

SENATE, No. 2937

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED SEPTEMBER 21, 2020

Sponsored by:
Senator VIN GOPAL
District 11 (Monmouth)

SYNOPSIS

Establishes position of acting superintendent of elections.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing the position of acting superintendent of
2 elections and amending R.S.19:32-1 and P.L.1947, c.167.

3

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

6

7 1. R.S.19:32-1 is amended to read as follows:

8 19:32-1. The office of superintendent of elections in counties of
9 the first class in which such office has previously been established
10 is continued, and in those counties of the first class in which such
11 office has not been previously established, is established. The
12 offices shall be filled by some suitable persons who shall be
13 nominated by the Governor with the advice and consent of the
14 Senate and who shall hold office for the term of five years from the
15 date of appointment **[and]** . At the conclusion of a five year term,
16 the Governor shall appoint a superintendent of elections who shall
17 serve in an acting capacity until [their successors are] the successor
18 of the person whose term has expired is appointed and **[have]**
19 qualified. Each superintendent shall receive such salary per annum
20 as the governing body of such county may by resolution authorize,
21 but not less than \$7,500, to be paid by the county treasurer. The
22 persons so appointed shall have their offices in the counties for
23 which they are appointed. Vacancies shall be filled in the same
24 manner as original appointments, but shall be for the unexpired
25 terms only. Any person filling a vacancy shall be from the same
26 party as the original appointee. The annual salary of each deputy
27 superintendent shall be 90% of what the superintendent receives for
28 performing the duties of superintendent of elections and
29 commissioner of registration.

30 (cf: P.L.1998, c.91, s.1)

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32 2. Section 1 of P.L.1947, c.167 (C.19:32-26) is amended to
33 read as follows:

34 1. In any county of the second class and in any county of the
35 fifth class, the governing body may establish, by ordinance or
36 resolution, as appropriate, the office of superintendent of elections
37 for the county, and said office when once established may be
38 altered or abolished in accordance with the provisions of P.L.2018,
39 c.163 (C.19:32-54 et al.).

40 The governing body shall file a certified copy of such ordinance
41 or resolution, attested by the chief elected executive officer or
42 director of the board of freeholders, if appropriate and clerk of the
43 board, in the office of the Secretary of State within 10 days after
44 adoption, and the ordinance or resolution shall take effect at the
45 expiration of 30 days after the next primary election for the general

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 election, or the next general election, after adoption whichever shall
2 occur first.

3 The office so established shall be filled by some suitable person
4 who shall be nominated by the Governor with the advice and
5 consent of the Senate for a term of five years from the date of his or
6 her appointment **【and】** . At the conclusion of a five year term, the
7 Governor shall appoint a superintendent of elections who shall
8 serve in an acting capacity until his or her successor is appointed
9 and **【shall have】** qualified. In the event that no such appointment
10 to such office is made within 30 days following the taking effect of
11 the ordinance or resolution, heretofore or hereafter adopted, of the
12 governing body of the county, as herein provided, then the
13 governing body of the county shall appoint some suitable person to
14 fill such office for a term of five years from the date of appointment
15 and **【until the successor of such person】**, at the conclusion of the
16 five year term, a person to serve in an acting capacity until a
17 successor is 【in the same manner】 appointed by the Governor and
18 **【shall have】** qualified. The governing body shall file notice of such
19 appointment in the office of the Secretary of State.

20 Each superintendent so appointed in a county of the fifth class
21 shall receive a salary of not less than \$4,000 nor more than \$8,000
22 per annum and each superintendent so appointed in a county of the
23 second class shall receive a salary in such amount, not less than
24 \$4,000 per annum, as shall be determined by the governing body of
25 the county; such salaries shall be paid by the county treasurer and
26 the superintendent shall have his or her office in the county for
27 which he is appointed.

28 Any vacancy occurring in such office of superintendent of
29 elections shall be filled in the same manner as the original
30 appointment to such office was made, but for the unexpired term.
31 Any person filling a vacancy shall be from the same political party
32 as the original appointee.

33 (cf: P.L.2018, c.163, s.4)

34

35 3. A superintendent of elections whose term has expired and is
36 holding office while awaiting the appointment and qualification of a
37 successor pursuant to R.S.19:32-1 and section 1 of P.L.1947, c.167
38 (C.19:32-26) shall vacate his or her position 60 days after the
39 effective date of P.L. , c. (C.)(pending before the Legislature as
40 this bill).

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42 4. This act shall take effect immediately.

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STATEMENT

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47 This bill creates the position of acting superintendent of elections
48 for counties of the first, second, and fifth class. The acting

S2937 GOPAL

1 superintendent of elections would be appointed by the Governor at
2 the conclusion of the five-year term of the superintendent of
3 elections and serve until a successor has been appointed with the
4 advice and consent of the Senate. Current law permits county
5 superintendents of elections to serve for five years and until their
6 successor has been appointed and qualified.

7 This bill would also allow the governing body in a county of the
8 second or fifth class to appoint an acting superintendent of
9 elections. The power to appoint an acting superintendent of
10 elections in these counties would be limited to instances where the
11 Governor did not appoint a superintendent of elections thirty days
12 after creation of the position by the governing body and the five
13 year term of the person the governing body appointed to the
14 position has expired. The acting superintendent of elections would
15 serve until the Governor has appointed a successor with the advice
16 and consent of the Senate. From that point forward, the Governor
17 would have the power to appoint a person for a full five-year term
18 or in an acting capacity for that county.