

ASSEMBLY, No. 4822

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED OCTOBER 19, 2020

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

SYNOPSIS

Establishes position of acting superintendent of elections.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing the position of acting superintendent of
2 elections and amending R.S.19:32-1 and P.L.1947, c.167

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

6
7 1. R.S.19:32-1 is amended to read as follows:

8 19:32-1. The office of superintendent of elections in counties
9 of the first class in which such office has previously been
10 established is continued, and in those counties of the first class in
11 which such office has not been previously established, is
12 established. The offices shall be filled by some suitable persons
13 who shall be nominated by the Governor with the advice and
14 consent of the Senate and who shall hold office for the term of five
15 years from the date of appointment **[and]** . At the conclusion of a
16 five year term, the Governor shall appoint a superintendent of
17 elections who shall serve in an acting capacity until [their
18 successors are] the successor of the person whose term has expired
19 is appointed and **[have]** qualified. Each superintendent shall
20 receive such salary per annum as the governing body of such county
21 may by resolution authorize, but not less than \$7,500, to be paid by
22 the county treasurer. The persons so appointed shall have their
23 offices in the counties for which they are appointed. Vacancies
24 shall be filled in the same manner as original appointments, but
25 shall be for the unexpired terms only. Any person filling a vacancy
26 shall be from the same party as the original appointee. The annual
27 salary of each deputy superintendent shall be 90% of what the
28 superintendent receives for performing the duties of superintendent
29 of elections and commissioner of registration.

30 (cf: P.L.1998, c.91, s.1)

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32 2. Section 1 of P.L.1947, c.167 (C.19:32-26) is amended to
33 read as follows:

34 1. In any county of the second class and in any county of the
35 fifth class, the governing body may establish, by ordinance or
36 resolution, as appropriate, the office of superintendent of elections
37 for the county, and said office when once established may be
38 altered or abolished in accordance with the provisions of P.L.2018,
39 c.163 (C.19:32-54 et al.).

40 The governing body shall file a certified copy of such ordinance
41 or resolution, attested by the chief elected executive officer or
42 director of the board of freeholders, if appropriate and clerk of the
43 board, in the office of the Secretary of State within 10 days after
44 adoption, and the ordinance or resolution shall take effect at the
45 expiration of 30 days after the next primary election for the general
46 election, or the next general election, after adoption whichever shall
47 occur first.

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 The office so established shall be filled by some suitable person
2 who shall be nominated by the Governor with the advice and
3 consent of the Senate for a term of five years from the date of his or
4 her appointment **【and】** . At the conclusion of a five year term, the
5 Governor shall appoint a superintendent of elections who shall
6 serve in an acting capacity until his or her successor is appointed
7 and 【shall have】 qualified. In the event that no such appointment
8 to such office is made within 30 days following the taking effect of
9 the ordinance or resolution, heretofore or hereafter adopted, of the
10 governing body of the county, as herein provided, then the
11 governing body of the county shall appoint some suitable person to
12 fill such office for a term of five years from the date of appointment
13 and **【until the successor of such person】**, at the conclusion of the
14 five year term, a person to serve in an acting capacity until a
15 successor is 【in the same manner】 appointed by the Governor and
16 **【shall have】** qualified. The governing body shall file notice of such
17 appointment in the office of the Secretary of State.

18 Each superintendent so appointed in a county of the fifth class
19 shall receive a salary of not less than \$4,000 nor more than \$8,000
20 per annum and each superintendent so appointed in a county of the
21 second class shall receive a salary in such amount, not less than
22 \$4,000 per annum, as shall be determined by the governing body of
23 the county; such salaries shall be paid by the county treasurer and
24 the superintendent shall have his or her office in the county for
25 which he is appointed.

26 Any vacancy occurring in such office of superintendent of
27 elections shall be filled in the same manner as the original
28 appointment to such office was made, but for the unexpired term.
29 Any person filling a vacancy shall be from the same political party
30 as the original appointee.

31 (cf: P.L.2018, c.163, s.4)

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33 3. A superintendent of elections whose term has expired and is
34 holding office while awaiting the appointment and qualification of a
35 successor pursuant to R.S.19:32-1 and section 1 of P.L.1947, c.167
36 (C.19:32-26) shall vacate his or her position 60 days after the
37 effective date of P.L. , c. (C.)(pending before the Legislature as
38 this bill).

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40 4. This act shall take effect immediately.

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STATEMENT

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45 This bill creates the position of acting superintendent of elections
46 for counties of the first, second, and fifth class. The acting
47 superintendent of elections would be appointed by the Governor at

1 the conclusion of the five-year term of the superintendent of
2 elections and serve until a successor has been appointed with the
3 advice and consent of the Senate. Current law permits county
4 superintendents of elections to serve for five years and until their
5 successor has been appointed and qualified.

6 This bill would also allow the governing body in a county of the
7 second or fifth class to appoint an acting superintendent of
8 elections. The power to appoint an acting superintendent of
9 elections in these counties would be limited to instances where the
10 Governor did not appoint a superintendent of elections thirty days
11 after creation of the position by the governing body and the five
12 year term of the person the governing body appointed to the
13 position has expired. The acting superintendent of elections would
14 serve until the Governor has appointed a successor with the advice
15 and consent of the Senate. From that point forward, the Governor
16 would have the power to appoint a person for a full five-year term
17 or in an acting capacity for that county.