

ASSEMBLY, No. 57

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman KAVANAUGH

1 AN ACT providing for the establishment of an initiative procedure in
2 this State, providing certain penalties, in regard thereto amending
3 P.L.1973, c.83 (C.19:44A-1 et seq.) and supplementing Title 19 of
4 the Revised Statutes.

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

8
9 1. (New section) This act shall be known as and may be cited as the
10 "Citizens' Initiative Act."

11
12 2. (New section) The Legislature finds and declares:
13 a. It is in the best interests of the citizens of this State to provide
14 for greater public access to government and for strengthening popular
15 sovereignty, while maintaining the institutions of a representative
16 democracy;

17 b. Clearly there is a need for the ability to change and reform the
18 government of this State by submission to the Legislature of proposals
19 for changes in current law and constitutional amendments;

20 c. Yet such changes must be made in a way which places ultimate
21 political power in the hands of the people and their duly elected
22 representatives and not in the hands of narrow-minded and
23 well-financed special interest groups which may act to thwart the
24 popular interest.

25
26 3. (New section) As used in this act:

27 "Initiative" means the power reserved by the people to submit
28 constitutional amendments, laws and the repeal of existing laws, or
29 sections or parts thereof, to the Legislature.

30 "Petition" means a formal written proposal emanating from the
31 people to submit a proposed law or constitutional amendment, or the

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

Matter underlined thus is new matter.

1 proposed repeal of an existing law, or sections or parts thereof, to the
2 Legislature.

3

4 4. (New section) There shall be no restrictions as to subject matter
5 on the laws, the constitutional amendments or the repeal of existing
6 laws, or sections or parts thereof, proposed by an initiative, except
7 that each proposal shall embrace but one object and that shall be
8 expressed in the title of a proposed law or constitutional amendment
9 and in any title prepared under this act for inclusion in a petition or a
10 bill or resolution before the Legislature.

11

12 5. (New section) a. An initiative question shall be proposed by a
13 petition certified for circulation as provided by this section and
14 meeting the requirements of section 9 and all other provisions of this
15 act. Persons wishing to obtain certification of an initiative petition for
16 circulation shall prepare a preliminary text of the proposed
17 constitutional amendment or law, and shall transmit the same to the
18 Secretary of State, indicating the name and address of a designated
19 correspondent to whom a response may be sent. Persons who intend
20 that an existing law be repealed and wish to obtain certification of an
21 initiative petition to make the continuance of that law the subject of a
22 bill submitted to the Legislature shall transmit a copy of that law and
23 a statement of their intent to the Secretary of State, likewise indicating
24 the name and address of a designated correspondent.

25 b. Within five business days of receiving the preliminary text of the
26 proposed constitutional amendment or law, or text of an existing law,
27 from the persons wishing to circulate a petition, the Secretary of State
28 shall prepare and send to the designated correspondent a form of the
29 signature page to be used in obtaining signatures to a request for
30 certification of the petition proposed for circulation. Each signature
31 page of the request shall bear the title "REQUEST FOR
32 CERTIFICATION OF PROPOSED PETITION". Immediately below
33 that title shall be printed a statement that the undersigned request that
34 the proposed petition accompanying that signature page, or a petition
35 to substantially the same effect, shall be certified for circulation among
36 registered voters of this State for their signatures. The signature page
37 shall contain space for the entry of the names of the members of the
38 committee designated pursuant to the provisions of subsection c. of
39 this section, below which space shall be printed a statement that the
40 members so designated assent to that designation and swear or affirm
41 that they will uphold the constitution and laws of the United States
42 and of this State. The page shall also contain a form of affidavit
43 providing that signatories to that page are registered voters of New
44 Jersey, have read the preliminary text of the law or constitutional
45 amendment proposed by an initiative petition, or the text of the
46 existing law whose continuance is the subject of an initiative petition,

1 which they are requesting be certified, and assent to the designation of
2 the persons whose names shall have been entered as provided by
3 subsection c. of this section as members of the committee. The
4 affidavit shall briefly indicate the powers and duties of the committee
5 under this act and as otherwise provided by law. Space shall be
6 provided for the entry by each signatory to the signature page of the
7 address from which he is registered as a voter and the county where
8 that address is located.

9 c. The person or persons favoring certification of the petition shall
10 designate up to 15 persons who are registered voters to be members
11 of a committee which shall be authorized: (1) to determine the final
12 form of the law, constitutional amendment, or repeal of an existing law
13 which is to be proposed by the initiative petition; and (2) to undertake
14 such other responsibilities and duties as may be provided by law.

15 Upon receipt by the designated correspondent from the Secretary
16 of State of the form of signature page to be used for the request for
17 certification of the petition proposed for circulation, the names of the
18 members of the committee shall be entered in the space provided on
19 each signature page for those names, and a copy of the proposed
20 petition shall be prepared. A proposed initiative petition for a
21 proposed law or constitutional amendment shall have substantially the
22 following form:

23

24

PROPOSED INITIATIVE PETITION

25 It is hereby proposed to submit to the Legislature the
26 (constitutional amendment) (law) set forth in full preliminary text
27 below.

