

SENATE, No. 993

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1996

By Senator BUBBA

1 AN ACT concerning the chairmen of county committees of political
2 parties and amending R.S.19:5-3.

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

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7 1. R.S.19:5-3 is amended to read as follows:

8 19:5-3. The members of the county committees of political parties
9 shall be elected [annually] at the primary for the general election in the
10 manner provided in this Title for the selection of party candidates to
11 be voted for at the general election by voters of a municipality at such
12 intervals as shall be provided in the bylaws of the county committee or
13 otherwise. The county committee shall consist of one male and one
14 female member from each unit of representation in the county. The
15 male receiving the highest number of votes among the male candidates
16 and the female receiving the highest number of votes among the
17 female candidates shall be declared elected. Members of the county
18 committee shall actually reside in the districts or units which they
19 respectively represent. The county committee shall determine by its
20 bylaws the units into which the county shall be divided for purpose of
21 representation in the county committee.

22 The members of the county committee of each of the political
23 parties shall take office on the first Saturday following their election,
24 on which day the terms of all members of such committees theretofore
25 elected shall terminate. The annual meeting of each county committee
26 shall be held on the first Tuesday following the primary election,
27 except that when such meeting day falls on a legal holiday then the
28 said meeting shall be held on the day following, and when such
29 meeting day falls on the day of a municipal runoff election within the
30 county then said meeting may be held on the day following, at an hour
31 and place to be designated in a notice in writing to be mailed by the
32 chairman [of the outgoing county committee] to each member and
33 member-elect[, at which annual meeting the]. The members of such
34 committee shall elect some suitable person as chairman who shall be

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 a resident of such county [to hold office for 1 year, or until his
2 successor is elected]. Whenever the selection of a chairman is not by
3 the unanimous consent of the members of the committee but is instead
4 to be decided by an election contest involving two or more candidates,
5 the vote in that election shall be by secret ballot. The members shall
6 also elect a vice-chairman of the opposite sex of the chairman [to hold
7 office for 1 year or until his or her successor is elected] and the
8 vice-chairman shall perform all duties required of him or her by law
9 and the constitution and bylaws of such committee. Such committee
10 shall have power to adopt a constitution and bylaws for its proper
11 government. The chairman shall preside at all meetings of the
12 committee and shall perform all duties required of him by law and the
13 constitution and bylaws of such committee.

14 When a member of a county committee ceases to be a resident of
15 the district or unit from which elected, a vacancy on the county
16 committee shall exist. A member of a county committee of any
17 political party may resign his office to the committee of which he is
18 a member, and upon acceptance thereof by the committee a vacancy
19 shall exist. A vacancy in the office of a member of the county
20 committee of any political party, caused by death, resignation, failure
21 to elect or otherwise, shall be filled for the unexpired term by the
22 municipal committee of the municipality wherein the vacancy occurs,
23 if there is such committee, and if not, by the remaining members of
24 the county committee of such political party representing the territory
25 in the county in which such vacancy occurs.

26 The chairman of the county committee of the several political
27 parties shall before April 1 in a year in which county committee
28 members are to be elected, certify to the clerk of each municipality in
29 the county the unit of representation in such municipality, together
30 with the enumeration of the election district or districts embraced
31 within such unit.

32 (cf: P.L.1980, c.105, s.3)

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34 2. This act shall take effect immediately .

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STATEMENT

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39 The purpose of this bill is to provide that whenever the selection of
40 a chairman of the county committee of a political party is not by the
41 unanimous consent of the members of that committee but is instead to
42 be decided by an election contest involving two or more candidates,
43 the vote in that election shall be by secret ballot.

44 The bill also amends R.S.19:5-3 to eliminate the requirement that
45 members and officers of county committees of political parties shall
46 serve one-year terms and to make clear that notice of the annual

1 meetings of such committees must be provided by the chairmen thereof
2 to each member and member-elect of those committees.

3 These latter changes have been made to R.S.19:5-3 to conform it
4 to a decision of the New Jersey Superior Court, Law Division, in a
5 consent order which invalidated part of the statute. The State court's
6 action was based on Eu v. San Francisco County Democratic Central
7 Committee, 109 S. Ct. 1013 (1989) in which the United States
8 Supreme Court invalidated, on First Amendment grounds, certain
9 California laws regulating the internal affairs of political parties.

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14 Requires election of chairman of county political committee to be by
15 secret ballot in certain circumstances.