

EXECUTIVE ORDER NO. 216

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, and 215 issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, and January 19, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act, N.J.S.A. App. A:9-33 et seq. and the Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq., to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183,

Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, Nos. 210-211, and Nos. 214-215 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, on March 19, 2020, I issued Executive Order No. 105, which required the electronic collection and submission of political party candidate and delegate petitions through an online form created by the Secretary of State; and

WHEREAS, On April 8, 2020, I issued Executive Order No. 120, which extended the required electronic collection and submission of petitions through an online form to Independent candidates seeking direct nomination for the general election; and

WHEREAS, on April 29, 2020, I issued Executive Order No. 132, which allowed for the submission of initiative and referendum petitions electronically in addition to submission by hand delivery and which required the collection of signatures via an online form created by the Secretary of State; and

WHEREAS, P.L.2020, c.55 subsequently codified the standards adopted by Executive Order Nos. 105, 120, and 132 (2020) for the collection of signatures and submission of petitions; and

WHEREAS, full participation in the electoral process, both as a voter and as a candidate, is essential to a strong democracy; and

WHEREAS, our knowledge about COVID-19 and its transmission is more advanced than it was in March of 2020, and we now know that contact with contaminated surfaces is not the primary method by which COVID-19 is spread; and

WHEREAS, social distancing and other measures critical to limiting the spread of COVID-19 can sometimes require greater time and resources to meet certain obligations under elections law than would otherwise be required; and

WHEREAS, given the fast approach of an election cycle in which hundreds of elected offices are to be filled, including all 80 seats in the New Jersey General Assembly and all 40 seats in the New Jersey Senate, it remains vital that every appropriate option, consistent with social distancing and other precautions, be available for the collection and submission of petitions and signatures; and

WHEREAS, permitting the collection of signatures and the submission of petitions both electronically and, consistent with proper health guidance, in person will facilitate the greatest involvement in the electoral process and will better allow qualified candidates to meet the nomination requirements under the law; and

WHEREAS, states generally have discretion to dictate the time, manner, and place of elections in the absence of controlling federal law; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Secretary of State, county clerks, municipal clerks, board of education secretaries, and fire district board secretaries shall allow for any candidate, delegate, recall, initiative, referendum, or other petition required to be filed

prior to an election to be submitted by hand delivery and electronically.

2. The Secretary of State, county clerks, municipal clerks, board of education secretaries, and fire district board secretaries shall accept petitions with hand-written signatures and signatures collected via an online form created by the Secretary of State.

3. The respective filing officer for the petition shall develop the procedures for the electronic submission and signing of petitions, and of any required oaths, certifications and affidavits, which documents shall be submitted to such filing officers as are designated under law, notwithstanding any provision of P.L.2020, c.55 to the contrary.

4. The requirements of N.J.S.A. 19:23-7, N.J.S.A. 19:23-15, and N.J.S.A. 19:13-8 that a candidate provide a notarized oath of allegiance shall be in effect regardless of whether a petition is submitted by hand delivery or electronically.

5. Any required notarial acts may be conducted consistent with P.L.2020, c.26.

6. Any provision of P.L.2020, c.55 that is inconsistent with this Order is suspended for the duration of the Public Health Emergency first declared in Executive Order No. 103 (2020).

7. Paragraph 3 of Executive Order No. 132 (2020), to the extent inconsistent with this Order, is superseded.

8. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or might in any way conflict with any of the provisions of this Order, or that will or might in any way interfere with or impede its achievement.

9. This order shall take effect immediately and shall apply to any petition that is due or may be submitted during the Public Health Emergency, first declared in Executive Order No. 103 (2020).

GIVEN, under my hand and seal this
25th day of January,
Two Thousand and Twenty-one,
and of the Independence of
the United States, the Two
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor