



April 14, 2020

Via email and express mail

Governor Philip D. Murphy
Office of the Governor
225 W. State Street
Trenton, NJ 08625

Secretary of State Tahesha Way
NJ Department of State
PO Box 300
Trenton, NJ 08625-0300
Tahesha.Way@sos.nj.gov

Attorney General Gurbir Grewal
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25 Market Street
Trenton, NJ 08625-0080
Gurbir.Grewal@njoag.gov

Dear Governor Murphy, Secretary Way and Attorney General Grewal:

I am writing to you on behalf of Food & Water Watch, a national nonprofit advocacy organization with a very active local office and membership, to request that you further expand the reach of the Governor's March 19, 2020, Executive Order No. 105 ("Ex. Or. 105") and April 8, 2020 Executive Order 120 ("Ex. Or. 120"), permitting the electronic submission and signing of all candidate petitions, to include county and municipal referendum petitions authorized under the Optional County Charter Law, N.J.S.A. 40:41A-104 et seq., the Walsh Act, N.J.S.A. 40:74-10 et seq., the Faulkner Act, N.J.S.A. 40:69A-184, certain special municipal charters, and numerous statutory

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A

provisions found throughout New Jersey's Statutory Code. See Ex. Or. 105, attachment A; Ex. Or. 120, attachment B.

For the past several months, Food & Water Watch has worked with local residents in a campaign to initiate community energy aggregation programs with alternatives for 100% renewable electricity by 2030 in approximately 15 municipalities throughout New Jersey. Its activities, however, came to an abrupt halt over three weeks ago, when it became apparent that approaching people to sign petitions posed a serious health risk.

As a direct result, Food & Water Watch, on behalf of its 68,000 New Jersey members, supporters and volunteers, is now asking you to order the modification and/or relaxation of certain statutory provisions in a similar manner as was effected by Ex. Or. 105 and Ex. Or. 120, in order to permit the organization and local residents to continue their campaign; and, to ensure that it is able to submit petitions in a timely manner so the proposed questions and interpretative statements, which are included in its petitions, will appear on the November General Election ballot.

As you know, New Jersey's referendum laws--which grant citizens the right to initiate ordinances, to repeal ordinances and/or to approve or disapprove ordinances proposed by local government were the product of a larger reform movement during the Progressive Era of the late Nineteenth and early Twentieth Centuries that promoted direct democracy "as an antidote against special-interest control of the legislative process." Tumason v. Farina, 218 N.J. 450, 454 (2014). It is through the petition processes provided in the various acts referenced above that a majority of New Jersey residents are now able to engage in the referendum process, allowing them "the right to test a challenged ordinance in the crucible of the democratic process." In re Petition to Repeal Ordinance 04-75, 192 N.J. 446, 450 (2007) ("Ordinance 04-75"). Because the petition process plays an integral and important role in the democratic life of many New Jersey municipalities, it is our position that this critical electoral process must go on despite the current public health crisis.

At this time, New Jersey Appleseed is involved in at least one other significant initiative petition drive, which was about to be launched just when the pandemic hit. Signature requirements in that large urban municipality are significant, and social distancing mandates must be respected. We are

confident that other citizen-generated efforts have been planned or are underway throughout the State, but are now truncated due to the public health crisis. We thus believe, as a matter of public-health policy and democratic electoral rights, that a further extension of the two above-mentioned executive orders is necessary to accommodate such important political activity, which is especially vital to the success of our municipalities.

The Initiated Ordinance At Issue Herein

In August 2018, the New Brunswick City Council passed an ordinance, proposed by an initiative petition organized by Food & Water Watch, that committed the city to a 100% renewable energy supply by 2035. The ordinance was "believed to be the first municipality in the state to commit to a total green energy goal," <https://www.nj.com/news/2018/08/new-brunswick-is-leading-the-charge-for-clean-ener.html>; and it clearly met with the Governor's approval. Specifically, the Governor praised the ordinance in a tweet following the vote by the Council:

Thrilled that the New Brunswick City Council approved a measure that would put the city on the path to 100% clean energy by 2035. Cities like New Brunswick are helping New Jersey lead the way in the clean energy economy. Id.

In 2019, Food & Water Watch successfully placed a similar ordinance on the November general election ballot in Piscataway, and voters overwhelmingly approved the measure by a 63-37 margin. This year, the organization seeks to replicate their

Food & Water Watch acknowledges that Executive Order No. 107, dated March 21, 2020, which directed residents to "remain home or at their place of residence" created several exceptions including "7) leaving the home for an educational, religious, or political reason." Circulating an initiative or referendum petition constitutes political activity, although as a matter of health policy such activity is currently not advisable, as Ex. Or. 105 and Ex. Or. 120 explicitly acknowledge. It is because petitioning is permitted under the Governor's March 21, 2020 order that we believe that all petitioning activity should be similarly modified in order to protect the public health.

success in 15 additional municipalities including Edison, East Brunswick, Fair Lawn, Teaneck, Ridgewood, Hoboken, North Brunswick, South Brunswick, Perth Amboy, Long Branch, Asbury Park, Cherry Hill, Mt. Laurel, Burlington Township and Collingswood. A list of these municipalities with contact information is attached hereto as Attachment C. The Faulkner Act governs all but one of these municipalities; and the Walsh Act governs the remaining municipality, Collingswood. As of the middle of March, Food & Water Watch's petition drive had been completed in two of these municipalities; and was underway in an additional two. A copy of the Edison petition, which is one of the two completed, is attached hereto as Attachment D.