28 (Preliminary text of the proposed constitutional amendment or law)

29

30 A proposed initiative petition to repeal an existing law, or sections
31 or parts thereof, shall have substantially the following form:

32

33

PROPOSED INITIATIVE PETITION

34 It is hereby proposed to submit to the Legislature the repeal of the
35 (law(s)) (section(s) or part(s) of the law(s)) set forth in full below.

36 (Text of the law, or sections or parts thereof, to be repealed)

37

38 Persons seeking certification of the proposed petition shall file with
39 the Secretary of State multiple copies of the form of signature page
40 containing the names of the designated members of the committee and
41 multiple copies of the proposed petition. The Secretary of State shall
42 retain one copy of the signature page form and one copy of the
43 proposed petition. The Secretary of State shall then create, as the
44 designated correspondent may request, up to 150 sets of completed
45 proposed petition request forms consisting of one or more copies of
46 the signature page form attached to a single copy of the proposed

1 petition, and shall return those sets to the designated correspondent.

2 Each proposed petition request form so completed and returned
3 may be circulated for the signatures of registered voters of this State.

4 d. When request forms, completed as prescribed in subsection c. of
5 this section, have been signed by 500 persons who are registered
6 voters of this State and who have indicated their respective addresses
7 for voter registration purposes and their respective counties of
8 registration, those request forms shall at one time be submitted to the
9 Secretary of State. In addition, a valid statement signed by a member
10 of the Legislature that the member will serve as the legislative sponsor
11 of that particular initiative petition shall be submitted to the Secretary
12 of State along with the request forms.

13 The Secretary of State shall (1) not later than the 20th day
14 following that submission verify (a) that the content of each proposed
15 petition request form submitted has not been altered, except by the
16 entry of signatories' signatures and their address and county of
17 registration as voters, from that content as previously filed, and (b) in
18 conjunction with the commissioners of registration and the county
19 boards of elections of the several counties, that a sufficient number of
20 the signatures to the proposed petition request form are valid; (2)
21 inform the legislator named as legislative sponsor in the statement
22 accompanying the request forms of the receipt of the statement; and
23 (3) not later than the third day following a determination, upon
24 completion of the verification of signatures, that a sufficient number
25 thereof are valid, forward to the Office of Legislative Services, a copy
26 of the preliminary text of the proposed law or constitutional
27 amendment or, in the case of the repeal of a law proposed by initiative
28 petition, a copy of the existing law whose continuance is to be the
29 subject of a bill submitted to the Legislature, and a copy of the
30 statement with the name of the legislative sponsor.

31 Upon receipt from the secretary of the preliminary text of a
32 proposed law or constitutional amendment, the Office of Legislative
33 Services shall review that text for compliance with the technical
34 requirements generally applicable to the form and style of
35 constitutional amendments and laws. Upon receipt from the secretary
36 of a copy of an existing law whose continuance is to be the subject of
37 a bill to be submitted to the Legislature, the Office of Legislative
38 Services shall assess the relation of that law to other laws of this State
39 and of the effect upon the operation of those other laws of the repeal
40 of the law. On or before the 60th day following receipt of the
41 preliminary text or copy of the law, the Office of Legislative Services
42 shall return to the designated correspondent a written statement of any
43 suggestions it deems appropriate regarding such compliance or
44 relation, including the suggestion that no change be made in the text
45 of the proposed constitutional amendment or law, or list of laws
46 whose continuance is sought to be made the subject of a bill to be

1 submitted to the Legislature, together with an explanation of those
2 suggestions. In the case of a proposed law, the statement shall include
3 appropriate observations concerning the compatibility thereof with the
4 constitutions of the United States and of the State. In the case of a
5 proposed amendment to the Constitution of this State the statement
6 shall include such observations with respect to the Constitution of the
7 United States. The Office of Legislative Services shall, on the day on
8 which it returns the statement, file copies thereof, together with a copy
9 of the preliminary text of the proposed constitutional amendment or
10 law, or text of the existing law whose continuance is to be included in
11 a bill for submission to the Legislature, with the Secretary of State, the
12 Secretary of the Senate and the Clerk of the General Assembly.

