

ORDER ON MOTION

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GIUSEPPE GRILLO, JOSEPH DANIELSEN AND  
MARIE CORFIELD  
V.  
GOVERNOR CHRISTOPHER J. CHRISTIE

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-004648-12T2  
MOTION NO. M-006167-12  
BEFORE PART B  
JUDGE(S): JANE GRALL  
ELLEN L KOBLITZ  
ALLISON E. ACCURSO

MOTION FILED: 06/10/2013  
ANSWER(S) 06/11/2013  
FILED:

BY: GIUSEPPE GRILLO  
BY: CHRISTOPHER CHRISTIE

SUBMITTED TO COURT: June 10, 2013

ORDER

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THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS, ON THIS 13th day of June, 2013, HEREBY ORDERED AS FOLLOWS:

MOTION BY APPELLANT

MOTION FOR EMERGENT RELIEF                      OTHER

SUPPLEMENTAL:

For the reasons stated hereinafter, we reject this challenge to the writ of election issued by the Governor.

On June 7, 2013, plaintiffs, asserting status as New Jersey residents and taxpayers, applied for and were granted leave to file "a motion for emergent relief and a notice of appeal . . . by no later" than noon on June 10, 2013.<sup>1</sup> They challenge a writ of election signed by

<sup>1</sup> On June 11, 2013, three motions for leave to appear as amicus curiae were submitted to this court along with proposed amicus briefs. The parties seeking to appear as amici in this matter are: 1) New Jersey Citizen Action and New Jersey Citizens United; 2) New Jersey Black Issues

Governor Chris Christie on June 4, 2013.<sup>2</sup> See R. 2:2-3(a)(2); Vas v. Roberts, 418 N.J. Super. 509, 516, 519 (App. Div. 2011). The writ schedules a special election to fill a vacancy in the representation of this State in the United States Senate. The vacancy was created on June 3, 2013, as a consequence of the death of the Honorable Frank R. Lautenberg, United States Senator for the State of New Jersey. The writ schedules a special primary election for August 13, 2013, and a special general election for October 16, 2013. There is a general election scheduled for November 5, 2013, twenty days after the last of the special elections to fill the vacancy.

The Federal Constitution addresses the filling of vacancies "in the representation of any State in the Senate." U.S. Const. amend. XVII. It provides that "the executive authority of such State shall issue writs of election to fill such vacancies . . . by election as the legislature may direct." Ibid. In addition, the amendment permits a state legislature to authorize the executive "to make temporary appointments until the people fill the vacancies by election." Ibid.

Convention, National Black Disability Council, South Jersey Black Political Caucus, Liberian Community Association of Newark, Minority Caucus of Monmouth County, Somerset County Democratic Hispanic Caucus and Indo-American Cultural Association; and 3) New Jersey Appleseed Public Interest Law Center, Inc. The parties were given an opportunity to respond to the amici motions, and the Governor filed a brief opposing the motions and alternatively responding to the proposed amici briefs. Having considered the opposition, we granted all three motions to appear as amici.

<sup>2</sup>The Governor's writ of election is available on the Department of State's website. Also included on the website are timelines of important dates for voters, candidates and election officials. Ibid. N.J. Div. of Elections, N.J. Dep't of State, <http://www.state.nj.us/state/elections/index.html> (last visited June 13, 2013). For ease of access, we have provided a copy of those timelines as an appendix.

Our Legislature has adopted legislation granting and channeling our Governor's authority to fill such vacancies in the United States Senate. Elections are authorized where the vacating senator's term expires more than six months after "the happening of the vacancy." N.J.S.A. 19:27-4. Senator Lautenberg died about one and one half years before his term was set to expire in January 2015. Thus, an election to fill his seat was authorized.

Two statutes specifically address the scheduling of the elections that are authorized to fill a vacancy in this office, N.J.S.A. 19:3-26 and N.J.S.A. 19:27-6. They both provide for the election to be held during the first or second regularly scheduled primary and general elections following the vacancy. The sole factor that controls whether the seat will be filled at the first or second primary and general elections following the happening of the vacancy is the time the vacancy occurs relative to the date of the regular primary and general elections.

But the statutory scheme for filling a vacancy left by one of this State's United States senators at scheduled elections is not rigid. Under both statutes, the election is to be held at the first or second scheduled general election, "unless the governor of this State shall deem it advisable to call a special election." N.J.S.A. 19:3-26; accord N.J.S.A. 19:27-6.

In allowing the governor to call a special election as he or she "shall deem it advisable," the Legislature has delegated broad authority to the State's governor, in whom our Constitution vests the executive power. N.J. Const. art. V,

§ 1, ¶ 1. The breadth of this authority delegated by the legislative branch to the executive branch cautions against review that would usurp decisions left to and made by the other branches of government. Texter v. Dep't of Human Servs., 88 N.J. 376, 382-83 (1982).

Accordingly, the Governor's decision to exercise the authority the Legislature has given him to schedule the elections needed to fill the vacancy left by Senator Lautenberg's passing as he "shall deem it advisable" is reviewable only for constitutional and statutory violation. See In re Veto by Governor Christie, 429 N.J. Super. 277, 290-93 (App. Div. 2012) (discussing cases where the judiciary has reviewed executive action). Our courts' limited focus on only constitutional and statutory violations when reviewing gubernatorial action – the narrow circumstances in which courts can and should identify duties and breach, Gilbert v. Gladden, 87 N.J. 275, 281 (1981), – avoids improper intrusion into matters committed to other branches of government without shirking judicial responsibility. There are claims before us based on disagreement with policy decisions not dictated by Constitution or statute – such as, the wisdom of the expenditure required to conduct a special election and the potential administrative practicalities of conducting a special election so close in time to a scheduled election. They are beyond the scope of our review because they are committed to other branches of government.

Plaintiffs do not claim that the authorizing statutes violate the State or Federal Constitution. As previously noted, the Seventeenth Amendment provides the several states authority to allocate responsibility for filling vacancies through state laws implemented by

their respective governors to permit the voters to fill the vacancy following any statutorily authorized temporary appointment. And neither plaintiffs nor any of the amici contend that New Jersey's statutory scheme impermissibly infringes upon the right to participate in the selection of a candidate or choose among them. See N.J. Democratic Party, Inc. v. Samson, 175 N.J. 178, 186-87, cert. denied, 537 U.S. 1083, 123 S. Ct. 673, 154 L. Ed. 2d 582 (2002).

In accordance with the foregoing standards, we turn to address the arguments presented. The first focus is on the statutory claims.

Because Senator Lautenberg died on the day prior to the primary election, N.J.S.A. 19:27-6 governs. It provides:

If the vacancy happens in the representation of this State in the United States Senate the election shall take place at the general election next succeeding the happening thereof, unless the vacancy shall happen within 70 days next preceding the primary election prior to the general election, in which case it shall be filled by election at the second succeeding election, unless the Governor shall deem it advisable to call a special election therefor, which he is authorized hereby to do.

[N.J.S.A. 19:27-6 (emphasis added).]

Without question, the Governor was authorized to call a special election in this circumstance, where the vacancy occurred one day prior to the primary.

Plaintiffs argue that the Governor is not, however, authorized to schedule a special election under the terms of N.J.S.A. 19:3-26. That statute provides:

If a vacancy shall happen in the representation of this State in the United States senate, it shall be filled at the general election next succeeding the happening thereof, unless such vacancy shall happen

within 70 days next preceding such election, in which case it shall be filled by election at the second succeeding general election, unless the governor of this State shall deem it advisable to call a special election therefor, which he is authorized hereby to do.

. . . .<sup>3</sup>

[N.J.S.A. 19:3-26 (emphasis added).]

Our courts read statutes together and attempt to reconcile any apparent conflicts. Oches v. Twp. of Middletown Police Dep't, 155 N.J. 1, 12 (1998). When interpreting election laws, wider voter participation is preferred. Samson, supra, 175 N.J. at 190.