Specifically, the ordinance initiated by Food & Water Watch establishes a Government Energy Aggregation Program, the "Community Energy Aggregation" ("CEA") in accordance with state law. Under the ordinance, the CEA will solicit requests for proposals for electric generation services and energy aggregation services on behalf of the relevant municipality's residents and businesses. The CEA must be fully implemented within one year of the passage of this ordinance and provide an option where energy is sourced from 100% renewable sources by 2030. Public notice will allow non-residential energy consumers to opt into the program and residential customers to opt out. In addition to taking advantage of discounted rates through bulk purchasing, the program will help improve New Jersey's air quality and public health, while reducing harmful climate pollution and decreasing its reliance on fossil fuels. The renewable electricity will be sourced from within the area serviced by the current regional transmission organization to the maximum extent possible. The actual text of the ordinance constitutes 4 of the 6 pages of the petition.

Both the Faulkner and Walsh Acts require initiative petitions to contain at least 10% of the number of voters in the municipality who voted in the 2019 General Assembly election to be deemed sufficient. This is a significant number of signatures in many of the listed municipalities, meaning a significant number of person-to-person contacts would be necessary if certain statutory requirements were not relaxed. Typically, Food & Water Watch and local residents conduct petition outreach efforts during February through June, with the intent of filing the petition in mid-June, and no later than the first week in July. (The processing of the petition, including any litigation challenges, must be completed 50 days prior to the November election, at which time mail-in ballots must be printed and ready for distribution). The spring months often

offer circulators numerous out-door events, such as school athletic events, Memorial Day picnics, and other park-related activities, at which time they can efficiently gather signatures. This year, such opportunities are obviously gone because such gatherings are no longer permitted.

The importance of this initiative petition drive cannot be understated. It is political activity of a legislative nature that must go on if New Jersey is going to address climate warming in a responsible, coordinated manner. Accordingly, we are submitting this letter to request that the Governor issue a new executive order, which would extend, as follows, several of the directives found in Ex. Or. 105 and Ex. Or. 120 to reach all initiative and referendum petitions submitted from now until all social distancing measures warranted by the current pandemic crisis are ended.

Facilitating the Signature Gathering Requirement

We take as our starting point that the political power of New Jersey voters to initiative and referendum is a statutory right. Wright v. South Orange, 79 N.J. Super. 96 (App. 1963) (Non-Faulkner community had no right of referendum; no constitutional violation). The New Jersey Supreme Court has acknowledged the importance of such statutory right by consistently directing courts to liberally construe the statutes that provide such rights in a manner that promotes their "beneficial effects." D'Ercole v. Mayor and Council of Norwood, 198 N.J. Super. 531 (App. Div. 1984) quoting Retz v. Mayor & Council Tp. of Saddle Brook, 69 N.J. 563 (1976); see also Redd v. Bowman, 223 N.J. 87 (2015) (liberal construction and flexibility to promote purpose); In re Petition for Referendum on Trenton Ordinance 09-02, 201 N.J. 349 (2010) (same); and Ordinance 04-75, *supra*, 192 N.J. at 446 (same). The right of referendum is direct democracy in its purest sense, allowing citizens to take an appeal above the heads of their elected officials and directly to the voters who can then approve or reject an ordinance at the polls. See In re Trenton Ordinance 09-02, *supra*, 201 N.J. at 353 (stating that referendum power is an exercise in democracy that profoundly affects the relationship between the citizens and their government by affording the people the last word).

Secondly, the N.J. Supreme Court's directive to interpret referendum and initiative laws liberally and flexibly to promote robust voter participation in the affairs of local government is consistent with the letter and policy of Ex. Or. 105 and Ex. Or.

120; both of which are similarly motivated. Both Orders find that "temporary modifications of certain election requirements to permit electronic submission of petitions "are needed to keep voters engaged during this unprecedented (public health) crisis"; and that specific measures are mandated to "limit unnecessary person-person contact" by "allowing voters to fill out and submit petitions electronically, so that . . . campaigns need not physically gather petitions by going to individual voters in person." Both Orders seek to protect the rights of "voters to exercise their constitutional franchise, without jeopardizing their health and safety." See WHEREAS clauses set forth in Ex. Or. 105 and Ex. Or. 120, attachments A & B.

