

P.L. 2021, CHAPTER 205, *approved August 24, 2021*
Assembly, No. 5816 (*First Reprint*)

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

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 June 16, 2021.

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

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

33 ¹**【(2) The clerk, director, and all employees shall be appointed**
34 from the competitive class of civil service; provided, however, that
35 any employee now serving and who has not been appointed from
36 the competitive class of civil service shall be in the classified
37 service of the civil service upon passage of this act, P.L. , c.
38 (pending before the Legislature as this bill). All persons now
39 employed by the board in the competitive class of civil service and
40 any other employees now performing assigned duties shall hold
41 such employment in the competitive class of civil service. This
42 paragraph shall apply to a county that has adopted the provisions of
43 Title 11A (Civil Service) of the New Jersey Statutes.】¹
44 (cf: P.L.2019, c.191, s.1)

45

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

1 19:6-24. **【**Wherever under the provisions of this Title any
2 powers or duties are given or conferred upon the county boards in
3 counties of the first class, the county board may, if it so determines,
4 authorize or direct the clerk thereof, if there is a clerk, to perform
5 such duties and exercise such powers under its supervision or in its
6 absence.

7 The clerk of the county board in counties of the first class, if
8 there is a clerk, shall have full power and authority in the conduct
9 of the business and clerical affairs of the office of the county
10 board, shall conduct the same in an impartial manner, and shall
11 exercise full authority and direction over the employees in the
12 office. **】**

13 Wherever under the provisions of this Title any powers or duties
14 are given or conferred upon the county boards in any county, the
15 county board having a clerk pursuant to subsection b. of R.S.19:6-
16 17 may, if it so determines, authorize or direct the clerk thereof to
17 perform such duties and exercise such powers under its supervision
18 or in its absence. The clerk of the county board shall have full
19 power and authority in the conduct of the business and clerical
20 affairs of the office of the county board, shall conduct the same in
21 an impartial manner, and shall exercise full authority and direction
22 over the employees in the office.

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

24
25 3. This act shall take effect immediately.

26
27
28
29
30 Allows county boards of elections to expand staff and appoint
31 clerk within county budgetary requirements.