[Second Reprint]

ASSEMBLY, No. 5117

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED DECEMBER 9, 2024

Sponsored by:
Assemblyman LOUIS D. GREENWALD
District 6 (Burlington and Camden)
Senator JAMES BEACH
District 6 (Burlington and Camden)
Senator PAUL A. SARLO
District 36 (Bergen and Passaic)

SYNOPSIS
   Modifies number of signatures required for candidates to be placed on primary, general, nonpartisan municipal, and school election ballots; requires Secretary of State to publish certain nominating petition forms by January 1 of each year.

CURRENT VERSION OF TEXT
   As amended by the Senate on January 14, 2025.

(Sponsorship Updated As Of: 1/30/2025)

1   AN ACT concerning the number of signatures required for
2   candidates to be placed on the ballots for the primary, general,
3   nonpartisan municipal, and school elections, amending various
4   sections of statutory law, and supplementing chapter 23 of Title
5   19 of the Revised Statutes.

6

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

9

10   1.   R.S.19:13-5 is amended to read as follows:
11   19:13-5. The petition shall be signed by legally qualified voters
12   of this State residing within the district or political division in and
13   for which the officer or officers nominated are to be elected, equal
14   in number to at least [two per centum (2%)] five percent of the
15   entire vote cast for members of the General Assembly at the last
16   preceding general election, held for the election of all of the
17   members of the General Assembly, in the State, county, district or
18   other political division in and for which the nominations are made;
19   except that when the nomination is for an office to be filled by the
20   voters of the entire State [eight hundred] 2,000 signatures in the
21   aggregate for each candidate nominated in the petition shall be
22   sufficient; and except that no more than [one hundred] 250
23   signatures shall be required to any petition for any officers to be
24   elected save only such as are to be voted for by the voters of the
25   State at large.
26   In case of a first general election to be held in a newly
27   established election district, county, city or other political division,
28   the number of [fifty] 50 signatures to a petition shall be sufficient
29   to nominate a candidate to be voted for only in such election
30   district, county, city or other political division.
31   A candidate shall be permitted to sign or circulate, or both sign
32   and circulate, the petition required to nominate that candidate for
33   elective public office.
34   (cf: P.L.2010, c.68, s.1)

35

36   2.   R.S.19:23-8 is amended to read as follows:
37   19:23-8. a. The petitions for candidates to be voted for by the
38   voters of a political party throughout the entire State shall in the
39   aggregate be signed by at least [1,000] 2,500 of such voters; in the
40   case of candidates to be voted for by the voters of a political party
41   throughout a congressional district by at least [200] 500 of such
42   voters; and in the case of candidates for the Senate and General
43   Assembly at least [100] 250 of such voters [; in the case of
44   candidates to be voted for by the voters of a political party

1   throughout a county or any county election district, by at least 100
2   of such voters; in the case of candidates to be voted for by the
3   voters of a political party throughout a municipality having a
4   population in excess of 14,000 as ascertained by the last Federal
5   census by at least 50 of such voters; in the case of candidates to be
6   voted for by the voters of a political party throughout all other
7   municipalities or any ward of any municipality by at least 25 of
8   such voters; in the case of a candidate to be voted for by the voters
9   of a political party within a single election district by at least 10 of
10 such voters.

11   Notwithstanding the above provisions, in the case of petitions for
12 candidates to be voted for by the voters of a political party
13 throughout any municipality having a population that is less than
14 7,000 as ascertained by the last federal census, or any ward or
15 election district of any municipality, the number of signers of any
16 such petition may be fewer than the minimum number specified
17 above, but shall be at least five percent in number of the total vote
18 cast by the voters of that political party at the last preceding
19 primary election held for the election of that party's candidates for
20 the General Assembly. In no case, however, shall there be fewer
21 than one signer of any such petition**]**.

