

SENATE, No. 1302

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 10, 2020

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Requires newly-elected municipal, county, and State political party committee members to assume office upon certification for election and hold first meeting on second Saturday, second Monday, and second Tuesday following primary election, respectively.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the assumption of office and first meeting of
2 newly-elected county, State, and municipal political party
3 committee members and amending R.S.19:5-2, R.S.19:5-3,
4 R.S.19:5-4, and R.S.19:13-20.

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

8
9 1. R.S.19:5-2 is amended to read as follows:
10 19:5-2. The members of the municipal committees of political
11 parties shall consist of the elected members of the county
12 committee resident in the respective municipalities. The members
13 of the municipal committee shall take office **【on the first Saturday**
14 **following their】** upon their certification for election as members of
15 the county committee, on which day the terms of all members of
16 such committees theretofore elected shall terminate. The annual
17 meeting of each municipal committee shall be held on the **【first**
18 **Monday】** second Thursday following the primary election for the
19 general election, except that when such meeting day falls on a legal
20 holiday then the meeting shall be held on the day following, at an
21 hour and place to be designated in a notice to be given by the
22 chairman to each member and member-elect. If the annual meeting
23 coincides with a period of religious observance, the meeting may be
24 held on another date, but under no circumstances shall that date
25 occur later than the third Thursday following the primary election.
26 The members of each committee shall elect some suitable person
27 who shall be a resident of such municipality as chairman. The
28 municipal committee shall have power to adopt a constitution and
29 bylaws for its proper government. The chairman shall preside at all
30 meetings of the committee, and shall perform all duties required of
31 him by law and the constitution and bylaws of such committee.

32 When a member of a municipal committee ceases to be a resident
33 of the district or unit from which elected, a vacancy on the
34 committee shall exist. A member of a municipal committee of any
35 political party may resign his office to the committee of which he is
36 a member, and upon acceptance thereof by the committee a vacancy
37 shall exist. A vacancy in the office of a member of a municipal
38 committee of any political party, howsoever caused, shall be filled
39 for the unexpired term by the remaining members of the committee
40 in the municipality in which the vacancy occurs.

41 (cf: P.L.2009, c.135, s.1)

42
43 2. R.S.19:5-3 is amended to read as follows:
44 19:5-3. The members of the county committees of political
45 parties shall be elected at the primary for the general election in the

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 manner provided in this Title for the selection of party candidates to
2 be voted for at the general election by voters of a municipality at
3 such intervals as shall be provided in the bylaws of the county
4 committee. The county committee shall consist of one male and
5 one female member from each unit of representation in the county.
6 The male receiving the highest number of votes among the male
7 candidates and the female receiving the highest number of votes
8 among the female candidates shall be declared elected. Members of
9 the county committee shall actually reside in the districts or units
10 which they respectively represent. The county committee shall
11 determine by its bylaws the units into which the county shall be
12 divided for purpose of representation in the county committee.

13 The members of the county committee of each of the political
14 parties shall take office **【on the first Saturday following their】** upon
15 their certification for election, on which day the terms of all
16 members of such committees theretofore elected shall terminate.
17 The annual meeting of each county committee shall be held on the
18 **【first Tuesday】** second Monday following the primary election,
19 except that when such meeting day falls on a legal holiday then the
20 said meeting shall be held on the day following, and when such
21 meeting day falls on the day of a municipal runoff election within
22 the county then said meeting may be held on the day following, at
23 an hour and place to be designated in a notice in writing to be
24 mailed by the chairperson to each member and member-elect. If the
25 annual meeting coincides with a period of religious observance, the
26 meeting may be held on another date, and under no circumstances
27 shall that date occur later than the third **【Tuesday】** Monday
28 following the primary election. The members of such committee
29 shall elect some suitable person as chairperson who shall be a
30 resident of such county to hold office until a successor is elected.
31 The chairperson of the outgoing county committee shall transmit,
32 with the notice of the annual meeting, a copy of the constitution and
33 bylaws to any newly elected committee member. The members
34 shall also elect a vice-chairperson of the opposite sex of the
35 chairperson to hold office for 1 year or until a successor is elected
36 and the vice-chairperson shall perform all duties required by law
37 and the constitution and bylaws of such committee. Any person
38 elected or appointed to membership on the county committee
39 pursuant to R.S.19:5-2 may request, in writing and by certified mail
40 to the county chairperson, such constitution or bylaws currently in
41 effect. The committee member requesting the constitution or bylaws
42 shall receive the constitution or bylaws within 48 hours of the
43 receipt of the request by the chairperson. The chairperson shall
44 preside at all meetings of the committee and shall perform all duties
45 required by law and the constitution and bylaws of such committee.

