

**MINUTES OF COMMISSION MEETING
November 21, 2002**

Present at the meeting of the New Jersey Law Revision Commission held at 153 Halsey Street, 7th Floor, Newark, New Jersey, were Commissioners Albert Burstein, Peter A. Buchsbaum, and Hugo M. Pfaltz, Jr. Professor Bernard Bell of Rutgers Law School, Newark, attended on behalf of Commissioner Stuart Deutsch and Professor William Garland of Seton Hall Law School attended on behalf of Commissioner Patrick Hobbs.

Minutes

The Commission approved the Minutes of the October 17, 2002 meeting as submitted.

Election Law

The Commission reviewed the timeline and approved the following changes:

1. On page one of the timeline:
 - a. 47 days for a drawing for the placement of candidates on a primary ballot in 4-5(c)(2) will be changed to 43 days; and
 - b. 35 days for preparing the primary ballot in 4-5(c)(2) will be changed to 30 days.
2. On page two of the timeline:
 - a. 48 days for the filling of a vacancy for a candidate for elector in 8-14(f) will be changed to 25 days;
 - b. 48 days for making the pre-election day ballot available in 19A:6-3(a) will be changed to 30 days;
 - c. 10 days for the transmission of the polling records to the counties in 19A:2-10 will be changed to 21 days and comments regarding this change will be monitored; and
 - d. the reference to 10 days for removing the names of void nominations from the ballot in 9-6(a) will be deleted. The 30-day limit in 9-4 will control.
3. On page three of the timeline:
 - a. 48 days for the pre-election day ballot to be available in 19A:6-3(a) will be changed to 30 days; and
 - b. The time for the drawing for the placement of candidates on the ballot in 19A:4-5(c)(2) will be 43 days.
4. On page four of the timeline:
 - a. With regard to 19A:2-10, the comments by Donna Kelly are correct, and the time for preparation of polling records will be changed to 21 days from ten days before the election;
 - b. The 14 day time period erroneously included in 19A:4-13(c) will be changed to 30 days;
 - c. The language of 19A:6-6(b) will be changed from absentee to "pre-election day ballot";
 - d. The time limitation in 19A:8-13 should be modified to permit replacement

candidates up to 20 days before the election to give a party time to react to the withdrawal of a candidate;

e. In 19A:8-14(f) the 48 day time period will be changed to 25 days; and

f. The time period of 10 days in 19A:9-4 will be deleted since it is inconsistent with other provisions.

Chairman Burstein also suggested that language be included in the statute clarifying that when deadlines are being established, the deadlines are said to fall on the first business day (not Saturdays, Sundays or holidays). It was noted that this could present a problem for some of the shorter time frames in the event of a holiday weekend.

Commissioner Pfaltz suggested that the language of 19A:8-14(a) should include language clarifying that it pertains to situations in which a candidate dies, becomes disabled, is convicted, withdraws or becomes otherwise ineligible and that under those circumstances, the name of the ineligible candidate remains on the ballot and, if elected, the issue is addressed pursuant to the vacancy section.

In the comment on page 56 of the draft, the words “things like” will be changed to “shall include” or other suitable language.

After much consideration, the Commission chose to revise the draft language of 19A:1-1(a) to go back to a Commission on Elections comprised of four members, rather than five since it was not at all clear that the addition of the fifth member would address the problems sought to be corrected, and it appeared that the addition of that member would cause other problems. In the third line of the Comment to that section, the extra period and the extra spaces will be deleted from after the first sentence.

In 19A:1-3 “their” will be changed to “There”.

With regard to enforcement issues, staff will review federal law to determine whether it is acceptable to have disputes arising under 19A:1-11 resolved by the courts, or whether it is necessary to have a distinct administrative complaint procedure. As far as the enforcement of regulations generally, no language will be added specifying whether or not the Commission may enforce its own regulations, and disputes arising thereunder. Doing so would require an expense that the Commission has not yet considered.

In 19A:1-13(a) the language will be changed to clarify that poll officials must be residents of the county in which they will be serving. The last sentence in 19A:1-13(b) will be removed. In 19A:1-13(d), the language shall be modified to permit the money paid to poll officials to be adjusted every five years, and to have individuals who work less than a full day paid a proportional share of the daily figure, rather than an hourly figure.

In 19A:2-3(a)(9), the language will be changed to read “license; if not” and in 19A:2-3(c)(3), the word “any” will be removed.

Miscellaneous

The next meeting is scheduled for December 19, 2002.