EXECUTIVE ORDER NO. 132

WHEREAS, in light of the dangers posed by COVID-19, I issued Executive Order No. 103 (2020) 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, to further protect the health, safety, and welfare of New Jersey residents by, among other things, reducing the rate of community spread of COVID-19, I issued Executive Order No. 104 (2020) on March 16, 2020, the facts and circumstances of which are also adopted by reference herein, which established statewide social mitigation strategies for combatting COVID-19; and

WHEREAS, on March 21, 2020, I issued Executive Order No. 107 (2020), superseding Executive Order No. 104 (2020) and requiring New Jersey residents to remain home or at their place of residence subject to limited exceptions, cancelling social gatherings, and limiting all restaurants and other dining establishments to offering only food delivery and/or take-out services; and

WHEREAS, as of April 28, 2020, according to the Centers for Disease Control and Prevention (CDC), there were more than 2,954,000 confirmed cases of COVID-19 worldwide, with over 202,000 of those cases having resulted in death; and

WHEREAS, as of April 28, 2020, there were more than 981,000 confirmed cases of COVID-19 in the United States, with over 55,000 of those cases having resulted in death; and

WHEREAS, as of April 28, 2020, there were over 113,000 positive cases of COVID-19 in New Jersey, with at least 6,442 of those cases having resulted in death; and

WHEREAS, on March 19, 2020, I issued Executive Order No. 105 (2020), which required the electronic collection and submission of political party candidate and delegate petitions through an online

form created by the Secretary of State in order to limit unnecessary person-to-person contact during the COVID-19 emergency; and

WHEREAS, Executive Order No. 120 (2020) 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, the New Jersey Statutes authorize voters to submit initiative and referendum petitions for a variety of purposes, including but not limited to, effectuating a change in or replacement of government, reducing or increasing a levy cap, or proposing local ordinances; and

WHEREAS, social distancing measures are required for a period of as-yet-undetermined duration, meaning unnecessary person-to-person contact must be limited; and

WHEREAS, New Jersey citizens are presently faced with the reality that exercising their statutory right to engage in direct democracy through collecting or filling out petitions may endanger their health and safety; and

WHEREAS, unless action is taken, the COVID-19 emergency will significantly hinder initiatives and referenda from meeting the petition requirements set forth in statutes, including but not limited to N.J.S.A. 40:69A-184, 40:69A-185, 40:69A-186, 40:74-10, 40:74-11, 40:41A-104, 40:41A-105 and 40:41A-106; and

WHEREAS, the full participation of voters is critical to a robust democracy; and

WHEREAS, allowing initiative and referendum campaigns to submit their petitions electronically, in addition to hand delivery, will help limit unnecessary person-to-person contact; and

WHEREAS, allowing voters to fill out and submit initiative and referendum petitions electronically, so that initiative or referendum campaigns need not physically gather petitions by going to individual voters in person, will help limit unnecessary person-to-person contact; and

WHEREAS, temporarily modifying the requirements of statutory provisions, including but not limited to N.J.S.A. 40:69A-186, 40:74-11, and 40:41A-106, to allow for electronic submission of petitions is needed to ensure voters can safely exercise their democratic rights during this unprecedented public health crisis; 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. In addition to accepting hand delivery of initiative and referendum petitions, county clerks and municipal clerks shall allow for these petitions to be submitted electronically.

2. The county clerks and municipal clerks shall also accept petitions with signatures collected via an online form. A generic template of this form shall be created by the Secretary of State, in consultation with the Department of Law and Public Safety. This form shall be available for use by May 1, 2020.

3. Following the availability of the online template form, the county clerks and municipal clerks shall require that signatures be gathered via the online template form. Hand signatures obtained prior to the effective date of this Order shall also be accepted.

4. The requirements of statutory provisions, including but not limited to N.J.S.A. 40:69A-186, 40:74-11, and 40:41A-106, that a petition circulator provide a notarized affidavit attesting to the validity of the signatures on the petition and the process by which the signatures were collected shall be suspended for initiative and referendum petitions submitted during the pendency of the public health emergency. Petition circulators who have not already notarized an affidavit shall attach a signed statement verifying the information required in statutes, including but not limited to N.J.S.A. 40:69A-186, 40:74-11, and 40:41A-106.

5. This Order shall take effect immediately. The use of the online form to gather signatures for petitions shall cease upon termination of this Order.

GIVEN, under my hand and seal this 29th day of April, Two Thousand and Twenty, and of the Independence of the United States, the Two Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor