

[First Reprint]

ASSEMBLY, No. 5162

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED MARCH 11, 2019

Sponsored by:

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Senator JAMES BEACH

District 6 (Burlington and Camden)

SYNOPSIS

Permits county board of chosen freeholders to increase membership of county board of elections.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on March 18, 2019, with amendments.



(Sponsorship Updated As Of: 5/31/2019)

A5162 [1R] SPEIGHT, REYNOLDS-JACKSON

2

1 AN ACT concerning county boards of elections and amending
2 R.S.19:6-17 and R.S.19:6-18 ¹and supplementing Title 19 of the
3 Revised Statutes¹.

4

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

7

8 ¹**[1.** R.S.19:6-17 is amended to read as follows:

9 19:6-17. The county board shall consist of **[4]** six persons,
10 who shall be legal voters of the counties for which they are
11 respectively appointed. **[Two]** Three members of such county
12 board shall be members of the political party which at the last
13 preceding general election, held for the election of all of the
14 members of the General Assembly, cast the largest number of votes
15 in this State for members of the General Assembly, and the
16 remaining **[2]** three members of such board shall be members of
17 the political party which at such election cast the next largest
18 number of votes in the State for members of the General Assembly.
19 No person who holds elective public office shall be eligible to serve
20 as a member of the county board during the term of such elective
21 office. The office of member of the county board shall be deemed
22 vacant upon such member becoming a candidate for an office to be
23 voted upon at any primary, general election or special election,
24 except for nomination for or election to membership in any county
25 committee or State committee or for nomination for or election as a
26 delegate at large or alternate delegate at large, or district delegate
27 or alternate district delegate to any national political convention,
28 such candidacy to be determined by the filing of a petition of
29 nomination duly accepted by such member in the manner provided
30 by law.

31 In all counties of the first class the county board may appoint
32 some suitable person clerk of such board. In counties of the first
33 class having a population of less than 800,000, the county board
34 may appoint **[4]** four additional office employees, and in counties
35 of the first class having a population of more than 800,000, the
36 county board may appoint not more than **[6]** six additional office
37 employees, all of whom when appointed by such county boards
38 shall be appointed from the competitive class of civil service,
39 provided, however, that any employee now serving and who has not
40 been appointed from the competitive class of civil service shall be
41 in the classified service of the civil service upon passage of this act.
42 The compensation of the clerk of the county board of elections in
43 counties of the first class shall be in an amount recommended by
44 the county board of elections and subject to the approval of the

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:

¹Assembly AAP committee amendments adopted March 18, 2019.

1 board of chosen freeholders of the county affected, provided,
2 however, that such compensation shall be not less than \$5,000.00
3 per annum. The compensation of such office employees shall be
4 recommended by the county board and approved by the board of
5 chosen freeholders. All persons now employed by the board in the
6 competitive class of civil service and such other employees now
7 performing assigned duties shall hold such employment in the
8 competitive class of civil service.

9 (cf: P.L.1965, c.166, s.1)]¹

10

11 ¹1. R.S.19:6-17 is amended to read as follows:

12 19:6-17. The county board shall consist of **[4]** four persons,
13 who shall be legal voters of the counties for which they are
14 respectively appointed. Two members of such county board shall
15 be members of the political party which at the last preceding
16 general election, held for the election of all of the members of the
17 General Assembly, cast the largest number of votes in this State for
18 members of the General Assembly, and the remaining **[2]** two
19 members of such board shall be members of the political party
20 which at such election cast the next largest number of votes in the
21 State for members of the General Assembly. By a majority vote of
22 the full membership of the county board of chosen freeholders, the
23 county board of chosen freeholders may opt to increase to six
24 persons the membership of the county board of elections. The two
25 new members shall be legal voters of the counties for which they
26 are respectively appointed. If a county board of chosen freeholders
27 votes to increase the membership of a county board of elections to
28 six persons, the board of elections shall consist of an equal
29 representation between the political parties which at the last
30 preceding general election, held for the election of all of the
31 members of the General Assembly, cast the largest and next largest
32 number of votes in this State for members of the General Assembly.

33 No person who holds elective public office shall be eligible to serve
34 as a member of the county board during the term of such elective
35 office. The office of member of the county board shall be deemed
36 vacant upon such member becoming a candidate for an office to be
37 voted upon at any primary, general election or special election,
38 except for nomination for or election to membership in any county
39 committee or State committee or for nomination for or election as a
40 delegate at large or alternate delegate at large, or district delegate
41 or alternate district delegate to any national political convention,
42 such candidacy to be determined by the filing of a petition of
43 nomination duly accepted by such member in the manner provided
44 by law.