46 When a member of a county committee ceases to be a resident of
47 the district or unit from which elected, a vacancy on the county
48 committee shall exist. A member of a county committee of any

1 political party may resign his or her office to the committee of
2 which he or she is a member, and upon acceptance thereof by the
3 committee, a vacancy shall exist. A vacancy in the office of a
4 member of the county committee of any political party, caused by
5 death, resignation, failure to elect, or removal for cause, shall be
6 filled for the unexpired term by the municipal committee of the
7 municipality wherein the vacancy occurs, if there is such
8 committee, and if not, by the remaining members of the county
9 committee of such political party representing the territory in the
10 county in which such vacancy occurs. The chairperson of the
11 outgoing county committee shall provide a copy of the constitution
12 and bylaws to any committee member appointed pursuant to
13 R.S.19:5-2 to fill a vacancy within three business days of the
14 committee member's selection.

15 The chairperson of the county committee of the several political
16 parties shall, before April 1 in a year in which county committee
17 members are to be elected, certify to the clerk of each municipality
18 in the county the unit of representation in such municipality,
19 together with the enumeration of the election district or districts
20 embraced within such unit.

21 (cf: P.L.2011, c.180, s.1)

22

23 3. R.S.19:5-4 is amended to read as follows:

24 19:5-4. The members of the State committee of each of the
25 political parties shall be elected at the primary for the general
26 election of the year in which a Governor is to be elected.

27 The number of males and females comprising the State
28 committee of each of the political parties from each county may be
29 determined by the bylaws of each such political party, but in any
30 event in accordance with one of the following methods:

31 a. One male and one female member of the State committee to
32 be elected in each county, each having one vote; or

33 b. Not less than 79 nor more than 82 elected members, to be
34 apportioned among the several counties in accordance with
35 population as determined at the most recent Federal decennial
36 census; provided that each county shall have at least one vote, and
37 provided further that the members of the State committee from each
38 county shall be divided equally between males and females. In
39 those counties with an odd number of State committee members,
40 one seat shall be shared by one male and one female who shall each
41 have one-half vote in all matters of the State committee; or

42 c. One male and one female member of the State committee to
43 be elected in each county, each member having a vote weighted in
44 strength on the basis of population as determined at the most recent
45 Federal decennial census.

46 The members of the State committee of each of the political
47 parties shall take office **【on the first Tuesday following their】** upon
48 their certification for election, on which day the terms of all

1 members of such committees theretofore elected shall terminate.
2 The annual meeting of the State committee shall be held on the
3 **【first】** second Tuesday after such primary election , except that
4 when such meeting day falls on a legal holiday then the meeting
5 shall be held on the day following, at the hour and place to be
6 designated in a notice in writing to be mailed by the chairman of the
7 outgoing State committee to each member-elect. If the annual
8 meeting coincides with a period of religious observance, the
9 meeting may be held on another date, but under no circumstances
10 shall that date occur later than the third Tuesday following the
11 primary election. The members of the committee shall elect some
12 suitable person as chairman. The committee shall have power to
13 adopt a constitution and bylaws for its proper government. The
14 chairman shall preside at all meetings of the committee and shall
15 perform all duties required of him by law and the constitution and
16 bylaws of such committee.

17 A member of a State committee of any political party may resign
18 his office to the committee of which he is a member, and upon
19 acceptance thereof by the committee a vacancy shall exist. A
20 vacancy in the office of a member of the State committee of any
21 political party, howsoever caused, shall be filled for the unexpired
22 term by the members of the county committee of such political
23 party in the county in which the vacancy occurs.

24 Members of the State committee shall serve for 4 years or until
25 their successors are elected. The State committee shall choose its
26 chairperson and the member or members of the national committee
27 of its political party.

28 (cf: P.L.2009, c.135, s.4)

29

30 4. R.S.19:13-20 is amended to read as follows:

31 19:13-20. In the event of a vacancy, howsoever caused, among
32 candidates nominated at a primary election for the general election,
33 which vacancy shall occur not later than the 56th day before the
34 general election, or in the event of inability to select a candidate
35 because of a tie vote at such primary, a candidate shall be selected
36 in the following manner:

37 a. (1) In the case of an office to be filled by the voters of the
38 entire State, the candidate shall be selected by the State committee
39 of the political party wherein such vacancy has occurred.

40 (2) In the case of an office to be filled by the voters of a single
41 and entire county, the candidate shall be selected by the county
42 committee in such county of the political party wherein such
43 vacancy has occurred.