22   b.   The petitions for candidates to be voted for by the voters of a
23 political party throughout a county or any county election district
24 shall in the aggregate be signed by at least one percent in number of
25 the total votes cast by the voters of that political party at the last
26 preceding primary election held for the election of that party's
27 candidates for the General Assembly, or at least 300 of such voters,
28 whichever is less **2**, but in no case shall the petition be signed by
29 fewer than 150 of such voters**2**.

30   c.   The petitions for candidates to be voted for by the voters of a
31 political party throughout a municipality shall in the aggregate be
32 signed by **1[**at least five percent in number of the total votes cast by
33 the voters of that political party at the last preceding primary
34 election held for the election of that party's candidates for the
35 General Assembly, or by**]1** a number of such voters based upon the
36 population of the municipality or ward as ascertained by the last
37 Federal census, **1[**whichever is less,**]1** as follows:
38   **1[**(1) at least 100 of such voters in municipalities having a
39 population in excess of 100,000;
40   (2) at least 75 of such voters in municipalities having a
41 population in excess of 50,000 and up to 100,000;
42   (3) at least 50 of such voters in municipalities having a
43 population in excess of 25,000 and up to 50,000;
44   (4) at least 25 of such voters in municipalities having a
45 population of 25,000 or below, or any ward of any municipality.**]**
46   (1) at least 100 of such voters in municipalities or wards having a
47 population in excess of 50,000;

1   (2) at least 75 of such voters in municipalities or wards having a
2   population in excess of 25,000 and up to 50,000;
3   (3) at least 50 of such voters in municipalities or wards having a
4   population in excess of 10,000 and up to 25,000;
5   (4) at least 25 of such voters, or five percent in number of the
6   total votes cast by the voters of that political party at the last
7   preceding primary election held for the election of that party's
8   candidates for the General Assembly, whichever is less, in
9   municipalities or wards having a population in excess of 5,000 and
10   up to 10,000;
11   (5) at least 10 of such voters, or five percent in number of the
12   total votes cast by the voters of that political party at the last
13   preceding primary election held for the election of that party's
14   candidates for the General Assembly, whichever is less, in
15   municipalities or wards having a population in excess of 2,500 and
16   up to 5,000; and
17   (6) at least five of such voters, or five percent in number of the
18   total votes cast by the voters of that political party at the last
19   preceding primary election held for the election of that party's
20   candidates for the General Assembly, whichever is less, in
21   municipalities or wards having a population up to 2,500.[1]
22   d.   The petitions for candidates to be voted for by the voters of a
23   political party within a single election district shall in the aggregate
24   be signed by at least 10 of such voters [1], or five percent in number
25   of the total votes cast by the voters of that political party at the last
26   preceding primary election held for the election of that party's
27   candidates for the General Assembly, whichever is less[1].
28   e.   In no case shall there be fewer than one signer of any such
29   petition.
30   f.   For a person to be nominated for any office or elected to any
31   political party position at the primary election by having the
32   person's name written or pasted upon the primary election ballot,
33   that person shall receive a number of votes at least equal to the
34   number of signatures required on a candidate nominating petition
35   pursuant to this section.
36   (cf: P.L.2023, c.288, s.1)
37
38   3.   Section 7 of P.L.1995, c.278 (C.19:60-7) is amended to read
39   as follows:
40   7.   Each candidate to be voted upon at a school election shall be
41   nominated directly by petition, and the procedures for such
42   nomination shall, to the extent not inconsistent with the provisions
43   of P.L.1995, c.278 (C.19:60-1 et al.), conform to the procedure for
44   nominating candidates by direct petition under chapter 13 of Title
45   19 of the Revised Statutes. Notwithstanding the provisions of
46   R.S.19:13-5, however, a petition of nomination for such office shall
47   be signed by at least [10] 25 persons, one of whom may be the
48   candidate, and filed with the secretary of the board of education on

