

ASSEMBLY, No. 5259

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 12, 2021

Sponsored by:

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblywoman BETTYLOU DECROCE

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

Assemblymen Catalano and McGuckin

SYNOPSIS

Transfers Division of Elections from Department of State to Department of Law and Public Safety; designates Attorney General as chief election official and requires two bipartisan co-directors.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/22/2021)

1 **AN ACT** transferring the Division of Elections from the Department
2 of State to the Department of Law and Public Safety and
3 requiring bipartisan co-director appointments, amending
4 P.L.1994, c.182, and supplementing P.L.1944, c.20 (C.52:17A-1
5 et seq.).

6
7 **BE IT ENACTED** *by the Senate and General Assembly of the State*
8 *of New Jersey:*

9
10 1. Section 25 of P.L.1994, c.182 (C.19:31-6a) is amended to
11 read as follows:

12 25. The **【Secretary of State】** Attorney General is designated the
13 chief State election official and shall be responsible for the
14 coordination of this State's responsibilities pursuant to the
15 provisions of the "National Voter Registration Act of 1993,"
16 Pub.L.103-31 (42 U.S.C. s.1973gg et seq.) and the "Help America
17 Vote Act of 2002," Pub.L.107-252 (42 U.S.C. ss.15301 et seq.).
18 (cf: P.L.2007, c.254, s.2)

19
20 2. (New section) a. The Division of Elections in the
21 Department of State, together with all of the division's functions,
22 powers, and duties, is transferred to and constituted as the Division
23 of Elections in the Department of Law and Public Safety.

24 b. Effective with the effective date of this act, P.L. ,
25 c. (pending before the Legislature as this bill), the Attorney
26 General shall be the chief election official of this State and any
27 references to the Secretary of State relative to any election matter
28 appearing in the statutory law shall be a reference to the Attorney
29 General, unless the context or language of the statute provides
30 otherwise.

31 c. All responsibility for the budget, fiscal, and personnel
32 matters of the Division of Elections is transferred to the Department
33 of Law and Public Safety.

34 d. Whenever in any rule, regulation, order, contract, document,
35 judicial, or administrative proceeding or otherwise, reference is
36 made to the Division of Elections in the Department of State, the
37 same shall mean the Division of Elections in the Department of
38 Law and Public Safety.

39 e. All transfers directed by this act shall be made in accordance
40 with the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1
41 et seq.).

42
43 3. (New section) a. The Division of Elections in the
44 Department of Law and Public Safety shall be administered by two

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 co-directors, to be appointed by the Governor with the advice and
2 consent of the Senate, as follows:

3 (1) one co-director shall be of the same political party as the
4 Governor, and shall be appointed upon the recommendation of the
5 State party chairperson of that political party, the leader of that
6 political party in the Senate, and the leader of that political party in
7 the General Assembly; and

8 (2) one co-director shall be of the political party that received
9 the second largest number of votes at the most recent election for
10 the office of Governor, and shall be appointed upon the
11 recommendation of the State party chairperson of that political
12 party, the leader of that political party in the Senate, and the leader
13 of that political party in the General Assembly.

14 b. Each co-director appointed pursuant to subsection a. of this
15 section shall serve for a term of four years and each appointment
16 shall expire upon the expiration of the Governor's term of office. A
17 co-director may be reappointed every four years as provided in this
18 section. A vacancy in the office of co-director due to resignation,
19 removal, or death shall be filled for the remaining of the term in the
20 same manner as the original appointment was made.

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22 4. Section 1 of P.L.2007, c.254 (C.52:16A-98) is repealed.
23

24 5. This act shall take effect on January 1 next following the
25 date of enactment, but the Secretary of State and the Attorney
26 General may take such anticipatory administrative action in advance
27 thereof as shall be necessary for the implementation of this act.
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31 STATEMENT

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33 This bill transfers the Division of Elections from the Department
34 of State to Department of Law and Public Safety and designates the
35 Attorney General as the chief election official in this State. The bill
36 also requires the division to be administered by two bipartisan co-
37 directors.

38 Under the bill, each co-director would be appointed by the
39 Governor with the advice and consent of the Senate. One co-
40 director would be of the same political party as the Governor, and
41 would be appointed upon the recommendation of the State party
42 chairperson of that political party, the leader of that political party
43 in the Senate, and the leader of that political party in the General
44 Assembly. The second co-director would be of the political party
45 that received the second largest number of votes at the most recent
46 election for the office of Governor, and would be appointed upon
47 the recommendation of the State party chairperson of that political
48 party, the leader of that political party in the Senate, and the leader
of that political party in the General Assembly. The co-directors

1 would serve for a four-year term, to expire upon the expiration of
2 the Governor's term of office. A co-director may be reappointed for
3 future four-year terms. Any vacancy in the office of co-director
4 would be filled for the remaining of the term in the same manner as
5 the original appointment was made.

6 The bill would take effect on January 1 next following the date
7 of enactment, but the Secretary of State and the Attorney General
8 may take such anticipatory administrative action in advance thereof
9 as may be necessary for its implementation.