45 In all counties of the first class the county board may appoint
46 some suitable person clerk of such board. In counties of the first
47 class having a population of less than 800,000, the county board

1 may appoint **[4]** four additional office employees, and in counties
2 of the first class having a population of more than 800,000, the
3 county board may appoint not more than **[6]** six additional office
4 employees, all of whom when appointed by such county boards
5 shall be appointed from the competitive class of civil service,
6 provided, however, that any employee now serving and who has not
7 been appointed from the competitive class of civil service shall be
8 in the classified service of the civil service upon passage of this act.
9 The compensation of the clerk of the county board of elections in
10 counties of the first class shall be in an amount recommended by
11 the county board of elections and subject to the approval of the
12 board of chosen freeholders of the county affected, provided,
13 however, that such compensation shall be not less than \$5,000.00
14 per annum. The compensation of such office employees shall be
15 recommended by the county board and approved by the board of
16 chosen freeholders. All persons now employed by the board in the
17 competitive class of civil service and such other employees now
18 performing assigned duties shall hold such employment in the
19 competitive class of civil service.¹

20 (cf: P.L.1965, c.166, s.1)

21

22 2. R.S.19:6-18 is amended to read as follows:

23 19:6-18. During the 30-day period immediately preceding
24 February 15 in each year, the chairman and vice-chairlady of each
25 county committee and the State committeeman and State
26 committeewoman of each of such two political parties, respectively
27 shall meet and jointly, in writing, nominate **[one person]** an equal
28 number of persons, as specified under R.S.19:6-17, residing in the
29 county of such county committee chairman, duly qualified, for
30 member of the county board in and for such county.

31 If more than two members are elected to the State committee of
32 any party from a county, the State committeeman and State
33 committeewoman who shall participate in the process of nomination
34 shall be those holding full votes who received the greatest number
35 of votes in their respective elections for members of the State
36 committee.

37 If nomination be so made, the said county committee chairman
38 shall certify the nomination so made to the State chairman and to
39 the Governor, and the Governor shall commission such appointees,
40 who shall be members of opposite parties, on or before March 1. If
41 nomination be not so made on account of a tie vote in the said
42 meeting of the county committee chairman, county committee vice-
43 chairlady, State committeeman and State committeewoman, in
44 respect to such nomination, the said county committee chairman
45 shall certify the fact of such a tie vote to the State chairman, who
46 shall have the deciding vote and who shall certify, in writing, to the
47 Governor, the nomination made by his deciding vote. Appointees
48 to county boards of election pursuant to this section shall continue

1 in office for **[2]** two years from March 1 next after their
2 appointment.

3 The first appointment having been made pursuant to law for
4 terms of **[1]** one and **[2]** two years, respectively, the members
5 subsequently appointed each year shall fill the offices of the
6 appointees whose terms expire in that year.

7 (cf: P.L.2011, c.134, s.8)

8

9 ¹[3. Notwithstanding the provisions of subsection a. of R.S.19:6-
10 18 requiring appointments to be made on or before March 1,
11 following the enactment of, P.L. , c. (C.) (pending before the
12 Legislature as this bill), the initial nomination and appointment to
13 increase the membership of the county boards of elections by two
14 additional members, as provided by P.L. , c. (C.) (pending before
15 the Legislature as this bill) amending R.S.19-6-18, shall be made
16 not less than 10 business days following the effective date of P.L. ,
17 c. (C.) (pending before the Legislature as this bill). Thereafter, all
18 members shall be nominated and appointed in accordance with the
19 timeframe specified under section a. of R.S.19:6-18.]¹

20

21 ¹3. (New section) Notwithstanding the provisions of subsection
22 a. of R.S.19:6-18 requiring appointments to be made on or before
23 March 1, the initial nomination and appointment to increase the
24 membership of the county boards of elections by two additional
25 members, as provided by the action to increase membership under
26 P.L. , c. (C.) (pending before the Legislature as this bill)
27 amending R.S.19-6-17, shall be made not less than 10 business days
28 following the adoption of increase in membership of the county
29 board of elections by the county board of chosen freeholders.
30 Thereafter, all members shall be nominated and appointed in
31 accordance with the timeframe specified under section a. of
32 R.S.19:6-18.¹

33

34 4. This act shall take effect immediately.