The facts of this case demonstrate why N.J.S.A. 19:3-26 cannot be reasonably interpreted to preclude the calling of a special election where N.J.S.A. 19:26-7 permits one. Because Senator Lautenberg died one day before the primary, N.J.S.A. 19:26-7 precluded the filling of his office through a general election until the general election following the November 5 election. The Legislature, however, authorized the Governor to fill that seat earlier by calling a special election as provided in N.J.S.A. 19:27-6.

Turning to N.J.S.A. 19:3-26, plaintiffs conclude that the Governor was not authorized to call a special election pursuant to that statute. They argue that N.J.S.A. 19:3-26 required this office to be filled at the first general election following the November 5 election because the authorization to call a special election provided in N.J.S.A. 19:3-26

<sup>3</sup> The remainder of N.J.S.A. 19:3-26 addresses a temporary appointment to fill a vacancy caused "by reason of any cause other than the expiration of the term . . . until a special election or general election shall have been held pursuant to law and the Board of State Canvassers can deliver to his successor a certificate of election." A temporary appointment was made on June 6, 2013.

applies only when a vacancy occurs within seventy days of the next general election and this vacancy occurred much earlier.

The Governor submits that plaintiffs misinterpret N.J.S.A. 19:3-26 because the authorization to call a special election in N.J.S.A. 19:3-26 applies to the entire statute, not just the seventy-day clause that precedes it. In the Governor's view, the comma preceding the authorizing clause demonstrates the Legislature's intention to authorize a special election whether the vacancy occurs fewer or more than seventy days before the general election. There is authority supporting the Governor's interpretation of the significance of the comma preceding the authorizing clause. See M.F. v. Dep't of Human Servs. Div. of Family Dev., 395 N.J. Super. 18, 37-38 (App. Div. 2007); In re Dep't of Cmty. Affairs Order of March 15, 1988, 232 N.J. Super. 136, 141-42 (App. Div. 1989); Gudgeon v. Cnty. of Ocean, 135 N.J. Super. 13, 17 (App. Div. 1975).

Moreover, the Governor's interpretation avoids a conflict between the statutes; it does so in a manner that is wholly consistent with the courts' obligation to interpret election statutes in favor of voter participation. Without a special election, this seat would be filled by an appointee for the remainder of the term. Consequently, we have no doubt that the Governor's call of a special election was not in violation of N.J.S.A. 19:3-26. We stress that our broad reading of the authorization in N.J.S.A. 19:3-26 is limited by the facts of this case, one in which N.J.S.A. 19:27-6 permits the call of a special election. In this circumstance, it would be wholly absurd to conclude that the Legislature intended to authorize a special election in N.J.S.A. 19:27-6

and preclude it in N.J.S.A. 19:3-26, even if the punctuation the Legislature chose did not support a contrary reading, as the punctuation used plainly does.

We turn to consider plaintiffs' objections to the timing of these special elections. A governor's authority to schedule special elections is statutorily limited only by N.J.S.A. 19:27-6. The time limitations run from the date a governor issues the writ of election. In pertinent part, N.J.S.A. 19:27-6 provides:

In the case of a vacancy in the representation of this State in the United States Senate or House of Representatives, the writ may designate the next general election day for the election, but if a special day is designated, it shall specify the cause and purpose of such election, the name of the officer in whose office the vacancy has occurred, the day on which a special primary election shall be held, which shall be not less than 70 days nor more than 76 days following the date of such proclamation, and the day on which the special election shall be held, which shall be not less than 64 nor more than 70 days following the day of the special primary election. The writ shall also specify the day or days when the district boards shall meet for the purpose of making, revising or correcting the registers of voters to be used at such special election.

Plaintiffs do not, and could not, claim that the dates and times fixed in this writ deviate from the timeframe set forth in the statute.

