EXECUTIVE ORDER NO. 211

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, and 210 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, and December 21, 2020, 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, and No. 210 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, as of December 21, 2020, according to the World Health Organization, there were over 75,479,000 confirmed cases of COVID-19 worldwide, with over 1,686,000 of those cases having resulted in death; and

WHEREAS, as of December 20, 2020, according to the Centers for Disease Control and Prevention (CDC), there were over 17,592,000 confirmed cases of COVID-19 in the United States, with over 315,000 of those cases having resulted in death; and

WHEREAS, as of December 20, 2020, there were over 432,000 positive cases of COVID-19 in New Jersey, with at least 16,286 of those cases having resulted in death; and

WHEREAS, there have been positive cases of COVID-19 in every county in New Jersey, and there have been deaths relating to COVID-19 in every county in New Jersey; and

WHEREAS, on March 19, 2020, I issued Executive Order No. 105, which declared that certain elections, including special school elections, set to take place in March and April were postponed until May 12, 2020, to be held concurrent with other elections scheduled for May 12, 2020, because allowing those elections to proceed as they were originally planned during this unprecedented COVID-19 health crisis would create hardships and health risks for voters, election officials, poll workers, and candidates alike; and

WHEREAS, pursuant to Executive Order No. 120 (2020), the primary election set to take place on June 2, 2020, was postponed until July 7, 2020 (“July Primary Election”), because preparing for the election to take place in June during the potential height of the COVID-19 emergency would have negatively impacted election officials’ preparation efforts; and

WHEREAS, on May 15, 2020, I issued Executive Order No. 144, which declared that the July Primary Election would be conducted primarily via vote-by-mail ballots with a minimum number of polling places open in each municipality; and

WHEREAS, Executive Order No. 144 (2020) extended the N.J.S.A. 19:23-55 deadline to certify the results of the Primary Election under by five (5) days to account for the revised timeframe that Boards of Elections had to receive vote-by-mail ballots, thereby extending the Primary Election certification deadline to July 24, 2020; and

WHEREAS, on July 13, 2020, I issued Executive Order No. 164, which postponed any election scheduled between July 7, 2020 and November 3, 2020, until November 3, 2020, and declared that no other elections may be held or proceed prior to November 3, 2020; and

WHEREAS, on August 14, 2020, I issued Executive Order No. 177, the facts and circumstances of which are adopted by reference herein, which established the voting procedures for the General Election on November 3, 2020 ("November General Election") and declared that the election would be conducted primarily by vote by mail; and

WHEREAS, Executive Order No. 177 (2020) also postponed the special school elections scheduled for December 8, 2020 until January 26, 2021, the authorized January 2021 special school election date; and

WHEREAS, on August 25, 2020, I issued Executive Order No. 179, making modifications to Executive Order No. 177 (2020) to ensure enough time to complete preparations for the November General Election and minimize voter confusion, the facts and circumstances of which are adopted by reference herein; and

WHEREAS, legislation subsequently codified the standards adopted by Executive Orders Nos. 177 and 179 (2020) and addressed other issues relating to upcoming elections; and

WHEREAS, on November 2, 2020, I issued Executive Order No. 193, postponing any run-off elections resulting from municipal elections held on the November General Election and required under N.J.S.A. 40:45-19 until December 15, 2020, in order to give county and municipal election officials enough time to send vote-by-mail ballots to all registered voters; and

WHEREAS, on November 25, 2020, I issued Executive Order No. 203 making modifications to Executive Order No. 193 (2020) to ensure enough time to complete preparations for the runoff elections required under N.J.S.A. 40:45-19 and postponing any special school elections scheduled for January 26, 2021 until the authorized March 2021 special school election date; and

WHEREAS, pursuant to N.J.S.A. 40A:14-72(a), fire district elections are held annually on either the third Saturday in February or at the time of the general election in November; and

WHEREAS, voters at fire district elections taking place on the third Saturday in February elect members to the board of fire commissioners and determine the amount of money to be raised for the ensuing year and such other matters as may be required; and

WHEREAS, a fire district holding its annual election at the time of the November General Election that seeks to exceed the property tax levy cap must submit a public question to the voters at an election to be held on the third Saturday in February pursuant to N.J.S.A. 40A:14-72(f); and

WHEREAS, according to N.J.S.A. 40A:14-70, the terms of office of fire commissioners serving in districts with February elections expire at noon on the first Tuesday in March; and

WHEREAS, State laws regarding vacancies in county and municipal offices generally require special elections within forty-five to sixty days of the occurrence of the vacancy (see, e.g., N.J.S.A.

40A:16-4, N.J.S.A. 40A:16-5, N.J.S.A. 40:16-14; and N.J.S.A. 40A:16-17); and

WHEREAS, special elections to fill vacancies in the office of mayor in Wrightstown in the County of Burlington and the office of councilperson in the Borough of Highland Park in the County of Middlesex are scheduled to occur on January 12, 2021 and January 19, 2021, respectively; and

WHEREAS, the Board of Education of the City of Clifton is proposing to schedule a special election for consideration of a bond proposal; and

WHEREAS, other boards of education may be required to schedule a special election to address matters that arise; and

WHEREAS, additional special elections may be required as several November General Election results are subject to ongoing recounts and election contests; and

WHEREAS, the COVID-19 Emergency continues to unfold alongside contemporaneous elections; and

WHEREAS, allowing upcoming elections to proceed during this unprecedented COVID-19 health crisis as they were originally planned will create hardships and health risks for voters, election officials, poll workers, and candidates alike; and

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

WHEREAS, the New Jersey Secretary of State is legally obligated to ensure that all qualified voters within the State are able to fully exercise their constitutionally protected right to vote; and

WHEREAS, the COVID-19 Emergency and its impact are likely to extend for an as-yet-undetermined period of time; and

WHEREAS, failing to take proactive actions to mitigate the spread of the virus risks further infecting election officials; 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. Any special school elections scheduled between January 12, 2021 and April 19, 2021 shall be postponed until April 20, 2021, to be held concurrently with the elections currently scheduled for that date.

2. Any fire district elections scheduled between January 12, 2021 and April 19, 2021 shall be postponed until April 20, 2021, to be held concurrently with the elections currently scheduled for that date.

3. The requirements of N.J.S.A. 40A:14-70 shall be suspended and the terms of office of board of fire commissioners shall extend until their successors are duly sworn in.

4. N.J.S.A. 40A:14-78.17 is revised to increase to thirty percent the maximum appropriations to be made under a temporary budget to cover the period between the beginning of the fiscal year and the adoption of the fire district budget.

5. The special election scheduled for January 12, 2021, in Wrightstown, in the County of Burlington, and the special election scheduled for January 19, 2021, in the Borough of Highland Park in

the County of Middlesex shall be postponed until April 20, 2021, to be held concurrently with the elections currently scheduled for that date.

6. Any election scheduled for a date between January 12, 2021 and April 20, 2021, not specifically referenced herein shall be postponed until April 20, 2021. Further, no other elections may be held or proceed prior to April 20, 2021.

7. The closing dates for the filing of candidate petitions with the clerk of the board and the county clerk, the deadline to notify the county or municipal clerk of the need to conduct a referendum, and any other deadline not specifically referenced herein shall be set and determined with reference to the date of the election established by this Order.

8. This order shall take effect immediately.

GIVEN, under my hand and seal this 21st day of December, Two Thousand and Twenty, 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