

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE, No. 3519

STATE OF NEW JERSEY

DATED: FEBRUARY 2, 2023

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Senate Bill No. 3519.

This bill changes various primary election, vacancy, municipal referendum, and mail-in ballot mailing deadlines. The purpose of the bill is to standardize certain deadlines by establishing them in relation to the primary election petition filing deadline rather than to the primary election date. The bill also modifies various vacancy deadlines, municipal referendum deadlines concerning the sale of alcoholic beverages, and various mail-in ballot mailing deadlines to avoid delays in the mail-in ballot production, printing, and mailing process.

Primary Election Deadlines

Under current law, the Secretary of State is required to submit to the county clerks and county boards of elections, *not later than the 67th day preceding the primary election for the general election*, in every year in which electors of President and Vice-President of the United States, a representative of the United States Senate, members of the House of Representatives, a Governor, a Lieutenant Governor, or Senator, or member or members of the General Assembly for any county, or any of them, are to be elected or any public question is to be submitted to the voters of the entire State, a notice stating that such officer or officers are to be elected and that such public question is to be submitted to the voters of the entire State at the ensuing general election. This bill changes that deadline to *not later than the third day preceding the last day for the filing of petitions for the primary election for the general election*.

Under current law, all municipal clerks, *not later than the 57th day preceding the primary election for the general election*, are required to make and certify and forward to the county clerk a statement designating the public offices to be filled at such election, and the number of persons to be voted for each office. In counties of the first class such statement must also be forwarded to the county board. This bill changes this deadline to *not later than the seventh day after the*

last day for the filing of petitions for the primary election for the general election.

Under current law, the chairman of each county committee is required to submit to the appropriate municipal clerks, *on or before April 1 in each year*, the number of committee members to be elected at the ensuing primary for the general election to the county committee. This bill changes that deadline to *on or before the third day before the last day for the filing of petitions in each year*.

Under current law, the members constituting a committee on vacancies, who fill vacancies in the candidacies for the offices of United States President, national convention delegate or alternate, Governor, United States Senator, member of the House of Representatives, State Senator, member of the General Assembly, and any county office, must file with the Secretary of State a certificate to fill such vacancy *at least 56 days before the election*. This bill changes that deadline to *at least on the eighth day after the last day for the filing of petitions*.

Under current law, the Secretary of State is required to certify to the appropriate county clerks the names of the persons indorsed in the petitions filed in the secretary's office *not later than noon of the 54th day prior to the holding of the primary election*, specifying the political parties to which the persons so nominated belong. This bill changes this deadline to *not later than noon of the 10th day after the last day for the filing of petitions for the primary election*. This information, other than for candidates for federal office, is also transmitted to the Election Law Enforcement Commission.

Under current law, the county clerk is required to certify to the appropriate municipal clerks the names of all of the persons so certified by the Secretary of State and, in addition, the names of all persons indorsed in petitions filed in the clerk's office, *not later than the close of business of the 54th day prior to the time fixed by law for the holding of the primary election*, specifying the political parties to which the persons so nominated belong. This bill changes this deadline to *not later than the close of business of the 10th day after the last day for the filing of petitions for the primary election*. This information, other than for candidates for federal office, is also transmitted to the Election Law Enforcement Commission.

Under current law, the county clerk or the county clerk's deputy, or the municipal clerk or the municipal clerk's deputy, as the case may be, is required at the clerk's office to draw the names of candidates to determine their position on the primary election ballot *on the 54th day prior to the primary election for the general election* at three o'clock in the afternoon. This bill changes this deadline to be *on the 10th day after the last day for the filing of petitions for the primary election for the general election* at three o'clock in the afternoon.

Vacancy Deadlines

Under current law, in the event of a vacancy in the office of the County Surrogate, the election of a successor for a five-year term must occur at the next general election unless the vacancy occurs *within 37 days before the election*, in which case it must occur at the second succeeding general election. This bill changes this deadline to *within 60 days before the election*.