The writ provides:

WHEREAS, as of June 3, 2013, a vacancy exists in the representation of this State in the United States Senate due to the passing of the Honorable Frank R. Lautenberg; and

WHEREAS, New Jersey law requires that a Writ of Election be issued by the Governor of the State of New Jersey prescribing the dates for a Primary and General Election for the purpose of filling such vacancy;



NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, pursuant to the provisions of N.J.S.A. 19:27-4, N.J.S.A. 19:27-6, and N.J.S.A. 19:3-26, hereby issue this Writ of Election directing that a special General Election be held to fill the unexpired term for the office of United States Senator on October 16, 2013. The nomination of political party candidates to fill such vacancy shall be made in the manner provided by law on August 13, 2013, 70 days after the issuance of this Writ and 64 days before the October 16, 2013 special General Election. Direct nominations by petition shall be filed no later than the day of the August 13, 2013 special Primary Election.

Without question, the Legislature has authorized the Governor to select the date of the special elections, which can be accomplished by assigning the statutory dates backward from the date for a special general election that the Governor deems advisable before issuing the writ. The Legislature could have, but did not, limit that discretion, and its breadth must have been as obvious to the Legislature at the time it was written as it is now. Because of the date of Senator Lautenberg's death, this special election could have been scheduled for the same date as the general election. As noted at the outset of this order, objections to the costs of this election are matters of policy that, in our view, are not questions for the court. The question for us is whether the date selected is in violation of the law or Constitution, and we conclude that it is not.

Plaintiffs and amici argue that the close proximity of the dates of the special general election and the November 5 general election – twenty days – will lead to voter confusion and generally burden the exercise of the right to vote, especially for voters on military duty and those with disabilities. Having reviewed these arguments, the pertinent state and

federal statutes and the public listing of the dates for mail-in balloting for these special elections, we find these arguments lack sufficient merit to warrant discussion in a written opinion given the time constraints under which we are operating. R. 2:11-3(e)(1)(E).

With respect to the constitutional issue – whether the right to vote has been impermissibly burdened – participation in a general and special election, rather than just a general election, is more burdensome. But the proximity of the dates of these elections does not add to the time or effort required to participate in both a general and special election on different dates. One who wishes to participate in both must vote twice. Whether the proximity of these elections burdens any voter more than participating in two elections further apart in time is a matter of speculation. There is no evidence suggesting that it does.

Plaintiffs and Appleseed, as amicus, urge us to invalidate the writ based on "logistical difficulties inherent in using the same voting machines in such a truncated time period," which they claim imperil the orderly conduct of the general election that will follow the last special election by only twenty days. The alleged difficulties were not addressed in the opposition brief submitted on the Governor's behalf but were addressed in its brief opposing the motions to appear as amicus filed on June 12, 2013.

Expounding on plaintiffs' argument, Appleseed submits that it is simply not feasible to conduct two state-wide elections within twenty days of one another. It notes that the Division of Elections reports that the combined number of voting machines across all twenty-one counties exceeds 11,000, and that a substantial majority of them are

deployed on election day in the State's approximately 6400 electoral districts. Appleaseed contends that prior to the November 5 election each of those machines (as well as some number of additional machines reserved to replace any machine failing to function on election day) must be properly programmed to tabulate and record each vote and tested to ensure proper performance before delivery to the polling places.

Importantly, Appleaseed notes that N.J.S.A. 19:52-6 requires impoundment of those machines used in the primary election for fifteen days following it. No certification by any election official on behalf of the Governor has been submitted addressing this issue, but the brief submitted on his behalf notes that N.J.S.A. 19:52-6 permits a court to order "early access to voting machines where necessary" and asserts that "[c]ertainly the need for voting machines for an upcoming election is a justifiable reason to safeguard the electoral process."

Thus, it would appear that the executive branch is relying, at least in part, on its ability to access the voting machines within the impoundment period in order to ready those machines for the general election. Any reliance on the court's authority to free the machines before the statutory period of impoundment poses a potential conflict with the fifteen days a candidate in the special election has to seek a recount. N.J.S.A. 19:28-1. While the question is not before us, it is not readily apparent to us that the judicial authority to shorten the fifteen-day impoundment period extends beyond the circumstances mentioned in N.J.S.A. 19:52-6. As noted, the fifteen day impoundment period required by N.J.S.A. 19:52-6 coincides with the fifteen days candidates have to demand a recount under N.J.S.A. 19:28-1. To the extent the