13 e. Following receipt by the designated correspondent from the
14 Office of Legislative Services of the results of its review or assessment
15 of a proposed constitutional amendment or law or of a proposed vote
16 by the Legislature to repeal a law, the committee appointed under
17 subsection c. of this section to bear responsibility thereunder in
18 connection with an initiative petition may, by majority vote of all of
19 the members, revise the text of the constitutional amendment or law
20 to be proposed by an initiative petition, or revise the list of laws, or
21 sections or parts thereof, the continuance of which is to be included in
22 a bill to be submitted to the Legislature. Any revision properly
23 adopted hereunder by the committee shall be final and shall not be
24 subject to challenge or review. The committee shall file with the
25 Secretary of State, the Secretary of the Senate and the Clerk of the
26 General Assembly a copy of the final text, agreed to and signed by a
27 two-thirds majority of its members, of the proposed constitutional
28 amendment or law, or a copy of the final list, agreed to and signed by
29 a two-thirds majority of its members, of any law, or section or part
30 thereof, the continuance of which is to be included in a bill to be
31 submitted to the Legislature. If no such signed final text or list is filed
32 within 60 days of the filing by the Office of Legislative Services with
33 the Secretary of State, the Secretary of the Senate and the Clerk of the
34 General Assembly of the statement of suggestions, the proposed
35 petition shall be deemed to have been withdrawn, and no further action
36 shall be taken thereon.

37 f. Upon timely receipt of a final text or final list under subsection
38 e. of this section, the Secretary of the Senate and the Clerk of the
39 General Assembly shall forthwith send a copy thereof to the Office of
40 Legislative Services, which shall, on or before the 30th day following
41 receipt of that copy, prepare and send to the Secretary of Senate and
42 the Clerk of the General Assembly a copy of a title and text of the bill
43 or resolution concerning the enactment or adoption of the proposed
44 law or constitutional amendment, respectively, or the continuance of
45 the existing law, which is to be submitted to the Legislature, together
46 with a brief interpretive statement of the substance of that proposed

1 law or constitutional amendment, or of the repeal of the existing law,
2 which clearly identifies how approval of that law or constitutional
3 amendment, or repeal of the existing law, would alter the laws or
4 Constitution of this State. The form of the bill or resolution shall be
5 the same as is applicable in the case of other bills and resolutions
6 introduced in the Legislature and shall provide that (1) in the case of
7 a constitutional amendment proposed by initiative petition, the form
8 of the proposed question shall identify a calendar date, or an ordinal
9 number of days, following the general election at which it is submitted
10 to the voters, as of which the proposed constitutional amendment
11 would take effect; (2) in the case of a law proposed by an initiative
12 petition, the calendar date or the ordinal number of days following
13 enactment as of which the proposed law would take effect; and (3) in
14 the case of a law whose continuance is the subject of an initiative
15 petition, the calendar date or the ordinal number of days following
16 enactment as of which the proposed repeal of that law would take
17 effect.

18 g. Upon receipt of the final text or final list under subsection e. of
19 this section, the Secretary of State shall prepare a form of petition. It
20 shall consist of a signature page, which shall comply with the
21 provisions of section 7 of this act, and the petition text, the form of
22 which shall be identical to that prescribed for the text of the proposed
23 initiative petition of subsection c. of this section, except that the word
24 "PROPOSED" shall in either case be deleted from the heading thereof,
25 and in the case of an initiative petition, the word "preliminary" shall for
26 all purposes be replaced by the word "final". On or before the fifth
27 day following the receipt of the final text or final list, the Secretary of
28 State shall certify to the designated correspondent a copy of the form
29 of petition which may be circulated and the number of signatures
30 which shall be required under section 9 of this act in order for the
31 proposed law or constitutional amendment, or proposed repeal of a
32 law or laws, to be introduced in the Legislature, accompanying the
33 same with a summary of the provisions of this act concerning the
34 circulation, signing and return of petitions, the reporting of
35 contributions and expenditures and address and telephone number of
36 the New Jersey Election Law Enforcement Commission, crimes under
37 this act and the penalties associated therewith, and any other
38 provisions and particulars which the secretary deems appropriate to
39 include in the summary.

40 h. Persons circulating the petitions shall have six months from the
41 date of certification of the petition for circulation under subsection g.
42 hereof to collect the number of signatures required under section 9 of
43 this act.

44

45 6. (New section) Upon certification of the petition, the Secretary
46 of State shall give notice of that certification to the Office of

1 Legislative Services, which shall conduct a study of, and shall prepare
2 and make available to the public a statement on, the fiscal impact and
3 feasibility of each proposed law, constitutional amendment, or the
4 continuance of an existing law no later than 60 days after the receipt
5 of the certification from the Secretary of State. The statement on the
6 fiscal impact and feasibility of each proposed bill or resolution shall be
7 written in a simple, clear, understandable and easily readable way. A
8 copy of the statement shall be made available to any officer, office or
9 commission of this State which is, or hereafter becomes, responsible
10 for printing and distributing all or any part of such a statement to the
11 public.

