

CHAPTER 163

AN ACT concerning the offices of superintendent of elections and deputy superintendent of elections, amending P.L.1947, c.167, and supplementing chapter 32 of Title 19 of the Revised Statutes.

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

C.19:32-54 Abolishment of offices of superintendent, deputy superintendent of elections.

1. a. Upon the adoption of a resolution or ordinance, as appropriate, the governing body of a county may abolish the office of superintendent of elections and the office of deputy superintendent of elections in the county, and the functions, powers, and duties of each office shall be transferred to and assumed by the county board of elections. The transfer of the functions, powers, and duties of the office of the superintendent of elections and the office of the deputy superintendent of elections shall be completed no later than the 90th day following the adoption of the ordinance or resolution, as appropriate, and the term of office of each individual holding each office shall be terminated no later than that 90th day.

b. Whenever reference is made in any statute, regulation, document or judicial proceeding to the office of superintendent of elections or the office of deputy superintendent of elections concerning the functions, powers, and duties that had been vested therein prior to their abolishment pursuant to subsection a. of this section, the same shall mean and refer to the county board of elections.

c. Notwithstanding any provision of subsection b. of section 3 of P.L.2015, c.249 (C.40A:4-45.45b) to the contrary, and subject to approval by the Director of the Division of Local Government Services in the Department of Community Affairs, all expenses, including salaries, of such county's board of elections shall be exempt from the requirements of that subsection for the budget year next succeeding the budget year in which a resolution or an ordinance, as appropriate, is adopted pursuant to subsection a. of this section. The director shall approve an exemption of expenses from the requirements of subsection b. of section 3 of P.L.2015, c.249 (C.40A:4-45.45b) pursuant to this subsection if: (1) the director determines that the expenses are reasonable and will result in long-term savings for the county; and (2) the county board of election's budget request for the budget year is less than the aggregate amount of the budget requests submitted to the county governing body by the office of the superintendent of elections, the office of the deputy superintendent of elections, and the board of elections in the last preceding budget year.

C.19:32-55 Requirements for re-establishing offices.

2. Once the office of superintendent of elections and the office of deputy superintendent of elections has been abolished in a county pursuant to P.L.2018, c.163 (C.19:32-54 et al.), the county shall not be permitted to re-establish the offices and return to them the functions, powers, and duties provided by law until the following requirements have been met in the following order:

a. at least five years shall have passed since the offices were abolished;

b. a new ordinance or resolution, as appropriate, providing for the re-establishment of the office of superintendent of elections and the office of deputy superintendent of elections, and the return of the functions, powers, and duties of each office provided by law from the county board of elections, shall be adopted by the county's governing body and a certified copy of the ordinance or resolution, as appropriate, together with a tally of the vote to adopt it, shall be filed with the Secretary of State within 10 days after the adoption;

c. a written report shall be prepared for the secretary that:

(1) explains why the governing body of the county believes the re-establishment of the office of superintendent and the office of deputy superintendent is necessary;

(2) presents a plan for how the offices shall be re-established and shall work in conjunction with the county clerk and the county board of elections; and

(3) includes the financial information necessary to prove that re-establishing the offices shall improve the efficiency and reduce the cost of:

(a) operating and administering State, county, school, municipal, special, and federal elections;

(b) maintaining and distributing voting machines; and

(c) overseeing the administration of voter registration in the county; and

d. the re-establishment of the office of superintendent of elections and the office of deputy superintendent of elections shall be approved by the secretary after the secretary has had a maximum of 90 days to review the report. The secretary shall be authorized to receive answers to such questions that the secretary deems necessary to ask to ensure that the operation and administration of elections, maintenance and distribution of voting machines, and administration of voter registration shall be conducted by the county in the most efficient and cost-effective manner possible.

In the event that the secretary decides that the office of superintendent of elections and the office of deputy superintendent of elections should be re-established in a county, qualified individuals to serve in each office shall be appointed as provided by law and the functions, powers, and duties of the offices shall be re-established within one year after the secretary's decision.

C.19:32-56 Appointment of officers if office re-established.

3. An individual shall be appointed to fill the office of superintendent of elections pursuant to section 1 of P.L.1947, c.167 (C.19:32-26), and an individual shall be appointed to fill the office of deputy superintendent of elections pursuant to section 1 of P.L.1992, c.17 (C.19:32-26.1), in a county if the offices are re-established pursuant to section 2 of P.L.2018, c.163 (C.19:32-55).

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

C.19:32-26 Office of superintendent of elections.

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

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

The office so established shall be filled by some suitable person who shall be nominated by the Governor with the advice and consent of the Senate for a term of five years from the date of his appointment and until his successor is appointed and shall have qualified. In the event that no such appointment to such office is made within 30 days following the taking effect of the ordinance or resolution, heretofore or hereafter adopted, of the governing body

of the county, as herein provided, then the governing body of the county shall appoint some suitable person to fill such office for a term of five years from the date of appointment and until the successor of such person is in the same manner appointed and shall have qualified. The governing body shall file notice of such appointment in the office of the Secretary of State.

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

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

5. This act shall take effect immediately.

Approved December 20, 2018.