orderly conduct of the November 5 general election requires early release of the voting machines impounded after the special election, it could limit the rights of the candidates in the special election. And if they are not released, it could affect the rights of the voters in the November 5 election. The Legislature set the time frames governing nomination and election "'to afford the various election officials sufficient time in which to attend to the mechanics of preparing for the general election.'" Samson, supra, 175 N.J. at 194 (quoting Kilmurray v. Gilfert, 10 N.J. 435, 440 (1952) (construing N.J.S.A. 19:13-20 regarding the filling of vacancies occurring after the primary)). We view this as a significant issue.

Although plaintiffs have raised and amici have more particularly addressed the feasibility of reprogramming, retesting and redeploying the thousands of voting machines needed for the special election in time for their use in the general election accounting for the impoundment period specified in N.J.S.A. 19:52-6, neither they nor the State have submitted any certifications addressing this issue. Thus, while the issue may be a significant one, invalidation of the writ on this ground is unwarranted. We view the potential for problems it may create in conducting the general election at this point as a matter committed to the Governor and relevant to his determination as to whether the date of this special election, dictated by his writ, is "advisable." In our view, there is no question of statutory or constitutional violation that is ripe, and, as the State's Chief Executive Officer, the Governor's policy decision and assessment of the feasibility of accomplishing it is not reviewable.

There is one final issue warranting brief discussion. Plaintiffs urge us to invalidate this writ because it does not include everything that N.J.S.A. 19:26-7 requires. Specifically, they note that the writ does not "specify the day or days when the district boards shall meet for the purpose of making, revising or correcting the registers of voters to be used at such special election." N.J.S.A. 19:26-7. This portion of the statute has not been amended since its enactment in 1930. L. 1930, c. 187, § 339; see also L. 1957, c. 3, § 1 (modifying only the phrase introducing the quoted language).

As the Governor argues, the district boards are no longer responsible for maintenance of the registry lists. Pursuant to N.J.S.A. 19:31-2, the "commissioner of registration" for each county – who is either the superintendent of elections or, in counties where there is no superintendent, the secretary of the county board – "shall have complete charge of the registration of all eligible voters within their respective counties." This commissioner "shall be responsible for adding to, deleting from, amending and maintaining the records of persons registered to vote in the commissioner's county contained in the Statewide voter registration system." N.J.S.A. 19:31-2.

For each election, voters are permitted to register on or before the twenty-first day preceding the election. N.J.S.A. 19:31-6.1. The commissioners of registrations are not required to certify and submit the registry lists to the county clerks for use in an election until eight days preceding the election. N.J.S.A. 19:31-18. This ensures ample time for the commissioners to update the lists with any newly registered voters.

The fear of plaintiffs and amici that registers will be delivered prior to the deadline for voter registration is based on a misguided reading of N.J.S.A. 19:27-14, which calls for delivery of signature copy registers at least thirty days prior to a special election. That statute, however, does not require early delivery of the registers of voters, and N.J.S.A. 19:27-6 only requires the "making, revising or correcting [of] the registers of voters to be used at such special election," not the signature copy registers. (Emphasis added). Given the clarity of the statutes, we do not find the failure to reference the district boards and set a date for the maintenance of the registers fatal to the writ.

FOR THE COURT:



JANE GRALL, J.A.D.

Appendix

Important Dates for Voters

2013 Special Primary Election for Office of U.S. Senate

June

June 19 – Deadline for Change of Party Affiliation Declaration Forms for Primary Election to be filed with County Commissioners of Registration

July

July 23 – Voter Registration Deadline for Primary Election

August

August 6 – Deadline to Apply by Mail for a Mail-In Ballot for Primary Election

August 9 – Deadline for Application to Receive Primary Election Mail-In Ballots by Electronic Means for Qualified Overseas Civilian and Military Voters

August 12 – by 3:00 p.m. – Deadline for In-Person Submission of Mail-In Ballot Applications for Primary Election

