

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5117

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2024

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 5117.

This bill increases the number of signatures required for candidates to be eligible to be placed on primary, general, nonpartisan municipal, and school election ballots.

On October 24, 2024, the General Assembly passed AR167, which established the “Assembly Select Committee on Ballot Design.” During the following public hearings the Select Committee heard testimony from election experts that the signature threshold for candidate nominating petitions could be considered unusually low.

Neighboring states of Pennsylvania and New York, states with population sizes relatively similar to New Jersey, require significantly more signatures than does this State. Additionally, States such as California and Colorado require as many as 2,000 and 1,000 nominating petition signatures, respectively, from qualifying voters in order to appear on the ballot. This bill will bring New Jersey more in line with its peer states, but far below states such as California and Colorado, and will correct New Jersey’s outlier status.

The Select Committee also heard testimony from the public that nominating petition signature requirements should be increased, because too many candidates on the ballot make the ballot unmanageable from the perspective of voters.

Indeed, the Supreme Court of the United States has also recognized a State interest in requiring “candidates to make a preliminary showing of substantial support in order to qualify for a place on the ballot, because it is both wasteful and confusing to encumber the ballot with the names of frivolous candidates.” Anderson v. Celebrezze, 460 U.S. 780 (1983).

Moreover, the Supreme Court of the United States has recognized that the State has an interest in requiring a significant modicum of support to be shown before printing a name on a ballot in order to avoid voter confusion. Jenness v. Fortson, 403 U.S. 431 (1971).

More recently, the United States Court of Appeals for the Third Circuit, the jurisdiction which includes New Jersey, stated in a case upholding Pennsylvania's petition requirements that the State has a legitimate interest in "avoiding ballot clutter and ensuring viable candidates." Rogers v. Corbett, 468 F.3d 188 (2006).

Too many unserious and frivolous candidates that lack support from their community complicates ballot design, provides opportunity to confuse and misdirect voters away from candidates who have the support of their community, and erodes voter confidence in elected representative democracy.

Furthermore, the signature requirements for nominating petitions under current law have existed at least since the reorganization of the New Jersey Revised Statutes completed in 1937. Eighty-seven years later, this has created imbalanced thresholds requirements.

Current law requires at least 50 signatures to appear on the primary ballot in a municipality having a population greater than 14,000. As a result, municipalities with 20,000 residents and municipalities with 75,000 residents are required to meet the same signature requirement. Revising the signature requirements will promote fairness in the nominating petition process by better reflecting the population of New Jersey in 2024 and beyond.

Accordingly, this bill updates and increases the signature requirements for candidates to be placed on a primary election ballot in this State.

Direct Nominating Petitions for General Elections

Under this bill, candidates running for an office in a general election will be required to collect signatures on their direct nominating petitions for the general election of at least five percent, an increase from at least two percent, of the entire vote cast for members of the General Assembly at the last preceding general election held for the election of all of the members of the General Assembly, in the State, county, district, or other political division in and for which the nominations are made.

Under this bill, candidates running for a Statewide office in a general election will be required to collect 2,000 signatures on their direct nominating petitions, an increase from 800. Candidates running for any other office will be required to collect no more than 250 signatures on their direct nominating petitions, an increase from 100.

Nominating Petitions for Primary Elections

Under this bill, candidates running for a Statewide office in a primary election will be required to collect 2,500 signatures on their nominating petitions, an increase from 1,000; candidates for a

congressional seat will be required to collect 500 signatures, an increase from 200; and candidates for the Senate and General Assembly will be required to collect 250 signatures, an increase from 100.

Under this bill, candidates for a countywide position in a primary election will be required to collect at least one percent of the total vote cast by the voters of that political party at the last preceding primary election held for the election of that party's candidates for the General Assembly, or at least 300 signatures, whichever is less.

Under the bill, the signature requirements for candidates running for office in a primary election in a municipality will be either at least five percent of the total vote cast by the voters of that political party at the last preceding primary election held for the election of that party's candidates for the General Assembly, or a certain number of voter signatures based upon the municipality's population, whichever is less, as follows:

at least 100 in municipalities with a population over 100,000;

at least 75 in municipalities with a population over 50,000 and up to 100,000;

at least 50 in municipalities with a population over 25,000 and up to 50,000;

at least 25 in municipalities with a population of 25,000 or below, or any ward of any municipality.

Candidates running in a single election district in a primary election will be required to collect 10 signatures, which remains the same as under current law.

In no case will a petition be permitted to be signed by less than one person.

Nominating Petitions for School Elections

Under this bill, candidates for a school election will be required to collect 25 signatures on their direct nominating petitions, an increase from 10.

Nominating Petitions for Nonpartisan Local Elections

Under this bill, candidates for a nonpartisan municipal office will be required to collect five percent, an increase from at least one percent, of the registered voters of the municipality or the ward, as the case may be, or equal to a number based upon the population of the municipality or ward, whichever is less, as follows:

(1) at least 100 in municipalities or wards having a population in excess of 100,000;

(2) at least 75 in municipalities or wards having a population in excess of 50,000 and up to 100,000;

(3) at least 50 in municipalities or wards having a population in excess of 25,000 and up to 50,000;

(4) at least 25 in municipalities or wards having a population of 25,000 or below.

Publication of Petitions

Lastly, the bill also requires that the Secretary of State publish the forms required to be used for certain nominating petitions by January 1 in each year when a primary election is going to be held. Making the nominating petition forms available by January 1 of each year gives candidates the time and opportunity to meet the requirements enumerated in this bill.