Specifically, the statutory petition requirements found in the Faulkner and Walsh Acts (and other referendum petition statutes) that Food & Water Watch seek to relax, are the provisions concerning the certification of the circulator, who, in the case of the Faulkner Act must attest that the he/she believes not only that the attached signatures represent the "genuine signature of the person whose name it purports to be,"² but also that the signatures were made in the circulator's presence.³ Both require such certifications to be made in the

² N.J.S.A. 40:74-11 (Petition; signatures; verification) found in the Walsh Act reads as follows:

The signatures to the petition need not all be appended to one paper but each signer shall add after his signature his place of residence, giving the street and number. One of the signers of each paper shall make an oath before an officer competent to administer the same that the statement therein made is true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

³ N.J.S.A. 40:69A-186 (Petition papers; affidavits, in the Faulkner Act provide as follows:

All petition papers circulated for the purposes of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of

presence of a notary public. In this way, Food & Water Watch is not only requesting the opportunity to submit their petitions electronically and to permit voters to sign those petitions electronically, but it is also seeking to eliminate the circulator affidavit requirement in its entirety as the Governor ordered with respect to candidate petitions. In the alternative, Food & Water Watch limits its request with respect to the circulator requirement to eliminate the notary public requirement, and, in the case of the Faulkner Act, to eliminate the need for the circulator to attest to the fact that the signature was made in his/her "presence."

We are confident that granting our request will not compromise the integrity of the initiative and referendum process. Employing similar "electronic document signing" software as used by candidates pursuant to Ex. Or. 105, Food & Water Watch contemplates undertaking the following process. We will conduct outreach to gather petition signatures through emails, text messages, and phone calls to our Food & Water Watch members and supporters in the 13 towns and cities where petition committees have been formed (but petition signature gathering has not been completed). We will also call our members, supporters and registered voters in these municipalities to educate them about the ordinance and invite them to review and sign the petition pertinent to their municipality. We will also promote the petition on our website and social media channels. All of these communication methods will have a clear and consistent message describing the petition initiative and the energy aggregation ordinance. All materials will indicate that only municipal residents who are registered voters can sign and

any such petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition paper the names and addresses of five voters, designated as the Committee of the Petitioners, who shall be regarded as responsible for the circulation and filing of the petition and for its possible withdrawal as hereinafter provided. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that all the signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

they may do so only once. People who are contacted by phone will be asked to sign immediately and the phone caller will get immediate e-notification of their signature. For those signatures collected via email, the original email sender will receive notice that the recipient signed the petition and will verify that his or her identity matches that of the intended email recipient and the name of a registered municipal voter. All signatories will be provided a receipt confirming that they are the person who signed it, that they can only sign it once, and that they are a municipal resident and registered voter. For those signatures not collected via direct email or phone call, a notification will be sent to a separate individual circulator who will confirm that the signature is that of a valid resident, signed only once, and the name of a registered municipal. The circulator will have copies of all receipts sent to voters.

As one can see from the description above, even if the circulator affidavit requirement were eliminated in its entirety (which we think it should be), Food & Water Watch intends to link each signature with a designated circulator. Furthermore, each circulator will have receipts confirming the genuineness of the signatures submitted, so if a municipal clerk felt it necessary to investigate, the circulator would be able to provide those receipts to the clerk (which would include additional identifying information that is not otherwise required to be submitted to the clerk).

The bottom line is that all petitions that will be circulated by Food & Water Watch will be uniform in their appearance and signed using electronic document signing software.

As a result of the foregoing, Food & Water Watch asserts that in light of the Governor's decision to relax the petition requirements set forth in election statutes governing candidate petitions, it would be eminently reasonable and appropriate to extend those same modifications to all types of referendum petitions. The legal considerations, the importance of the electoral rights involved, and the accommodations required to protect the public's health during the pandemic crisis have all been weighed and resolved. The legislative power of New Jersey's municipal and county voters should similarly be facilitated.

Thank-you for your anticipated consideration of our request for immediate relief. If you have any questions, do not hesitate to contact me at 212-254-6996 (which is my home phone

number). We are hoping to receive a response as soon as possible, so Food & Water Watch is able to restart its campaign.

Respectfully,

NEW JERSEY APPLESEED PUBLIC
INTEREST LAW CENTER


Renée Steinhagen, Ex. Dir.

Enclosures:

- Attachment A: Executive Order No. 105, dated March 19, 2020
- Attachment B: Executive Order No. 120, dated April 8, 2020
- Attachment C: List of Municipalities with contact information.
- Attachment D: Food & Water Watch Initiative Petition (Edison Township)

Cc: Robert Giles, Dir.
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Robert.Giles@sos.nj.gov

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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

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

Email Thread 1

From: <sdifalco@fwwatch.org>
To: <clerk@teanecknj.gov>
Sent: 3/1/2021 1:10 PM
Subject: Email Township Clerk - New Form Submission for Teaneck

A new submission has been received for Email Township Clerk at 03/01/2021 1:10 PM

First Name: Sam
Last Name: DiFalco
Email Address: sdifalco@fwwatch.org
Phone: 9732703619
Address:
City:

How can the township clerk assist you?: On January 25, Governor Murphy signed Executive Order #216, regarding the submission of petitions. Section 3 of the order states: "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. " I am writing today to request your procedures for the electronic submission and signing of initiative ordinance petitions. Thanks for your time and have a wonderful day.

This email and any files transmitted with it are privileged and confidential and may be considered advisory, consultative and deliberative material under OPRA. This communication is intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

Subject: Re: Email Township Clerk - New Form Submission for Teaneck
Date: Monday, March 8, 2021 at 8:39:56 AM Eastern Standard Time
From: Doug Ruccione, druccione@teanecknj.gov
To: Sam DiFalco, sdifalco@fwwatch.org, clerk@teanecknj.gov

Good morning.

Thank you for touching base.

As long as your petition is formatted like a petition and contains the valid/required # of signatures we will accept it for review.

Deadlines & # of signatures is not dictated by us but by State Statute, as you mention

-

Doug Ruccione
Township Clerk
Clerk's Office
Township of Teaneck
818 Teaneck Road
T. 201-837-1600, Ext. 1028

Like us on Facebook! @TeaneckNJgov
Follow us on Instagram! @TeaneckNJgov
Follow us on Twitter! @TeaneckNJgov

Subject: Re: Email Township Clerk - New Form Submission for Teaneck
Date: Monday, March 8, 2021 at 9:56:05 AM Eastern Standard Time
From: Sam DiFalco
To: Doug Ruccione, clerk@teanecknj.gov

Thank you for this information and have a nice day.

Sam DiFalco (she/her)
sdifalco@fwwatch.org

Fight like you live here.

Email Thread 2

From: Sam DiFalco <sdifalco@fwwatch.org>
To: Doug Ruccione <druccione@teanecknj.gov>, "clerk@teanecknj.gov" <clerk@teanecknj.gov>
Sent: 3/9/2021 6:42 PM

Subject: Clarifying Initiative Petition Procedures

Hello Doug,

Thank you again for sharing your procedures for submitting initiative petitions electronically. I wanted to follow up with a copy of what one of our petitions would look like using DocuSign, a computer program with signatory verification. We would greatly appreciate it if you could please review and confirm that this would be acceptable under Teaneck's procedures for electronic signatures.

Additionally, can you please identify the maximum individual attachment size and the maximum total file size for your email address? In my prior experience with other municipalities, we've seen limits of between 20 and 35 megabytes. Because our petitions are several pages long, and each one only contains a single signature, I believe this could lead to a situation where the submission of our petition papers would require multiple emails, even if they are compressed into a .zip file. We are asking you to please let us know the file size limits on this email address and if we can submit petitions in multiple emails.

Thanks very much and have a great day!

--

Sam DiFalco (she/her)
North Jersey Organizer
Food & Water Watch and Food & Water Action

C (973) 270-3619

100 Bayard St. Suite 202
New Brunswick, NJ 08901

Fight like you live here. _____

From: Doug Ruccione <druccione@teanecknj.gov>
Date: Wednesday, March 10, 2021 at 9:34 AM
To: Sam DiFalco <sdifalco@fwwatch.org>, "clerk@teanecknj.gov" <clerk@teanecknj.gov>
Subject: Re: Clarifying Initiative Petition Procedures

Hello, Sam.

No attachment!

I believe we are around a limit of 30-35MB

-

Doug Ruccione
Township Clerk
Clerk's Office
Township of Teaneck
818 Teaneck Road
T. 201-837-1600, Ext. 1028

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From: Sam DiFalco <sdifalco@fwwatch.org>
To: Doug Ruccione <druccione@teanecknj.gov>, "clerk@teanecknj.gov" <clerk@teanecknj.gov>
Sent: 3/10/2021 9:49 AM
Subject: Re: Clarifying Initiative Petition Procedures

Sorry about that. Attached here!

Sam DiFalco (she/her)
sdifalco@fwwatch.org

Fight like you live here.

From: Doug Ruccione <druccione@teanecknj.gov>
Date: Wednesday, March 10, 2021 at 9:51 AM
To: Sam DiFalco <sdifalco@fwwatch.org>, "clerk@teanecknj.gov" <clerk@teanecknj.gov>
Subject: Re: Clarifying Initiative Petition Procedures

Where are the signatures?

-

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From: Sam DiFalco <sdifalco@fwwatch.org>
To: Doug Ruccione <druccione@teanecknj.gov>, "clerk@teanecknj.gov" <clerk@teanecknj.gov>
Sent: 3/10/2021 10:06 AM
Subject: Re: Clarifying Initiative Petition Procedures

This is just an example about what one of our petitions would look like. We'd have one for each signatory. Digital signatures signed and verified using DocuSign will appear on page six.

Sam DiFalco (she/her)
sdifalco@fwwatch.org

Fight like you live here.

From: Doug Ruccione <druccione@teanecknj.gov>
Date: Wednesday, March 10, 2021 at 10:11 AM
To: Sam DiFalco <sdifalco@fwwatch.org>, "clerk@teanecknj.gov" <clerk@teanecknj.gov>
Subject: Re: Clarifying Initiative Petition Procedures

do you have an example of a fully executed petition sent to another municipality?

