EXECUTIVE ORDER NO. 223

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, 215, and 222 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, January 19, 2021, and February 17, 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, Nos. 214-216, Nos. 219-220, and No. 222 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, On August 14, 2020, I issued Executive Order No. 177 which 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 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, to avoid hardships and health risks to voters, election officials, poll workers, and candidates alike that would have resulted from allowing certain elections to proceed as originally planned prior to the pandemic, on December 21, 2020, I issued Executive Order No. 211, which postponed until April 20, 2021 special school elections and fire district elections scheduled to take place between January 12, 2021 and April 19, 2021, as well as any other election scheduled to occur during that time, including the special election scheduled for

January 12, 2021 in Wrightstown and the special election scheduled for January 19, 2021 in the Borough of Highland Park; and

WHEREAS, in order to ensure the proper effectuation of those Orders, it is necessary to clarify certain aspects of and address circumstances arising from those Orders; 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. Elections held on April 20, 2021 shall be conducted as required by law and all applicable Executive Orders, except as otherwise provided in this Order.

2. In any municipality in which a school election and special municipal election will occur simultaneously on April 20, 2021, the rules and provisions applicable to the municipal election governing hours and polling places shall control and apply to the school election.

3. In any county in which a school election and fire district election will occur simultaneously on April 20, 2021 for a school district and fire district with overlapping boundaries:

a. where the school district encompasses only one fire district, the county clerk shall prepare one ballot including all candidates and questions for both the school election and the fire district election;

b. where the school district encompasses more than one fire district, the board of elections shall designate the polling places pursuant to the fire district boundary lines, and the county clerk shall prepare the ballots based upon the fire district boundary lines, which ballots shall reflect the candidates and questions for the school election and the fire district election with respect to each fire district;

c. the conduct of the fire district election on April 20, 2021 shall be in accordance with all applicable provisions of chapter 14 of Title 40A of the New Jersey Statutes, except that where such provisions conflict with the provisions of law governing the conduct of school elections, the provisions governing the conduct of school elections shall control; and

d. the polling places for such elections shall be open between the hours of 1:00 p.m. and 8:00 p.m., except that the polling places may be opened as early as 6:00 a.m. on the day of those elections, as determined by the board of education.

4. Any provision of law or Executive Order that is inconsistent with this Order is hereby suspended.

5. 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.

6. This Order shall take effect immediately.

GIVEN, under my hand and seal this 19th day of February, 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