1   or before four p.m. of the 50th day preceding the date of the April
2   school election, or with the county clerk on or before four p.m. of
3   the last Monday in July preceding the November school election, as
4   applicable. The signatures need not all appear upon a single
5   petition and any number of petitions may be filed on behalf of any
6   candidate or on behalf of two or more candidates filing a joint
7   petition. A petition for one or more candidates may include a
8   designation in not more than three words that conveys the principles
9   which the candidate or candidates therein named represent, but such
10   designation shall not contain the name, or a derivative thereof, as a
11   noun or an adjective of any political party entitled to participate in a
12   primary election. The petitions of a candidate for member of a
13   board of education shall also include a functioning e-mail address
14   for the candidate.
15   Any candidate may withdraw as a candidate in a school election
16   by filing a notice in writing, signed by the candidate, of such
17   withdrawal with the secretary of the board of education before the
18   44th day before the date of the April election or with the county
19   clerk on the 81st day before the date of the November election, as
20   applicable, and thereupon the name of that candidate shall be
21   withdrawn by the secretary of the board of education and shall not
22   be printed on the ballot.
23   A vacancy created by a declination of nomination or withdrawal
24   by, or death of, a nominee, or in any other manner, shall be filled
25   under the provisions of R.S.19:13-19.
26   Whenever written objection to a petition of nomination
27   hereunder shall have been made and timely filed with the secretary
28   of the board of education or with the county clerk, as may be
29   appropriate, the board of education shall file its determination of the
30   objection on or before the 44th day preceding the April school
31   election or the county clerk shall file the clerk's determination of
32   the objection on or before the 10th day after the last day for the
33   filing of petitions for candidates seeking election as a member of a
34   board of education at the November school election, as applicable.
35   The last day upon which a candidate may file with the Superior
36   Court a verified complaint setting forth any invasion or threatened
37   invasion of the candidate's rights under the candidate's petition of
38   nomination shall be the 46th day before the April election or the
39   12th day after the last day for the filing of petitions for candidates
40   seeking election as a member of a board of education at the
41   November election, as applicable. The last day upon which a
42   candidate whose petition of nomination or any affidavit thereto is
43   defective may amend such petition or affidavit shall be the 44th day
44   before the April election or the 10th day after the last day for the
45   filing of petitions for candidates seeking election as a member of a
46   board of education at the November election, as applicable.
47   In each school district in which candidates for the office of
48   member of a board of education will seek election at the November

1 school election, the school business administrator thereof shall
2 certify to the county clerk no later than the day of the holding of the
3 primary election for the general election next occurring a statement
4 designating the public offices to be filled at such election, and the
5 number of such offices to be filled.
6 (cf: P.L.2023, c.124, s.14)
7
8   4. Section 4 of P.L.1981, c.379 (C.40:45-8) is amended to read
9 as follows:
10   4. On or before the 75th day prior to a regular municipal
11 election, the names of candidates for all elective offices shall be
12 filed with the municipal clerk, in the following manner and form
13 and subject to the following conditions:
14   a. **1[**The petition of nomination shall consist of individual
15 certificates, equal in number to at least **[**1%, but in no event less
16 than 25,**]** <u>five percent</u> of the registered voters of the municipality or
17 the ward, as the case may be, **[**and**]** <u>or equal to a number based</u>
18 <u>upon the population of the municipality or ward as ascertained by</u>
19 <u>the last Federal census, whichever is less, as follows:</u>
20   <u>(1) at least 100 in municipalities or wards having a population in</u>
21 <u>excess of 100,000;</u>
22   <u>(2) at least 75 in municipalities or wards having a population in</u>
23 <u>excess of 50,000 and up to 100,000;</u>
24   <u>(3) at least 50 in municipalities or wards having a population in</u>
25 <u>excess of 25,000 and up to 50,000;</u>
26   <u>(4) at least 25 in municipalities or wards having a population of</u>
27 <u>25,000 or below.</u>**]**
28   <u>The petition of nomination shall consist of individual certificates</u>
29 <u>equal to a number based upon the population of the municipality or</u>
30 <u>ward as ascertained by the last Federal census, as follows:</u>
31   <u>(1) at least 100 in municipalities or wards having a population in</u>
32 <u>excess of 50,000;</u>
33   <u>(2) at least 75 in municipalities or wards having a population in</u>
34 <u>excess of 25,000 and up to 50,000;</u>
35   <u>(3) at least 50 in municipalities or wards having a population in</u>
36 <u>excess of 10,000 and up to 25,000;</u>
37   <u>(4) at least 25 in municipalities or wards having a population in</u>
38 <u>excess of 5,000 and up to 10,000;</u>
39   <u>(5) at least 10 in municipalities or wards having a population in</u>
40 <u>excess of 2,500 and up to 5,000; and</u>
41   <u>(6) at least five in municipalities or wards having a population up</u>
42 <u>to 2,500.</u>**1**
43   <u>b. The petition of nomination</u> shall read substantially as
44 follows:
45   "I, the undersigned, a registered voter of the municipality of
46 ...., residing at .... certify that I do
47 hereby join in a petition of the nomination of ....