-

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From: Sam DiFalco <sdifalco@fwwatch.org>
To: Doug Ruccione <druccione@teanecknj.gov>, "clerk@teanecknj.gov" <clerk@teanecknj.gov>
Sent: 3/10/2021 10:23 AM
Subject: Re: Clarifying Initiative Petition Procedures

Just to clarify, you're looking for a copy of a petition that was sent to a different municipality as part of a past initiative petition?

Sam DiFalco (she/her)
sdifalco@fwwatch.org

Fight like you live here.

From: Doug Ruccione <druccione@teanecknj.gov>
Date: Monday, March 15, 2021 at 10:07 AM
To: Sam DiFalco <sdifalco@fwwatch.org>, "clerk@teanecknj.gov" <clerk@teanecknj.gov>
Subject: Re: Clarifying Initiative Petition Procedures

Sam - I apologize - we are in Budget Season and it gets a little crazy.

Yes - I am asking for a copy of what you have submitted to other towns.

-

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From: Sam DiFalco <sdifalco@fwwatch.org>
To: Doug Ruccione <druccione@teanecknj.gov>
Sent: 3/15/2021 2:05 PM
Subject: Re: Clarifying Initiative Petition Procedures

Hi Doug,

No worries, I understand. I attached a compressed folder to this email with the petition packets we submitted in East Brunswick. This was prior to the Coronavirus pandemic though so these petitions were signed in person, not through an e-signature tool. Also attached is a sample of what one of our petitions would look like this time using Docusign. I sent this last week but wanted to make sure you had it handy in case you wanted to compare.

Thanks! Please let me know if you have additional questions.

Sam DiFalco (she/her)
sdifalco@fwwatch.org

Fight like you live here.

From: Doug Ruccione <druccione@teanecknj.gov>
Date: Monday, March 15, 2021 at 2:08 PM
To: Sam DiFalco <sdifalco@fwwatch.org>
Subject: Re: Clarifying Initiative Petition Procedures

I have that example but would like to see a real petition through docuSign to assure we do not have a problem accessing that type of file.

-

Doug Ruccione
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Clerk's Office
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From: Sam DiFalco <sdifalco@fwwatch.org>
To: Doug Ruccione <druccione@teanecknj.gov>
Sent: 3/15/2021 3:25 PM
Subject: Re: Clarifying Initiative Petition Procedures

Oh okay. We don't have a real one yet but it will be in a .pdf format. That will work right?

Sam DiFalco (she/her)
sdifalco@fwwatch.org

Fight like you live here.

From: Doug Ruccione <druccione@teanecknj.gov>
Date: Monday, March 15, 2021 at 3:26 PM
To: Sam DiFalco <sdifalco@fwwatch.org>
Subject: Re: Clarifying Initiative Petition Procedures

yes a PDF works - but they will all be digital signatures? Just want to make sure its readable on our servers here - would not be cool for you go through that work then theres a tech issue

Do you work with Matt?

-

Doug Ruccione
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Clerk's Office
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From: Sam DiFalco <sdifalco@fwwatch.org>
To: Doug Ruccione <druccione@teanecknj.gov>
Sent: 3/17/2021 1:49 PM
Subject: Re: Clarifying Initiative Petition Procedures

Hi Doug,

Yes I am fairly certain they will all be digital signatures. And if there are paper petitions circulated, which I think is unlikely, we can either deliver them in person or by mail, or scan them and send as PDFs.

Please let me know if that works, and you have had a chance to review the model petition and can confirm that it would be acceptable under Teaneck's procedures for electronic signatures.

And yes I do work with Matt. Thank you for your time!

Sam DiFalco (she/her)
sdifalco@fwwatch.org

Fight like you live here.

From: Doug Ruccione <druccione@teanecknj.gov>
Date: Wednesday, March 17, 2021 at 1:55 PM
To: Sam DiFalco <sdifalco@fwwatch.org>
Subject: Re: Clarifying Initiative Petition Procedures

I do not see an issue but am wai/ng for our attorneys to weigh in.

Is a hard copy out of the ques/on for you?

Tell Matt that Doug from Ringwood is trying to make sure you guys dont waste your /me!

-

Doug Ruccione
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From: Sam DiFalco <sdifalco@fwwatch.org>
To: Doug Ruccione <druccione@teanecknj.gov>
Sent: 3/17/2021 2:34 PM
Subject: Re: Clarifying Initiative Petition Procedures

Okay thank you!

And I think we're not looking to have hard copy petitions circulated while COVID transmission is still a risk. The majority if not the entirety of the petitions would be signed using DocuSign.

Thanks, I'll let Matt know.

Sam DiFalco (she/her)
sdifalco@fwwatch.org

Fight like you live here.

From: Doug Ruccione <druccione@teanecknj.gov>
Sent: Wednesday, March 17, 2021 at 2:40 PM
To: Sam DiFalco <sdifalco@fwwatch.org>
Subject: Clarifying Initiative Petition Procedures

If possible, 1 petition with all the signatures will be preferable.

I will be intouch once I hear from our attorneys.

Only half kidding with Matt - we go back on a couple projects outside of Teaneck.

-

Doug Ruccione

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Clerk's Office
Township of Teaneck
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From: Doug Ruccione <druccione@teanecknj.gov>
Date: Wednesday, March 17, 2021 at 3:21 PM
To: Sam DiFalco <sdifalco@fwwatch.org>
Subject: Re: Clarifying Initiative Petition Procedures

Also are you able to briefly explain to me what the initiative is you are shooting for?

-

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From: Sam DiFalco <sdifalco@fwwatch.org>
To: Doug Ruccione <druccione@teanecknj.gov>
Sent: 3/18/2021 2:55 PM
Subject: Re: Clarifying Initiative Petition Procedures

Nice to hear you know Matt, and thanks for checking in with the attorney.

This initiative is for an ordinance for 100% renewable community choice aggregation. Residents are interested in bringing this program to Teaneck which would allow the township to "bulk purchase" energy, at discounted rates, from clean sources with increasing percentages of it coming from renewable sources like wind and solar until it reaches 100% by 2030.

Best,

Sam DiFalco (she/her)
sdifalco@fwwatch.org

Fight like you live here.

From: Doug Ruccione <druccione@teanecknj.gov>
Date: Thursday, March 18, 2021 at 2:57 PM
To: Sam DiFalco <sdifalco@fwwatch.org>
Subject: Re: Clarifying Initiative Petition Procedures

May you send the initiative language to me via email?

The Township to my knowledge has never turned down this idea.

-

Doug Ruccione
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Clerk's Office
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From: Sam DiFalco <sdifalco@fwwatch.org>
To: Doug Ruccione <druccione@teanecknj.gov>
Sent: Thursday, March 18, 2021 at 4:23 PM
Subject: Re: Clarifying Initiative Petition Procedures

Yes, the initiative language is listed in the petition. Attached again here so you have it handy. The only difference is it would say Teaneck and Bergen County instead of North Brunswick and Middlesex County. And of course the committee of petitioners circulating this are Teaneck residents.

The initiative begins on page 2 and ends at the bottom of page 5.

And yes the council has not opposed this, but have not advanced it.

Thank you, and please keep me posted on what you hear from your attorney. We really appreciate your time on this.

Sam DiFalco (she/her)
sdifalco@fwwatch.org

Fight like you live here.

On Mar 26, 2021, at 10:01, Sam DiFalco <sdifalco@fwwatch.org> wrote:

Hi Doug,

Happy Friday! Just wondering if you heard anything back from the attorney. Thanks!

Sam DiFalco (she/her)
sdifalco@fwwatch.org

Fight like you live here.

From: Doug Ruccione <druccione@teanecknj.gov>
Date: Monday, March 29, 2021 at 2:59 PM
To: Sam DiFalco <sdifalco@fwwatch.org>
Subject: Re: Clarifying Initiative Petition Procedures

Happy Monday, Sam!

Would it be possible that you and Ma[could give me a call sometime tomorrow morning to discuss this further? 9739347880

--

Doug Ruccione Township Clerk 201-837-1600 x1025 818 Teaneck Road Teaneck, NJ 07666

From: Sam DiFalco <sdifalco@fwwatch.org>
To: Doug Ruccione <druccione@teanecknj.gov>
Sent: 3/29/2021 5:22 PM
Subject: Re: Clarifying Initiative Petition Procedures

Hi Doug,

We can call tomorrow at 11:30.

Thanks!

Sam DiFalco (she/her)
sdifalco@fwwatch.org

Fight like you live here.

From: Doug Ruccione <druccione@teanecknj.gov>
Date: Tuesday, March 30, 2021 at 8:50:46
To: Sam DiFalco <sdifalco@fwwatch.org>
Subject: Re: Clarifying Initiative Petition Procedures

Sweet! Happy Tuesday!

-
Doug Ruccione
Township Clerk
Clerk's Office
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818 Teaneck Road
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Email Thread 3

From: Sam DiFalco <sdifalco@fwwatch.org>
To: Doug Ruccione <druccione@teanecknj.gov> Cc: Matthew Smith <msmith@fwwatch.org>
Sent: 4/7/2021 2:48 PM
Subject: Petition initiative

Hi Doug,

Hope you are doing well. I wanted to check in and see if you were able to get a confirmation from the attorney that the model initiative petition we shared with you was acceptable under Teaneck's procedures for accepting electronic signatures.

Please let me know. Thanks so much!

--

Sam DiFalco (she/her)
North Jersey Organizer
Food & Water Watch and Food & Water Action

C (973) 270-3619

100 Bayard St. Suite 202 New Brunswick, NJ 08901

Fight like you live here.

When you join Food & Water Action as a monthly Action Partner, you are investing in our food, water and climate for now and the future. Join us as a monthly partner here.

From: Doug Ruccione <druccione@teanecknj.gov>
Date: Wednesday, April 7, 2021 at 2:54 PM
To: Sam DiFalco <sdifalco@fwwatch.org>
Cc: Matthew Smith <msmith@fwwatch.org>
Subject: Re: Petition initiative

Yes! It is! I thought I had confirmed. I apologize!