12
13 7. (New section) Each signature page of an initiative petition shall
14 set forth the title, text and interpretive statement prepared by the
15 Office of Legislative Services under subsection f. of section 5 of this
16 act, the names of the members of the committee designated pursuant
17 to the provisions of subsection c. of section 5 of this act, and the name
18 of the legislative sponsor of the petition pursuant to the provisions of
19 subsection d. of section 5 of this act, and shall state that the petitioners
20 affirm that they are registered voters of this State and assent to the
21 designation of those named individuals to be members of that
22 committee for the purposes of this "Citizens' Initiative Act."

23 Space shall be provided on each such signature page for the entry
24 by each signatory of his signature and the address from which he is
25 registered as a voter. At the bottom of each signature page, there shall
26 be printed the following: "This page shall be signed by registered
27 voters of

(NAME OF COUNTY)

28
29 COUNTY only." The name of the county shall be indicated in
30 boldface capital lettering.

31
32 8. (New section) The Secretary of State shall specify the form and
33 kind and size of paper on which initiative petitions shall be printed for
34 circulation for signatures. The committee designated pursuant to the
35 provisions of subsection c. of section 5 of this act may cause copies of
36 the petition to be printed and circulated in the several counties of the
37 State for the signatures of registered voters of this State. Signature
38 pages of the petition may be attached together for the convenience of
39 the persons circulating the same, but there shall be attached to every
40 page or set of pages being circulated a copy of the petition in the form
41 prescribed by this act, including the full text of the proposed law or
42 constitutional amendment or of the existing law whose continuance is
43 to be the subject of submission to the Legislature.

44 A signature of a petitioner to a signature page shall be valid for the
45 purposes of meeting the requirements of section 9 of this act only if
46 the petitioner is a registered voter in the county, the name of which is

1 printed at the bottom of that page as provided under section 7 of this
2 act, and only one valid signature of a registered voter shall be counted
3 for the purpose of meeting those requirements. However, if the
4 signature of a petitioner is invalid under this section or under any other
5 provision of this act, that invalidity shall not be construed thereby to
6 invalidate any other signature to the initiative petition under this act.

7
8 9. (New section) a. The number of signatures required upon an
9 initiative petition proposing a constitutional amendment to be
10 submitted to the Legislature shall be equal to at least 12% of the
11 number of votes cast for the office of Governor in New Jersey in the
12 gubernatorial election preceding certification of the petition for
13 circulation, provided that the petition signatures shall include
14 signatures from at least two-thirds of the counties of the State equal
15 in number to at least 12% of the total number of votes cast for the
16 Office of Governor in each of those counties in that gubernatorial
17 election.

18 b. The number of signatures required upon an initiative petition
19 proposing a law or the repeal of a law for submission to the
20 Legislature shall be equal to at least 8% of the number of votes cast
21 for the office of Governor in New Jersey in the gubernatorial election
22 preceding certification of the petition for circulation, provided that the
23 petition signatures shall include signatures from at least two-thirds of
24 the counties of the State equal in number to at least 8% of the total
25 number of votes cast for the Office of Governor in each of those
26 counties in that gubernatorial election.

27 c. The number of signatures required upon an initiative petition
28 proposing a constitutional amendment or a law or the repeal of a law
29 which has been defeated by either a vote of the Senate or General
30 Assembly or by veto of the Governor during a biennial session of the
31 Legislature and is re-submitted to the Legislature during its next
32 succeeding biennial session shall equal 50 percent of the signatures
33 required to submit the original initiative petition to the Legislature,
34 pursuant to subsections a. or b. of this section, as the case may be.

35 The number of signatures required upon an initiative petition
36 proposing a constitutional amendment or a law or the repeal of a law
37 which has been defeated by either a vote of the Senate or General
38 Assembly or by veto of the Governor during a biennial session of the
39 Legislature and is re-submitted to the Legislature during the biennial
40 session following the next succeeding session of the Legislature and
41 any subsequent session shall equal the total number of signatures
42 required from each county to submit the original initiative petition to
43 the Legislature, pursuant to subsections a. or b. of this section, as the
44 case may be.

45
46 10. (New section) a. Each signature page of the completed

1 petition shall have attached thereto the declaration of the person
2 soliciting the signatures stating:

3 (1) the printed name of the circulator;

4 (2) the residence address of the circulator, giving street and
5 number, or if no street or number exists, adequate designation of
6 residence so that the location may readily be ascertained;

7 (3) the circulator is a registered voter of the State;

8 (4) the circulator circulated the page of the petition and saw the
9 appended signatures being written;

10 (5) that to the best information and belief of the circulator, each
11 signature is the genuine signature of the person whose name it
12 purports to be; and

13 (6) that the circulator gave no thing of value in connection with the
14 solicitation of signatures on the petition.

15 The circulator shall certify to the content of the declaration as to its
16 truth and correctness, under penalty of perjury, with the signature of
17 his or her name at length, including given name, middle name or initial.
18 The circulator shall state the date and the place of execution on the
19 declaration immediately following his or her signature.

20 No other declaration thereto shall be required.

21 b. Initiative petitions in apparent conformity with the provisions of
22 this act may be filed with the Secretary of State.

23 c. All copies of a petition to submit a proposed law, constitutional
24 amendment, or repeal of a law to the Legislature shall be filed at the
25 same time and shall be accompanied by a statement, signed by a
26 majority of the members of the committee designated under the
27 provisions of subsection c. of section 5 of this act, that the filing
28 constitutes the final filing of the petition.

29

30 11. (New section) Within five business days after a petition is filed,
31 the Secretary of State shall determine the total number of signatures,
32 accompanied by addresses, appearing on all filed copies of the petition.
33 If the total number of signatures is less than 100% of the number
34 required by section 9 of this act, the Secretary of State shall notify the
35 members of the committee designated under subsection c. of section
36 5 of this act that the petition is invalid and void. If the total number
37 of those signatures is equal to or exceeds 100% of the number
38 required, the Secretary of State, in conjunction with superintendents
39 of election and county boards of election of the several counties, shall
40 have 45 business days to verify the signatures.

41 The validity of signatures as signatures of a sufficient number of
42 registered voters under section 9 of this act shall, in the first instance,
43 be verified by random sample. The Secretary of State shall design and
44 promulgate, in accordance with the "Administrative Procedure Act,"
45 P.L.1968, c.410 (C.52:14B-1 et seq.), rules establishing a random
46 sampling procedure, with rules of decision on the basis of which it

1 may be determined that the number of valid signatures in the sample
2 indicates that the number of valid signatures to all copies of the
3 petitions submitted is sufficient or insufficient to qualify the petition
4 for submission to the Legislature. In designing the procedure and
5 decision rules, the Secretary shall employ the theory, assumptions and
6 methods of standard statistical analysis.

7 In performing random sample verification under this section, the
8 Secretary of State shall randomly select from the total number of
9 signatures filed a 10% sample, which shall be drawn in a manner to
10 insure that every signature shall have an equal chance of being
11 included in the sample. The verification of the validity of signatures
12 shall be performed against county registration records. The secretary
13 shall then determine the number of valid signatures in the sample.

14 If the number of sampled signatures determined to be valid
15 indicates, under the rules of decision established as hereinabove
16 provided, that it cannot be statistically determined whether the number
17 of valid signatures to all copies of the petition is either sufficient or
18 insufficient to qualify the petition for submission to the Legislature,
19 the Secretary of State shall verify all signatures to that petition.

20 The State shall bear the expense of effectuating the requirement of
21 this section.

22

23 12. (New section) During the 30-day period following the date
24 upon which signatures to a petition are verified under section 11 of
25 this act, a registered voter of this State may file a complaint in
26 Superior court for the county in which the voter is registered, setting
27 forth therein any defect of the petition under this act or under the
28 Constitution of this State. The complaint shall be heard in a summary
29 way, and any order may be made upon that hearing as the court shall
30 deem appropriate, provided that, if a petition, or any affidavit thereto,
31 is technically defective, any member of the committee designated
32 pursuant to the provisions of subsection c. of section 5 of this act may
33 cause the petition or the affidavit thereto to be amended in matters of
34 form as may be necessary to correct the defect, but not to add
35 signatures, or the amendment may be made by filing a new or
36 substitute petition or affidavit and when so amended shall be of the
37 same effect as if originally filed in the amended form; but every
38 amendment shall be made within 30 days after the day on which the
39 complaint, alleging the defect sought to be corrected, was initially
40 filed. This provision shall be liberally construed to protect the interest
41 of persons circulating or signing initiative petitions.

42

43 13. (New section) No law, amendment to the Constitution of this
44 State, or repeal of an existing law, or section or part thereof,
45 submitted to the Legislature by initiative petition pursuant to the
46 provisions of this act and receiving an affirmative majority of the votes

1 cast thereon, shall be held unconstitutional or void on account of the
2 insufficient number of signatures on the petition by which the
3 submission of the same was procured.

4

5 14. (New section) The filing of an initiative or a referendum
6 petition pursuant to the provisions of this act with respect to any law,
7 or section or part thereof, shall in no way affect the effective date or
8 the implementation of the law.

9

10 15. (New section) Not later than the fifth day following
11 verification of petition signatures, the Secretary of State shall certify
12 to a member of the committee designated pursuant to the provisions
13 of subsection c. of section 5 of this act, the Secretary of the Senate,
14 the Clerk of the General Assembly, and the legislative sponsor of the
15 petition that the petition has or has not qualified the proposed law,
16 constitutional amendment, or repeal of a law for submission to the
17 Legislature.

18 The procedure for the subsequent consideration thereof by the
19 Legislature shall be pursuant to the joint rules of the Senate and the
20 General Assembly.