44 (3) In the case of an office to be filled by the voters of a portion
45 of the State comprising all or part of two or more counties, the
46 candidate shall be selected by those members of the county
47 committees of the party wherein the vacancy has occurred who

1 represent those portions of the respective counties which are
2 comprised in the district from which the candidate is to be elected.

3 (4) In the case of an office to be filled by the voters of a portion
4 of a single county, the candidate shall be selected by those members
5 of the county committee of the party wherein the vacancy has
6 occurred who represent those portions of the county which are
7 comprised in the district from which the candidate is to be elected.

8 At any meeting held for the selection of a candidate under this
9 subsection, a majority of the persons eligible to vote thereat shall be
10 required to be present for the conduct of any business, and no
11 person shall be entitled to vote at that meeting who is appointed to
12 the State committee or county committee after the seventh day
13 preceding the date of the meeting.

14 Within 20 days after the meeting of each county committee that
15 is held on the ~~first Tuesday~~ second Monday following the
16 primary election at which committee members are elected, the
17 municipal clerk shall certify to the county clerk an official list of
18 the duly elected county committee members and an official list of
19 the municipal committee chairs. The county party chairperson shall
20 have a continuing duty to report to the county clerk any vacancies,
21 resignations, and committee positions filled pursuant to R.S.19:5-2
22 or 19:5-3. A report of a resignation shall be accompanied by a
23 notarized letter of resignation signed by the resigning committee
24 member or, if the resigning committee member fails to provide such
25 a letter, by a notarized letter stating that the resignation has
26 occurred signed by the chair of the relevant municipal committee
27 who shall also provide a copy thereof to the resigning member.
28 Notice of vacancies in the membership of a county committee that
29 are filled pursuant to R.S.19:5-2 or 19:5-3 shall be accompanied by
30 a certificate of acceptance signed by the newly selected member.
31 The official list of the county committee members and of the
32 municipal committee chairs maintained by the county clerk shall be
33 deemed to be a government record and only those county committee
34 members listed thereon seven days prior to a selection to fill a
35 vacancy and otherwise qualified to vote on the vacancy shall be
36 entitled to vote on filling a vacancy pursuant to this section.

37 In addition, every person appointed to the county committee
38 shall file with the county clerk a certificate of acceptance which
39 shall be preserved by the county clerk as a government record.

40 In the case of a meeting held to select a candidate for other than
41 a Statewide office, the chairperson of the meeting shall be chosen
42 by majority vote of the persons present and entitled to vote thereat.
43 The chairperson so chosen may propose rules to govern the
44 determination of credentials and the procedures under which the
45 meeting shall be conducted, and those rules shall be adopted upon a
46 majority vote of the persons entitled to vote upon the selection. If a
47 majority vote is not obtained for those rules, the delegates shall
48 determine credentials and conduct the business of the meeting under

1 such other rules as may be adopted by a majority vote. All contested
2 votes taken at the selection meeting, as referenced in subsections a.
3 and b. of this section, shall be by secret ballot in a location or
4 manner that protects the anonymity of the person's vote.

5 b. (1) Whenever in accordance with subsection a. of this
6 section members of two or more county committees are empowered
7 to select a candidate to fill a vacancy, it shall be the responsibility
8 of the chairpersons of said county committees, acting jointly not
9 later in any case than the seventh day following the occurrence of
10 the vacancy, to give notice to each of the members of their
11 respective committees, as certified by the county clerk, who are so
12 empowered of the date, time and place of the meeting at which the
13 selection will be made, that meeting to be held at least one day
14 following the date on which the notice is given.

15 (2) Whenever in accordance with the provisions of subsection a.
16 of this section members of a county committee are empowered to
17 select a candidate to fill a vacancy, it shall be the responsibility of
18 the chairperson of such county committee, not later in any case than
19 the seventh day following the occurrence of the vacancy, to give
20 notice to each of the members of the committee, as certified by the
21 county clerk, who are so empowered of the date, time and place of
22 the meeting at which the selection will be made, that meeting to be
23 held at least one day following the date on which the notice is
24 given.

25 (3) A county committee chairperson or chairpersons who call a
26 meeting pursuant to paragraph (1) or (2) of this subsection shall not
27 be entitled to vote upon the selection of a candidate at such meeting
28 unless he or she or they are so entitled pursuant to subsection a.

29 (4) Whenever in accordance with the provisions of subsection a.
30 of this section the State committee of a political party is empowered
31 to select a candidate to fill a vacancy, it shall be the responsibility
32 of the chairperson of that State committee to give notice to each of
33 the members of the committee of the date, time and place of the
34 meeting at which the selection will be made, that meeting to be held
35 at least one day following the date on which the notice is given.