-

Doug Ruccione
Township Clerk
Clerk's Office
Township of Teaneck
818 Teaneck Road
T. 201-837-1600, Ext. 1028

From: Sam DiFalco <sdifalco@fwwatch.org>
To: Doug Ruccione <druccione@teanecknj.gov> Cc: Matthew Smith <msmith@fwwatch.org>
Sent: 4/7/2021 3:11 PM
Subject: Re: Petition initiative

No worries, thank you so much for your assistance!

Sam DiFalco (she/her)
sdifalco@fwwatch.org

Fight like you live here.

Date: Wednesday, April 7, 2021 at 3:13:21 PM Eastern Daylight Time

From: Doug Ruccione
To: Sam DiFalco
CC: Matthew Smith
Subject: Re: Petition initiative

Thank you both for your patience!

-

Doug Ruccione
Township Clerk
Clerk's Office
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EXECUTIVE ORDER NO. 244

WHEREAS, on March 9, 2020, through Executive Order No. 103, the facts and circumstances of which are adopted by reference herein, I declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, Executive Order No. 103 (2020) described both the symptoms and dangers presented by COVID-19 and the likelihood of community spread across the State, and it recognized the need to use all available statewide authorities to prepare for and respond to COVID-19 cases in New Jersey, to implement appropriate measures to mitigate the spread of COVID-19, and to prepare in the event of an increasing number of individuals requiring medical care or hospitalization; 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 and the Emergency Health Powers Act ("EHPA"), 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 Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, Nos. 228-235, and Nos. 237-243 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, N.J.S.A. 26:13-3(b) establishes that a public health emergency declared by the Governor shall automatically terminate after 30 days, unless renewed for an additional 30 days through a declaration of the Governor; and

E

WHEREAS, on April 7, 2020, I issued Executive Order No. 119, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on May 6, 2020, I issued Executive Order No. 138, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on June 4, 2020, I issued Executive Order No. 151, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on July 2, 2020, I issued Executive Order No. 162, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on August 1, 2020, I issued Executive Order No. 171, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on August 27, 2020, I issued Executive Order No. 180, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on September 25, 2020, I issued Executive Order No. 186, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on October 24, 2020, I issued Executive Order No. 191, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on November 22, 2020, I issued Executive Order No. 200, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on December 21, 2020, I issued Executive Order No. 210, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on January 19, 2021, I issued Executive Order No. 215, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on February 17, 2021, I issued Executive Order No. 222, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on March 17, 2021, I issued Executive Order No. 231, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on April 15, 2021, I issued Executive Order No. 235, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on May 14, 2021, I issued Executive Order No. 240, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, and 210 (2020), and Nos. 215, 222, 231, 235, and 240 (2021), I 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, due to the significant emergency measures the State has taken in response to COVID-19, in the summer and fall of 2020 there was a decrease in the rate of reported new cases of COVID-19 in New Jersey, in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey; and

WHEREAS, given the progress the State had made based on these emergency measures and after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan ("Road Back Plan") for the methodical

and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, in line with the Road Back Plan, the State had been able to relax a number of restrictions, each time tailored to the relative risk the activity presents, and additional restrictions on outdoor and indoor businesses were lifted over the past several months; and

WHEREAS, the fact that the spread of COVID-19 had been limited by the State's emergency measures did not previously suggest that the Public Health Emergency had dissipated, because absent certain mitigation measures, public health experts anticipated that the spread of COVID-19 would again significantly increase; and

WHEREAS, in the past year, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks; and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allowed the State to lift most restrictions, with exceptions for certain settings of higher concern; and

WHEREAS, over the last two months, the number of hospitalized patients has gone from over 2,300 to under 500, the number of patients in intensive care has gone from over 450 to under 100, and the number of ventilators in use has gone from over 230 to under 65; and

WHEREAS, over the two months, the number of individuals testing positive for COVID-19 has gone from approximately 3,500 per day to several hundred per day, and the weekday spot positivity of COVID-19 tests has gone from 7-8 percent to under 2 percent; and

WHEREAS, the rate of transmission in the State has remained significantly below 1 for most of the last two months; and

WHEREAS, the COVID-19 Activity Level Report ("CALI Report") issued by the Communicable Disease Service in the New Jersey DOH calculates COVID-19 activity levels throughout the State using the case rate, percent of COVID-like illness, and percent positivity; and

WHEREAS, the CALI Report for the week ending May 29, 2021, presented an activity level of moderate throughout most of the State, with the southeast region showing low activity level, down from high as recently as mid-April; and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19; and

WHEREAS, as part of that Plan, New Jersey set an initial goal of fully vaccinating 70 percent of the eligible adult population in New Jersey by June 30, equating to approximately 4.7 million individuals; and

WHEREAS, the State has thus far administered approximately 9 million doses of COVID-19 vaccines, with over 4.9 million New Jerseyans having received at least one dose of a vaccine and over 4.2 million having been fully vaccinated; and