1   whose residence is at .... for the office

2   of mayor (or councilman-at-large, or ward councilman of the

3   .... ward, or commissioner, or village trustee, as the case may

4   be) to be voted for at the election to be held in the municipality on

5   the ...., 20......., and I further certify that I know this candidate

6   to be a registered voter, for the period required by law, of the

7   municipality (and the ward, in the case of ward councilman) and a

8   person of good moral character, and qualified, in my judgment, to

9   perform the duties of the office, and I further certify that I have not

10   signed more petitions or certificates of nomination than there are

11   places to be filled for the above office.

12   Signed ...."

13   The petition of nomination shall also include a functioning e-

14   mail address for the candidate.

15   Any such petition of nomination which is provided to candidates

16   by the municipal clerk shall contain the following notice: "Notice:

17   All candidates are required by law to comply with the provisions of

18   the 'New Jersey Campaign Contributions and Expenditures

19   Reporting Act.' For further information, please call (insert phone

20   number of the Election Law Enforcement Commission)."

21   **[**b.**]** c. Each petition signature shall be on a separate sheet of

22   paper and shall bear the name and address of the petitioner. The

23   candidate for office and his campaign manager shall make an oath

24   before an officer competent to administer oaths that the statements

25   made therein are true, and that each signature to the papers

26   appended thereto is the genuine signature of the person whose name

27   it purports to be, to their best knowledge and belief. The oath,

28   signed by the candidate, shall constitute his acceptance of

29   nomination and shall be annexed to the petition, together with the

30   oath of his campaign manager, at the time the petition is submitted.

31   **[**c.**]** d. The municipal clerk shall immediately provide the

32   Election Law Enforcement Commission with official certification

33   of the filing or withdrawal of a petition of nomination.

34   **[**d.**]** e. A candidate shall be permitted to sign or circulate, or

35   both sign and circulate, the petition required to nominate that

36   candidate for elective public office in any municipality holding

37   regular municipal elections.

38   (cf: P.L.2023, c.124, s.17)

39

40   5. **²**(New Section) a.**²** Notwithstanding the provisions of any

41   other law, rule, or regulation to the contrary, the Secretary of State

42   shall promulgate and publish the forms to be used for petitions

43   nominating candidates to be voted for at the primary election for the

44   general election by January 1 of each year in which a primary

45   election is to be held.

46   **²**b. Any petition signatures collected by a candidate for office to

47   be voted for at the 2025 primary election utilizing the petition forms

48   published by the Secretary of State prior to the effective date of this

1 act, P.L.   , c.   (pending before the Legislature as this bill), shall
2 be required to comply with the provisions of this act but shall not be
3 subject to a petition challenge based upon the use of a form
4 published by the Secretary of State prior to the effective date of this
5 act.**²**

6

7   6.   This act shall take effect **²[**January 1 next following the date
8 of enactment**]** immediately and shall be retroactive to January 1,
9 2025**²**.