Under current law, any vacancy in the office of County Executive must be filled by election for the unexpired term only at the next general election occurring *not less than 51 days after the occurrence of the vacancy*, except that no such vacancy shall be filled at the general election which immediately precedes the expiration of the term in which the vacancy occurs. This bill changes that deadline to *not less than 60 days after the occurrence of the vacancy*.

Under current law, in the event of a vacancy in a petition for a candidate to serve on a Board of County Commissioners occurring on or before the sixth day preceding the last day for filing petitions for nomination for the primary election, but when no such petition has been filed with respect to a given political party, that political party may fill that vacancy in the same manner as that for filling vacancies in primary election candidates. A statement of that selection must be filed with the county clerk *not later than the 48th day preceding the date of the general election*. This bill changes that deadline to *not later than the 54th day preceding the date of the general election*. This bill makes a technical change to delete references to the Board of Chosen Freeholders, now known as the Board of County Commissioners.

Under current law, in the event of a vacancy in the office of County Clerk, the successor must be elected for a term of five years at the general election next succeeding the vacancy unless such vacancy occurs *within 37 days next preceding the election*, in which case it must be filled at the second succeeding general election. This bill changes that deadline to *within 60 days next preceding that election*.

Under current law, in the event of a vacancy in the office of County Register of Deeds and Mortgages, the successor must be elected for a term of five years at the general election next succeeding the vacancy unless such vacancy occurs *within 37 days next preceding the election*, in which case it must be filled at the second succeeding general election. This bill changes that deadline to *within 60 days next preceding that election*.

Under current law, in the event of a vacancy in the office of County Sheriff, the successor must be elected for a term of three years at the general election next succeeding the vacancy unless such vacancy occurs *within 37 days next preceding the election*, in which case it must be filled at the second succeeding general election. This bill changes that deadline to *within 60 days next preceding that election*.

Municipal Referendum Deadlines

Under current law, a copy of a municipal referendum resolution concerning the retail sale of certain alcoholic beverages is required to be submitted to the county clerk *30 days prior to the next general election*. This bill requires a copy of such resolution to be delivered to the county clerk *at least 67 days before the next general election*.

The 67-day filing mandate would provide county clerks with additional time to process ballot design and production and provide consistency to the election timeline for purposes of municipal referendums concerning alcoholic beverages.

Ballot Printing and Mail-in Ballot Mailing Deadlines

Under current law, every county clerk is required to have ready for the printer *on or before the 45th day prior to the primary election* a copy of the contents of official ballots, except that every county clerk is required to have ready for the printer *on or before the 50th day prior to a federal primary election or any general election* a copy of the contents of the official ballots. This bill requires every county clerk to have ready for the printer *on or before the 11th day after the last day for the filing of petitions for the primary election or 53 days prior to the general election* a copy of the contents of official ballots as hereinafter required to be printed for use at such election, *regardless if that date falls on a federal, State, or local holiday*.

Under current law, mail-in ballots that have been approved *before the 45th day before an election* must be forwarded or delivered at least 45 days before the day of the election. This bill requires mail-in ballots for which mail-in ballot applications have been approved *before the 48th day before an election* to be forwarded or delivered at least 45 days before the day of the election.

Under current law, whenever the clerk forwards a mail-in ballot by mail to a mail-in voter *between the 45th day and the 13th day* before the day of an election, the ballot must be transmitted within three business days of the receipt of the application. Whenever the clerk forwards a mail-in ballot by mail to a mail-in voter between the 12th day and the seventh day before the day of an election, the ballot shall be transmitted within two business days of the receipt of the application. This bill provides that whenever the clerk receives a valid application for a mail-in ballot by mail from a mail-in voter *between the 48th day and the 13th day* before the day of an election, the ballot must be transmitted within three business days of the receipt of the application. Whenever the clerk receives a valid application for a mail-in ballot by mail from a mail-in voter between the 12th day and the seventh day before the day of an election, the ballot shall be transmitted within two business days of the receipt of the application.