

CHAPTER 254

AN ACT transferring the Division of Elections from the Department of Law and Public Safety to the Department of State, amending P.L.1994, c.182 and supplementing P.L.1948, c.445 (C.52:16A-1 et seq.).

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

C.52:16A-98 Division of Elections transferred to Department of State.

1. a. The Division of Elections in the Department of Law and Public Safety, transferred to the Department of Law and Public Safety pursuant to Governor Whitman's Reorganization Plan No. 004-1998 effective May 29, 1998, together with all of the division's functions, powers and duties, is transferred to and constituted as the Division of Elections in the Department of State.

b. Effective with the enactment of P.L.2007, c.254 (C.52:16A-98 et al.), the Secretary of State shall be the chief election official of this State and any references to the Attorney General relative to any elections matter appearing in the statutory law shall be a reference to the Secretary of State, unless the context or language of the statute provides otherwise.

c. All responsibility for the budget, fiscal and personnel matters of the Division of Elections is transferred to the Department of State.

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

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

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

C.19:31-6a Chief State election official designated, Secretary of State.

25. The Secretary of State is designated the chief State election official and shall be responsible for the coordination of this State's responsibilities pursuant to the provisions of the "National Voter Registration Act of 1993," Pub.L.103-31 (42 U.S.C. s.1973gg et seq.) and the "Help America Vote Act of 2002," Pub.L.107-252 (42 U.S.C. 15301 et seq.).

3. This act shall take effect on April 1, 2008, but the Secretary of State and the Attorney General may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 7, 2008.