21

22 16. (New section) Nothing in this act shall abridge the right of a
23 committee designated pursuant to subsection c. of section 5 of this act
24 which submitted to the Legislature a constitutional amendment, law or
25 repeal of a law that was defeated during one biennial session of the
26 Legislature to propose the same or a modified version of that
27 constitutional amendment, law or repeal of a law in the succeeding or
28 any subsequent biennial sessions of the Legislature, provided the
29 committee follow the procedures for submitting such measures to the
30 Legislature set forth in sections 5 through 15 of this act.

31

32 17. (New section) A person is guilty of a crime of the fourth
33 degree if he purposely:

34 a. pays another person, or requires another person as a term or
35 condition of employment, to sign a petition;

36 b. accepts payment for signing a petition; or

37 c. violates any other provision of this act.

38

39 18. (New section) a. Any person or group of persons acting
40 jointly, or any corporation, partnership, or other incorporated or
41 unincorporated association, which: (1) is organized to, or does, aid or
42 promote (a) an effort to obtain certification of an initiative petition,
43 (b) the circulation of such a petition, or (c) the passage or defeat by
44 either house of the Legislature or the Governor, as is appropriate, of
45 a law, repeal of a law or a constitutional amendment introduced in the
46 Legislature as a result of an initiative petition, and (2) has expended

1 \$2,500 or more with respect to such aid or promotion, shall make a
2 full cumulative report, upon a form prescribed by the Election Law
3 Enforcement Commission, of all contributions in the form of moneys,
4 loans, paid personal services, or other things of value made to that
5 person, group, corporation, partnership, or association and all
6 expenditures made, incurred, or authorized by that person, group,
7 corporation, partnership, or association during the period ending 48
8 hours preceding the date of the report and beginning on the date on
9 which the first of those contributions was received or the first of those
10 expenditures was made, whichever occurred first. The report shall be
11 filed with the Election Law Enforcement Commission on the first day
12 of each month, except for the month of an election, in the case of a
13 public question that appears on the ballot at that election as a result of
14 an initiative proposal, the report shall be filed on the 10th day
15 preceding that election. The report shall contain the name and mailing
16 address of each person or group from whom moneys, loans, paid
17 personal services, or other things of value were contributed during the
18 period and the amount contributed by each individual or other entity,
19 and where the contributor is an individual, the report shall indicate the
20 occupation and the job title of the individual and the name and mailing
21 address of the individual's employer, and shall also contain the name
22 and address of each person, firm, or organization to whom or which
23 expenditures have been paid during that period and the amount and
24 purpose of each such expenditure. In the case of any loan reported
25 pursuant to this section, the report shall further contain the name and
26 mailing address of each person who co-signs such loan, and where an
27 individual has co-signed each loan, the report shall indicate the
28 occupation and the job title of the individual and the name and mailing
29 address of the individual's employer. If no moneys, loans, paid
30 personal services, or other thing of value were contributed, the report
31 shall so indicate, and if no expenditures were paid or incurred, the
32 report shall likewise so indicate.

33 b. In any report filed pursuant to the provisions of subsection a.,
34 the individual or entity reporting may exclude from the report the
35 names and addresses of contributors whose contributions during the
36 period covered by the report did not exceed \$100.00, provided,
37 however, that (1) such exclusion is unlawful if any person responsible
38 for the preparation or filing of the report knew that it was made with
39 respect to any individual or entity whose contributions relating to the
40 same initiative petition and made to the reporting individual or entity
41 aggregate, in combination with the contribution in respect of which
42 such exclusion is made, more than \$100.00 and (2) any person who
43 knowingly prepares, assists in preparing, files or acquiesces in the
44 filing of any report from which the identification of a contributor has
45 been excluded contrary to the provisions of this subsection is subject
46 to the provisions of section 17 of this act, but (3) nothing in this

1 proviso shall be construed as requiring any individual or entity
2 reporting pursuant to this act to report the amounts, dates or other
3 circumstantial data regarding contributions made to any other
4 individual or entity.

5 c. The New Jersey Election Law Enforcement Commission shall
6 promulgate, in accordance with the "Administrative Procedure Act,"
7 P.L.1968, c.410 (C.52:14B-1 et seq.), the rules and regulations
8 necessary to implement the provisions of this section.

