

28 Any form of a petition of nomination which is provided to  
29 candidates by the Secretary of State, the county clerk, or the  
30 municipal clerk shall contain the following notice: "Notice: All  
31 candidates are required by law to comply with the provisions of  
32 'The New Jersey Campaign Contributions and Expenditures  
33 Reporting Act,' P.L.1973, c. 83 (C.19:44A-1 et seq.). For further  
34 information please call (insert telephone number of the Election  
35 Law Enforcement Commission)."

36 If a petition is found to be defective, either in form or substance,  
37 the municipal clerk or the clerk of the board, as the case may be,  
38 shall forthwith notify the candidate to cause it to be corrected  
39 before the petition is given consideration.

40 A candidate shall be permitted to sign or circulate, or both sign  
41 and circulate, the petition required to nominate that candidate for  
42 membership on the board.<sup>1</sup>

43 (cf: P.L.2009, c.286, s.1)

44

45 8. This act shall take effect on January 1 next following the  
46 date of enactment.