August 13 – Special Primary Election Day

August 13 – by 8:00 p.m. – Deadline for Submission of Mail-In Ballots for Primary Election to County Boards of Election

Important Dates for Candidates

2013 Special Primary Election for Office of U.S. Senate

June

June 10 – by 4:00 p.m. – Nomination Petition Filing Deadline for Primary Election

June 13 – Deadline for Amendments to Defective Petitions for Primary Election Candidates

June 14 – Filing Deadline for Objections to Nomination Petitions for Primary Election Candidates

June 19 – Deadline for Determination of Petition Challenges for Primary Election Candidates

June 19 – Deadline for Change of Party Affiliation Declaration Forms for Primary Election to be filed with County Commissioners of Registration

June 19 – Deadline for Filing Certificate to Fill Vacancy of a Primary Election Candidate by the Appointed Vacancy Committee

June 20 – Transmittal of Secretary of State Certification of Primary Election Candidates to County Clerks

June 21 – County Clerk Drawing for Ballot Positions for Primary Election Candidates

June 24 – Deadline for Superior Court Filing to Protect Primary Election Candidate's Rights

July

July 23 – Voter Registration Deadline for Primary Election

July 30 – Deadline for Filing of Challenger Appointments for Primary Election

August

August 6 – Deadline to Apply by Mail for a Mail-In Ballot for Primary Election

August 12 – by 3:00 p.m. – Deadline for In-Person Submission of Mail-In Ballot Applications for Primary Election

August 13 – Special Primary Election Day

August 13 – by 8:00 p.m. – Deadline for Submission of Mail-In Ballots for Primary Election to County Boards of Election

August 23 – Canvass of Primary Election Votes and Transmittal of Results to Secretary of State by County Clerks

Full Timeline – Important Dates for Election Officials  
2013 Special Primary Election for Office of U.S. Senate

June

June 5 – June 15

Publication of Notice of Requirements to Vote in Primary Election by County Commissioner of Registration  
(notice to be published once during each of the two calendar weeks next preceding the week of the 55th day before the election.)  
N.J.S.A. 19:23-45.1

June 10

Nomination Petition Filing Deadline for Primary Election  
(before 4:00 p.m. on or before 64th day prior to election)  
N.J.S.A. 19:23-14

June 13

Deadline for Amendments to Defective Petitions for Primary Election Candidates  
(3 days after filing deadline)  
N.J.S.A. 19:23-20

June 14

Filing Deadline for Objections to Nomination Petitions for Primary Election Candidates  
(no later than 4 days after filing deadline)  
N.J.S.A. 19:13-10



June 18

Publication of Notice of Mail-in Ballot Availability for Primary Election  
by County Clerks  
(prior to the 55th day before election)  
N.J.S.A. 19:63-6

June 19

Deadline for Determination of Petition Challenges for Primary Election  
Candidates  
(9 days after the last day for filing nomination petitions)  
N.J.S.A. 19:13-11

June 19

Deadline for Change of Party Affiliation Declaration Forms for Primary  
Election to be filed with County Commissioners of Registration  
(55 days before election)  
N.J.S.A. 19:23-45

June 19

Deadline for Filing Certificate to Fill Vacancy of a Primary Election  
Candidate By the Appointed Vacancy Committee  
(55 days before election)  
N.J.S.A. 19:23-12

June 20

Transmittal of Secretary of State Certification of Primary Election  
Candidates to County Clerks  
(54 days before election)  
N.J.S.A. 19:23-21

June 21

County Clerk Drawings for Ballot Positions for Primary Election  
Candidates  
(53 days before election)  
N.J.S.A. 19:23-24

June 23 – July 22[\*]

Publication of Notice of Primary Election by County Boards of Election  
(within 30 days before close of registration for election)  
N.J.S.A. 19:12-7

\*Under current law the Primary Election is held only for the Democratic  
and Republican parties. N.J.S.A. 19:5-1.

