

ASSEMBLY, No. 5816

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 1, 2021

Sponsored by:
Assemblyman P. CHRISTOPHER TULLY
District 38 (Bergen and Passaic)

SYNOPSIS

Allows county boards of elections to expand staff and appoint clerk within county budgetary requirements.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the staffing levels of county boards of elections
2 and amending various parts of the statutory law.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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

8 19:6-17. a. The county board shall consist of four persons, who
9 shall be legal voters of the counties for which they are respectively
10 appointed. Two members of such county board shall be members of
11 the political party which at the last preceding general election, held
12 for the election of all of the members of the General Assembly, cast
13 the largest number of votes in this State for members of the General
14 Assembly, and the remaining two members of such board shall be
15 members of the political party which at such election cast the next
16 largest number of votes in the State for members of the General
17 Assembly. By a majority vote of the full membership of the **[county**
18 **board of chosen freeholders]** board of county commissioners, the
19 **[county board of chosen freeholders]** board of county
20 commissioners may opt to increase to six persons the membership of
21 the county board of elections. The two new members shall be legal
22 voters of the counties for which they are respectively appointed. If a
23 **[county board of chosen freeholders]** board of county
24 commissioners votes to increase the membership of a county board
25 of elections to six persons, the board of elections shall consist of an
26 equal representation between the political parties which at the last
27 preceding general election, held for the election of all of the members
28 of the General Assembly, cast the largest and next largest number of
29 votes in this State for members of the General Assembly. No person
30 who holds elective public office shall be eligible to serve as a member
31 of the county board during the term of such elective office. The
32 office of member of the county board shall be deemed vacant upon
33 such member becoming a candidate for an office to be voted upon at
34 any primary, general election or special election, except for
35 nomination for or election to membership in any county committee
36 or State committee or for nomination for or election as a delegate at
37 large or alternate delegate at large, or district delegate or alternate
38 district delegate to any national political convention, such candidacy
39 to be determined by the filing of a petition of nomination duly
40 accepted by such member in the manner provided by law.

41 **[In all counties of the first class the county board may appoint**
42 **some suitable person clerk of such board. In counties of the first**
43 **class having a population of less than 800,000, the county board may**
44 **appoint four additional office employees, and in counties of the first**
45 **class having a population of more than 800,000, the county board**

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

17 b. (1) In all counties, the county board of elections may appoint
18 some suitable person as clerk of the board, and may also appoint any
19 additional office employees, including a director of such employees,
20 it deems necessary, subject to approval by the board of county
21 commissioners of the respective county and to the budgetary process
22 required pursuant to section 11 of P.L.2015, c.249 (C.19:6-21.1). The
23 compensation of the clerk, the director, and office employees of the
24 county board of elections shall be in an amount recommended by the
25 county board of elections and subject to the approval of the board of
26 county commissioners.

27 (2) The clerk, director, and all employees shall be appointed from
28 the competitive class of civil service; provided, however, that any
29 employee now serving and who has not been appointed from the
30 competitive class of civil service shall be in the classified service of
31 the civil service upon passage of this act, P.L. , c. (pending before
32 the Legislature as this bill). All persons now employed by the board
33 in the competitive class of civil service and any other employees now
34 performing assigned duties shall hold such employment in the
35 competitive class of civil service. This paragraph shall apply to a
36 county that has adopted the provisions of Title 11A (Civil Service)
37 of the New Jersey Statutes.

38 (cf: P.L.2019, c.191, s.1)

39
40 2. R.S.19:6-24 is amended to read as follows:

41 19:6-24. 【Wherever under the provisions of this Title any powers
42 or duties are given or conferred upon the county boards in counties
43 of the first class, the county board may, if it so determines, authorize
44 or direct the clerk thereof, if there is a clerk, to perform such duties
45 and exercise such powers under its supervision or in its absence.

1 The clerk of the county board in counties of the first class, if there
2 is a clerk, shall have full power and authority in the conduct of the
3 business and clerical affairs of the office of the county board, shall
4 conduct the same in an impartial manner, and shall exercise full
5 authority and direction over the employees in the office.】

6 Wherever under the provisions of this Title any powers or duties
7 are given or conferred upon the county boards in any county, the
8 county board having a clerk pursuant to subsection b. of R.S.19:6-17
9 may, if it so determines, authorize or direct the clerk thereof to
10 perform such duties and exercise such powers under its supervision
11 or in its absence. The clerk of the county board shall have full power
12 and authority in the conduct of the business and clerical affairs of the
13 office of the county board, shall conduct the same in an impartial
14 manner, and shall exercise full authority and direction over the
15 employees in the office.

16 (cf: P.L.1961, c.59, s.2)

17
18 3. This act shall take effect immediately.

21 STATEMENT

22
23 This bill allows county boards of elections to expand their staff
24 and appoint a clerk, office employees, and a director of such
25 employees at their discretion, subject to the county's budgetary
26 requirements and approval by the respective board of county
27 commissioners.

28 The bill provides for the clerk, the director, and all employees to
29 be appointed from the competitive class of civil service, but any
30 employee now serving and who has not been appointed from the
31 competitive class of civil service would be in the classified service
32 of the civil service upon the bill's passage. Under the bill, all persons
33 now employed by the board in the competitive class of civil service
34 and any other employees now performing assigned duties would hold
35 such employment in the competitive class of civil service. This
36 would apply to counties that are covered by the provisions of Title
37 11A (Civil Service) of the New Jersey Statutes.

38 The bill also makes technical changes to reflect the name change
39 for the county governing body, from board of chosen freeholders to
40 board of county commissioners.

41 This bill would allow any county board of elections to expand their
42 staffing further, subject to the county commissioners' approval and
43 the county budget cap. Under current law, N.J.S.A.19:6-21.1, each
44 county board of elections is required to prepare the annual budget
45 request for the office of county board of elections pursuant to
46 N.J.S.A.40A:4-45.45b, which imposes a 2% cap on county budget
47 increases. Board of elections employee salaries are subject to this
48 cap.

1 Under current law, the board of elections in counties of the first
2 class, the most populous counties, are permitted a limited number of
3 additional staff and a clerk who oversees the day to day operations
4 and staff of the board. This provision is removed because the bill
5 applies to all counties.