9

10 19. (New section) a. Any group of persons acting jointly,
11 corporation, partnership, or other incorporated or unincorporated
12 association which is subject to subsection a. of section 17 of this act
13 shall submit to the commission a statement of registration which
14 includes:

15 (1) the complete name or identifying title of the group or entity,
16 which name or title shall accurately reflect the political interests,
17 objectives and composition of the group or entity and shall not distort,
18 misrepresent or be misleading as to the true nature of the group's or
19 entity's composition, interests, objectives, or financial supporters;

20 (2) the mailing address of the entity and the name and resident
21 address of a resident of this State who shall have been designated by
22 the entity as its agent to accept service of process or, in the case of a
23 group of persons, the name and mailing address of each person in the
24 group, one of whom shall be designated as its agent to accept service
25 of process;

26 (3) a descriptive statement prepared by the organizers or officers of
27 the group or entity that identifies (a) the names and mailing addresses
28 of the persons having control over the affairs of the group or entity,
29 including but not limited to persons in whose name or at whose
30 direction or suggestion the entity solicits funds and persons
31 participating in any decision to expend such funds; (b) the name and
32 mailing address of any person not included among the persons
33 identified under subparagraph (a) of this paragraph who, directly or
34 through an agent, participated in the initial organization of the group
35 or entity; (c) in the case of any person identified under subparagraph
36 (a) or subparagraph (b) who is an individual, the occupation of that
37 individual, the individual's home address, and the name and mailing
38 address of the individual's employer, or, in the case of any such person
39 which is a corporation, partnership, unincorporated association, or
40 other organization, the name and mailing address of the organization;
41 and (d) any other information which the Election Law Enforcement
42 Commission may, under such regulations as it shall adopt pursuant to
43 the provisions of the "Administrative Procedure Act," P.L.1968, c.410
44 (C.52:14B-1 et seq.), require as being material to the fullest possible
45 disclosure of the economic, political and other particular interests and
46 objectives which the group or entity has been organized to or does

1 advance; and

2 (4) in the case of a corporation or association, a statement by
3 shareholders or members authorizing expenditures to aid or promote
4 (a) an effort to obtain certification of an initiative petition, (b) the
5 circulation of such a petition, or (c) the passage or defeat of a
6 constitutional amendment placed upon the ballot as a result of such a
7 petition. The commission shall be informed, in writing, of any change
8 in the membership of the group or entity within three days of the
9 occurrence of the change.

10 b. After submission of a statement of registration by the
11 commission pursuant to this section, the group or entity shall use the
12 complete name or identifying title on all documents submitted to the
13 commission, in all solicitations for contributions and in all paid media
14 advertisements purchased or paid for by the group or entity in support
15 of or in opposition to an initiative petition.

16 c. Each report of contributions by a group or entity shall include,
17 in the case of each contributor who is an individual, the home address
18 of the individual if different from the individual's mailing address, or,
19 in the case of any contributor which is an organization, any
20 information, in addition to that otherwise required, which the Election
21 Law Enforcement Commission may, under such regulations as it shall
22 adopt pursuant to the provisions of the "Administrative Procedure
23 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), require as being material
24 to the fullest possible disclosure of the economic, political and other
25 particular interests and objectives which the contributing organization
26 has been organized to or does advance.

27 d. Any group or entity may at any time apply to the commission for
28 approval of an abbreviation or acronym of its complete, official name
29 or title for its exclusive use on documents which it shall submit to the
30 commission. Upon verification that the abbreviation or acronym has
31 not been approved for such use by any other group or entity, the
32 commission shall approve the abbreviation or acronym for such use by
33 the applicant group or entity, and the entity, and any group or entity
34 which, under the provisions of P.L.1973, c.83 (C.19:44A-1 et seq.),
35 submits any documents to the commission containing a reference to
36 that group or entity shall thereafter use that approved abbreviation or
37 acronym in documents submitted to the commission. The commission
38 shall, during its regular office hours, maintain for public inspection in
39 its offices a current alphabetically arranged list of all such approved
40 abbreviations and acronyms, indicating for each the name of the group
41 or entity for which it stands, and shall make copies of the list available
42 upon request.

43

44 20. (New section) No individual, group, partnership, corporation
45 or association, by print, radio, television or other medium of
46 communication, shall publish or distribute, or cause or pay for the

1 publication or distribution of, any statement or other communication
2 in support of or opposition to an effort to obtain certification of an
3 initiative petition or the circulation of such a petition or the passage or
4 defeat of a constitutional amendment placed upon the ballot as a result
5 of such a petition, unless that statement or other communication
6 discloses, in the case of an individual, the name and address of the
7 individual, and in the case of an entity which is a group, partnership,
8 corporation or association, the official name and address of the entity,
9 and if the entity includes among its members, partners or shareholders,
10 as appropriate, or among those individuals, groups, partnerships,
11 corporations or associations contributing \$1,000.00 or more to the
12 entity during the current or preceding calendar year, two or more
13 individuals or entities commonly understood to be employed in or
14 members of the same industry or other identifiable grouping, the entity
15 shall include in that disclosure with its official name a term identifying
16 that industry or grouping. If an entity required under paragraph (2)
17 of subsection b. of section 18 of this act to make a report to the New
18 Jersey Election Law Enforcement Commission is also required to
19 report with its official name one or more terms identifying such an
20 industry or grouping, the same term or terms shall be used for the
21 purposes of this section.

22

23 21. (New section) The Secretary of State shall promulgate the
24 rules and regulations necessary to implement the provisions of sections
25 1 through 16 of this act.