June 24

Deadline for Superior Court Filing to Protect Primary Election  
Candidate's Rights

FILED, Clerk of the Appellate Division, June 13, 2013, A-004648-12

(12 days after petition filing deadline)

N.J.S.A. 19:13-12

June 24\*

Deadline for Preparation of Official Primary Election Ballot for Printing  
(50 days before election)

N.J.S.A. 19:14-1

\* County Commissioner of Registration is to provide notice to the two County Chairpersons of the date to inspect voting machines after they have been prepared for the upcoming election. This date will vary from county to county. N.J.S.A. 19:48-6

June 29

Commencement of Mailing of Mail-In Ballots for Primary Election  
(45 days before election)

N.J.S.A. 19:63-5, N.J.S.A. 19:63-9

July

July 23

Voter Registration Deadline for Primary Election  
(21 Days before election)

N.J.S.A. 19:31-6

July 23

Mandated Evening Voter Registration Available for Primary Election in  
Office of County Commissioners of Registration

(optional for Municipal Clerk)

(21 days before election)

N.J.S.A. 19:31-2

July 30

Deadline for Filing of Challenger Appointments for Primary Election  
(second Tuesday preceding election)

N.J.S.A. 19:7-3

August

August 4 – August 10

Publication of Notice of Primary Election by County Boards of Election  
(once during the calendar week prior to election)

N.J.S.A. 19:12-7

August 6

Deadline to Apply for a Mail-In Ballot by Mail for Primary Election  
(not less than 7 days prior to election)

N.J.S.A. 19:63-3

August 6

Publication of Challenge and Complaint Procedures for Primary Election by  
County Boards of Election  
(7 days before election)

N.J.S.A. 19:12-9

August 7

Mailing of Sample Ballots for Primary Election  
(on or before 12 noon on Wednesday preceding election)

N.J.S.A. 19:23-34

August 9

Deadline for Application to Receive Primary Election Mail-In Ballots by  
Electronic Means for Qualified Overseas Civilian and Military Voters  
(4th day before election)

N.J.S.A. 19:59-4

August 12 – by 3:00 p.m.

Deadline for In-Person Mail-In Ballot Applications for Primary Election  
(up to 3:00 p.m. on the day before election)

N.J.S.A. 19:63-3

August 12

Publication of Challenge and Complaint Procedures for Primary Election by  
County Boards of Election  
(1 day before election)

N.J.S.A. 19:12-9

August 13

Last day for Testing of Electronic Scanning Equipment for Tabulation of  
Paper Ballots for Primary Election

(day of election)

(notice to be given 48 hours prior to the start of testing)

N.J.S.A. 19:53A-8

August 12

Special Primary Election Day

N.J.S.A. 19:27-6

August 13

Nomination Petition Filing Deadline for Independent U.S. Senate  
Candidates

(before 4:00 p.m. of the day of the primary election)

N.J.S.A. 19:13-9

August 13

Deadline for Submission of Primary Election Mail-In Ballots to County  
Boards of Election

FILED, Clerk of the Appellate Division, June 13, 2013, A-004648-12

(by 8:00 p.m. on the day of election)

N.J.S.A. 19:63-16

August 14 – August 28

Impoundment Period for Voting Machines Used in the Primary Election  
(15 days following election)

N.J.S.A. 19:52-6

August 20

Deadline for Filing of Acceptance of Nomination by Successful Primary  
Election Write-in Nominee  
(7 days after election)

N.J.S.A. 19:23-16

August 23

Canvass of Primary Election Votes and Transmittal of Results to Secretary  
of State by County Clerks  
(10 days after the election)

N.J.S.A. 19:23-55

August 28

Deadline for Recount Applications for Primary Election  
(within 15 days after election)

N.J.S.A. 19:28-1

August 28

Deadline for Applications for Recheck of Voting Machines Used in the  
Primary Election  
(within 15 days after election)

N.J.S.A. 19:52-6

August 28

Deadline for Preparation of Emergency and Provisional Ballot Reports by  
Each County Board of Election for the Primary Election  
(within 15 days after the election or 3 days after the certification of  
the results of the election)

N.J.S.A. 19:53B-21; N.J.S.A. 19:53C-21

STATEWIDE

ORDER - REGULAR MOTION

PDJ