WHEREAS, vaccine supply was previously constrained, but is now sufficient to permit every eligible individual within the State reasonable access; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") recently issued guidance regarding social distancing and masking measures that reflects the low probability that fully vaccinated individuals will transmit the virus and emphasizes the significant protection against severe illness that the vaccine provides individuals; and

WHEREAS, given the decisive decreases in key statistics, such as the number of hospitalized patients in the State, the number of daily positive COVID-19 cases, spot positivity, and the rate of transmission, and the continuation of the State's Plan, the State has now lifted the vast majority of restrictions that were designed to reduce transmission and spread of the virus; and

WHEREAS, despite the extensive progress made in combatting COVID-19, there remains an ongoing threat necessitating that certain actions taken pursuant to the powers granted under the EHPA, including vaccine management, administration and tracking, remain in place; and

WHEREAS, ongoing oversight of the State's vaccination program is particularly important as the rollout continues, as the State prepares for additional groups of New Jerseyans to become eligible for vaccination, and as the State prepares for the potential necessity of booster doses in the future; and

WHEREAS, the CDC continues to highlight certain settings, including schools and health care facilities, as places where mitigation protocols are necessary; and

WHEREAS, the CDC also continues to release updated recommendations regarding mitigation protocols that may require the State to modify current policies and protocols; and

WHEREAS, in light of that ongoing need, I have just signed Assembly Bill No. 5820, which ensures that essential authorities, including the power of State agencies to modify existing emergency Orders and issue new Orders for certain purposes, can continue after the termination of the Public Health Emergency declared in Executive Order No. 103 (2020) to avoid disruption in New Jersey's emergency response; and

WHEREAS, neither the legislation nor this Order diminish the existing authorities of State agencies, separate and apart from any emergency powers; and

WHEREAS, the legislation also extends the effective period for specified Executive Orders issued pursuant to Executive Order No. 103 (2020) authorities, including but not limited to Orders regarding statutory and regulatory deadline extensions that are critical to wind down in a measured and thoughtful manner; and

WHEREAS, in light of this legislation becoming law, the Public Health Emergency declared in Executive Order No. 103 (2020) can be safely and responsibly lifted; and

WHEREAS, while the State has effectively curtailed the immediate public health threat of the virus, the economic and social impacts of the virus will require ongoing management and oversight; and

WHEREAS, the State of Emergency declared in Executive Order No. 103 (2020) pursuant to N.J.S.A. App.A.:9-33 et seq. must remain in effect to allow for the continued management of New Jersey's recovery from and response to the COVID-19 pandemic;

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 DECLARE and PROCLAIM:

1. The Public Health Emergency declared in Executive Order No. 103 (2020) pursuant to the EHPA, N.J.S.A. 26:13-1, et seq., is hereby terminated.

2. The State of Emergency declared in Executive Order No. 103 (2020) pursuant to N.J.S.A. App.A.:9-33 et seq. continues to exist in the State of New Jersey.

3. This Order shall take effect immediately.

GIVEN, under my hand and seal this
4th day of June,
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

Scott Salmon

From: Ron Schwartz <rockinron698@yahoo.com>
Sent: Monday, June 28, 2021 8:29 AM
To: Doug Ruccione
Cc: Noah Liben; Reshma Khan; Scott Salmon
Subject: ONE TOWN ONE VOTE

- Hi Doug: It was a pleasure meeting with you, Bill Rupp Esq. and John Shahdanian Esq. at your office on 6/16. Present at the meeting for One Town One Vote were myself, Scott Salmon Esq., Noah Liben, and Reshma Khan. The following is a summary of my notes of what transpired at the meeting:
 - 1-You agreed that the 10% figure under the statute for the amount of signatures needed to put the initiative on the ballot was 791;
 - 2-Although the meeting had been called initially for you to give comments and suggestions regarding the live and electronic petitions being used by our group, the town attorney indicated that you could not give us any legal advice in this regard;
 - 3-You advised that the latest date to get the petitions to the county clerk for placement on the ballot would be the end of August;
 - 4-We advised you that we were obtaining both electronic and live signatures on our petitions in accordance with the governors executive order;
 - 5-We agreed that the last date to obtain electronic signatures would be July 4, 2021. We indicated we would close down our electronic voting link on July 3;
 - 6-You asked a question regarding how electronic signatures could be verified since you had never done this before. Our response was that the executive order did not require a verification of the signatures, only verification that there is a registered voter by that name at the address provided. We indicated also that we verified by requiring the signer to provide a valid email address;
 - 7- Bill Rupp asked if the 25% requirement contained in assembly bill 5404, passed in 2019, applied to this petition rather than the 10-15% of NJSA40:69A-185. We responded that that amendatory statute only pertained to a change in the whole form of government from non-partisan to partisan and not to a mere change in the date for election of the council. Scott Salmon indicated that that statue had not even been raised by any of the parties in the litigation that had followed a similar successful initiative in Ridgewood last year.
 - 8-You requested that we file our petitions as early as possible as you anticipated that your office would have a lot of work to do with the CCA petition coming in as well. We responded that we planned on filing shortly after the July 4th holiday.

Thanks again for the meeting! Ron

Sent from my iPhone

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