26

27 22. Section 4 of P.L.1973, c.83 (C.19:44A-4) is amended to read
28 as follows:

29 4. The provisions of this act shall apply:

30 a. (Deleted by amendment; P.L.1981, c.151.)

31 b. (Deleted by amendment; P.L.1983, c.579).

32 c. In any election at which a public question is to be voted upon by
33 the voters of the State or any political subdivision thereof;

34 d. In any election for any public office of the State or any political
35 subdivision thereof; provided, however, that this act shall not, except
36 for paragraph (2) of subsection a. of section 8 of the act (C.19:44A-8),
37 apply to elections for party office.

38 e. In any effort to obtain certification of an initiative petition, the
39 circulation of such a petition, or the passage or defeat by either house
40 of the Legislature or the Governor, as is appropriate, of a law, the
41 repeal of a law or a constitutional amendment introduced in the
42 Legislature as a result of an initiative petition.

43 (cf: P.L.1983, c.579, s.8)

44

45 23. This act shall take effect on January 1st following enactment
46 and shall expire upon the enactment of a substantially similar

1 constitutional amendment.

2

3

4

STATEMENT

5

6 This bill establishes an initiative procedure for submitting
7 constitutional amendments, laws and the repeal of laws to the
8 Legislature for its consideration.

9 Under the bill an initiative question can be submitted to the
10 Legislature by petition. Persons wishing to circulate an initiative
11 petition proposing a constitutional amendment or other new law must
12 first prepare and submit to the Secretary of State a preliminary draft
13 of the text thereof; those who, with the intention that an existing law
14 be repealed, seek to circulate an initiative petition to submit a bill to
15 the Legislature regarding the continuance of the law must send to the
16 Secretary a copy of that existing law and a statement of their intention.
17 Upon receipt of this initial submission, the Secretary would send to the
18 petitioners a form of the signature page to be used in gathering
19 signatures to their request for certification of their proposed petition.

20 The petitioners must select a steering committee of up to 15
21 members. Upon receipt from the Secretary of State of the signature
22 page form, the petitioners must enter the names of the committee; they
23 also prepare a copy of a proposal petition form in accordance with
24 guidelines established in this bill. They then file multiple copies of
25 both the signature page and proposed petition form with the Secretary
26 of State, who thereupon creates up to 150 sets of a completed
27 "proposed petition requests form," consisting of a single copy of the
28 proposed petition form and one or more copies of the signature page
29 form. The Secretary returns these to the correspondent for
30 circulation. When signed by at least 500 registered voters and ready
31 to be returned to the Secretary of State, the request forms are returned
32 at one time to the Secretary of State, who then verifies the signatures
33 and, if a sufficient number of valid signatures have been gathered and
34 if a valid statement signed by the legislative sponsor of the petition has
35 been submitted, sends a copy of the preliminary version of the
36 proposed constitutional amendment, law or repeal of a law to the
37 Office of Legislative Services.

38 The Office of Legislative Services then reviews the proposals for
39 technical compliance with standard requirements applicable to
40 constitutional amendments and laws or, in the case of the repeal of an
41 existing law, an assessment of the effect of the repeal upon other
42 existing laws. On the basis of the review, the office sends any
43 appropriate suggestions to the petition sponsors, whose committee
44 then has a set period of time to adopt and file with the Secretary of
45 State a final version of the content of their petition. The Secretary of
46 State then submits a copy of the final version of the petition contents

1 to the Office of Legislative Services, which prepares a title, text and
2 interpretive statement of the initiative question as it would appear in
3 either resolution or bill form and returns the same to the Secretary of
4 State. The Secretary then prepares a form of petition for general
5 circulation, using the title, text and statement prepared by the Office
6 of Legislative Services. The petition sponsors may then print copies
7 of this petition and circulate them; they are allowed six months to
8 collect the number of signatures required, namely, a number in the
9 State equal to at least 12% of the number of votes cast in the
10 preceding gubernatorial election in each of two-thirds of the counties
11 in the State in the case of a proposed constitutional amendment and at
12 least 8% of that number of voters in each of two-thirds of the counties
13 in the State in the case of any other initiative.

14 The petitions are returned to the Secretary for verification. If a
15 sufficient number of valid signatures has been collected, the Secretary
16 submits the proposal to the Legislature. The procedure for the
17 subsequent consideration of a constitutional amendment, law or repeal
18 of a law by the Legislature will be pursuant to the joint rules of the
19 Senate and General Assembly.

20 Any person or group expending \$2,500 or more to circulate an
21 initiative petition or to promote passage or defeat of a proposal by
22 either house thereof or the Governor, shall file periodic reports with
23 the Election Law Enforcement Commission on contributions received
24 and expenditures made. Any such group shall likewise register with
25 the Election Law Enforcement Commission.

26

27

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29

30 Establishes an initiative procedure for the State.