36 c. Whenever a selection is to be made pursuant to this section
37 to fill a vacancy resulting from inability to select a candidate
38 because of a tie vote at a primary election for the general election,
39 the selection shall be made from among those who have thus
40 received the same number of votes at the primary.

41 d. A selection made pursuant to this section shall be made not
42 later than the 54th day preceding the date of the general election,
43 and a statement of such selection shall be filed with the Secretary of
44 State or the appropriate county clerk, as the case may be, not later
45 than that day, and in the following manner:

46 (1) A selection made by a State committee of a political party
47 shall be certified to the Secretary of State by the State chairperson
48 of the political party.

1 (2) A selection made by a county committee of a political party,
2 or a portion of the members thereof, shall be certified to the county
3 clerk of the county by the county chairperson of such political
4 party; except that when such selection is of a candidate for the
5 Senate or General Assembly or the United States House of
6 Representatives the county chairperson shall certify the selection to
7 the State chairperson of such political party, who shall certify the
8 same to the Secretary of State.

9 (3) A selection made by members of two or more county
10 committees of a political party acting jointly shall be certified by
11 the chairpersons of said committees, acting jointly, to the State
12 chairperson of such political party, who shall certify the same to the
13 Secretary of State.

14 e. A statement filed pursuant to subsection d. of this section
15 shall state the residence and post office address of the person so
16 selected, and shall certify that the person so selected is qualified
17 under the laws of this State to be a candidate for such office, and is
18 a member of the political party filling the vacancy. Accompanying
19 the statement, the person endorsed therein shall file a certificate
20 stating that he or she is qualified under the laws of this State to be a
21 candidate for the office mentioned in the statement, that he or she
22 consents to stand as a candidate at the ensuing general election and
23 that he or she is a member of the political party named in said
24 statement, and further that he or she is not a member of, or
25 identified with, any other political party or any political
26 organization espousing the cause of candidates of any other
27 political party, to which shall be annexed the oath of allegiance
28 prescribed in R.S.41:1-1 duly taken and subscribed by him or her
29 before an officer authorized to take oaths in this State. The person
30 so selected shall be the candidate of the party for such office at the
31 ensuing general election. Each candidate for the office of Governor
32 or the office of member of the Senate or General Assembly filing a
33 certification shall annex thereto a statement signed by the candidate
34 that he or she:

35 (1) has not been convicted of any offense graded by Title 2C of
36 the New Jersey Statutes as a crime of the first, second, third or
37 fourth degree, or any offense in any other jurisdiction which, if
38 committed in this State, would constitute such a crime; or

39 (2) has been so convicted, in which case, the candidate shall
40 disclose on the statement the crime for which convicted, the date
41 and place of the conviction and the penalties imposed for the
42 conviction. Such a candidate may, as an alternative, submit with
43 the statement a copy of an official document that provides such
44 information. If the candidate has been convicted of more than one
45 criminal offense, such information about each conviction shall be
46 provided. Records expunged pursuant to chapter 52 of Title 2C of
47 the New Jersey Statutes shall not be subject to disclosure.

48 (cf: P.L.2011, c.37, s.4)

1 5. This act shall take effect immediately.

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3

4

STATEMENT

5

6 Under current law, members of the State, county, and municipal
7 committees of each political party are elected at the primary
8 election for the general election. Election results are certified by
9 the municipal clerk to the county clerk within eight days following
10 the primary election and by the county clerk within nine days
11 following the primary election. Current law also provides that
12 members of the State committee of each political party must take
13 office on the first Tuesday, and members of the county and
14 municipal committees on the first Saturday, following their
15 election. Municipal committee members must hold their first
16 meeting on the first Monday after the primary, and county and State
17 committee members must do so on the first Tuesday after the
18 primary. Therefore, the assumption of office and the first meeting
19 may take place prior to the deadline for the certification of election
20 results by the municipal and county clerks.

21 This bill changes both the day of assumption of office and the
22 first meeting of newly-elected State, county, and municipal political
23 party committee members. Under the bill, members will take office
24 upon the certification of their election. Municipal committee
25 members will hold their first meeting on the second Thursday
26 following the primary, county committee members will do so on the
27 second Monday, and State committee members will do so on the
28 second Tuesday.

29 The bill provides that if the first meeting of newly-elected State
30 or municipal political party committee members coincides with a
31 period of religious observance, then the meeting may be held on
32 another date. In the case of a State committee, the rescheduled
33 meeting cannot occur later than the third Tuesday following the
34 primary election. In the case of a municipal committee, the
35 rescheduled meeting cannot occur later than the third Thursday
36 following the primary election. Furthermore, the bill provides that
37 if the first meeting of a State or municipal committee falls on a
38 legal holiday, then the meeting is required to be held on the
39 following day.