

EXECUTIVE ORDER NO. 175

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, through Executive Order Nos. 119, 138, 151, 162, and 171 issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, and August 1, 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 and the Emergency Health Powers Act, 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, and Nos. 168-173 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to 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, including the closure of all public, private, and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools, to students and the cessation of in-person instruction at all private and public institutions of higher education; and

WHEREAS, to further limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) required all public, private, and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools, to continue to remain closed to students and required all public and private institutions of higher education to continue to cease in-person instruction; and

WHEREAS, in light of month-to-month decreases in the rate of reported new cases of COVID-19 in New Jersey, the State began to take steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreased, the ongoing risks presented by COVID-19 meant that many of the State's measures remained in place, both to reduce additional new infections and to save lives; and

WHEREAS, after consultation with officials from the Department of Health, 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, consistent with the Road Back Plan, I issued Executive Order No. 149 (2020), which authorized the gradual restart of ordinary child care services, certain youth sporting activities, and summer camps, including public and non-public school district-operated summer educational programming, with social distancing and infection control requirements, Executive Order No. 155 (2020), which permitted the resumption of limited in-person instruction at institutions of higher education, Executive Order No. 157 (2020), which permitted indoor recreational facilities to resume operations in accordance with certain health and safety restrictions, and Executive Order No. 168 (2020), which allowed for the resumption of contact sport practices and competitions for certain organized sports in outdoor settings; and

WHEREAS, the resumption of youth sports activities, youth summer camps, and school district-operated summer educational programs, with appropriate health and safety protocols, have not resulted in any notable increase in New Jersey's number of COVID-19 cases; and

WHEREAS, the Department of Education has determined that in-person instruction provides students with academic, social, emotional, and mental health supports that cannot be provided with the same level of efficacy in a remote setting; and

WHEREAS, the Department of Education has found that reopening schools for in-person instruction is critical in facilitating the social and emotional health of students and providing educators with the ability to actively participate in student learning, provide feedback, and promote active learning among students on a daily basis; and

WHEREAS, the American Academy of Pediatrics has determined that in-person instruction is preferred over other forms of instructional delivery for reasons such as addressing and preventing learning loss, attending to students' social and emotional wellbeing, and minimizing educational inequities resulting from the remote learning model; and

WHEREAS, New Jersey's schools serve a critical function for the State's workforce, in that they provide safe supervision of children during the day, allowing parents and guardians to work and move the economy forward; and

WHEREAS, in order to provide the many benefits of in-person instruction, New Jersey public and private schools alike must ensure that the school environment is safe for both students and staff; and

WHEREAS, access to school buildings is not available to the general public and the individuals present in a school building do not vary from day to day, which creates a lesser risk of COVID-19 transmission than exists in spaces generally open to the public and makes contact tracing substantially easier in the event of an outbreak; and

WHEREAS, a school district may need additional time to properly implement the health and safety precautions necessary to return any portion of the student population to in-person instruction, potentially making it necessary for such district to begin the 2020-2021 school year with remote instruction for all students; and

WHEREAS, those school districts that are unable to meet the necessary health and safety precautions must actively strive to address any deficiencies in order to return all or a portion of

its student population to in-person instruction at the earliest possible date; and

WHEREAS, it is necessary for families to have the option to engage in full-time remote learning, even where a school district is providing in-person instruction; and

WHEREAS, unlike other activities that can take place without gathering limits outdoors, education-related activities cannot be readily relocated outdoors for many reasons, including the need for continuous supervision of children, which is considerably more difficult in outdoor settings; and

WHEREAS, because education-related activities often take place over the course of a full school day and happen every weekday, it is much more difficult to stagger the time that students spend in educational facilities; and

WHEREAS, pursuant to N.J.S.A. 18A:6-123(b)(2) and (4), measures of student growth based on standardized assessments are a component of gauging student progress in overall educator evaluations; and

WHEREAS, the cancellation of statewide assessments for the Spring 2020 testing window pursuant to Executive Order No. 117 (2020) resulted in reduced availability of data regarding student achievement and performance; and

WHEREAS, due to the lack of standardized assessment data for the 2019-2020 school year, it will not be possible to measure student growth through multiple objective measures from the 2019-2020 school year as a measure for overall educator evaluations as required by N.J.S.A. 18A:6-123(b)(2) and (4); and

WHEREAS, overall educator evaluations consist of additional categories that remain unaffected by the cancellation of statewide assessments for the Spring 2020 testing window and thus will serve

as accurate measures of teacher performance for the 2020-2021 school year; and

WHEREAS, it is appropriate to allow institutions of higher education to resume in-person instruction not previously permitted under Executive Order No. 155 (2020) while adhering to necessary health and safety standards; and

WHEREAS, cafeterias and other designated eating areas within public and private school buildings and institutions of higher education play essential roles in the provision of meals to students, faculty, and staff, and allow for the safe and cleanly consumption of meals; and

WHEREAS, cafeterias and other designated eating areas within public and private school buildings and institutions of higher education are not open to the general public in the same manner as traditional indoor dining establishments, thus creating decreased risk of transmission of COVID-19 when appropriate health and safety protocols are in place; 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. Effective immediately, Executive Order Nos. 104 (2020) and 107 (2020) are hereby superseded to the extent that they require all public, private, and parochial preschool program

premises, and elementary and secondary schools, including charter and renaissance schools (collectively "school districts"), to remain closed.

2. All school districts that reopen for full or part-time in-person instruction must meet the following health and safety standards, delineated in the Department of Education's "Checklist for Re-Opening of School 2020-2021" and detailed in "The Road Back: Restart and Recovery Plan for Education" which include, but are not limited to the following:

- a. At least six (6) feet of distance between individuals in all settings to the greatest extent practicable or social distancing modifications, such as a physical barrier or turning desks to face the same direction, when six (6) feet of distance cannot be achieved;
- b. Mandatory use of face coverings by staff, students, and visitors, except in the following circumstances:
 - i. When doing so would inhibit the individual's health;
 - ii. When the individual is exposed to extreme heat outdoors;
 - iii. When the individual has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
 - iv. When a student's documented medical condition or disability, as reflected in an Individualized Education Program (IEP) or Educational Plan pursuant to Section 504 of

- the Rehabilitation Act of 1973, precludes the use of a face covering;
- v. When the individual is under two (2) years of age;
 - vi. When the individual is eating or drinking;
 - vii. When the individual is engaged in high-intensity aerobic or anerobic activity;
 - viii. When a student is participating in high-intensity physical activities during a physical education class in a well-ventilated location and able to maintain a physical distance of six feet from all other individuals;
 - ix. When a student, as part of music instruction, is playing an instrument that would be obstructed by the face covering; or
 - x. When wearing a face covering creates an unsafe condition in which to operate equipment or execute a task.
- c. Routine cleaning and sanitization of classrooms, lunchrooms, gymnasiums, restrooms, high-trafficked areas such as hallways, high-touch areas such as light switches and door knobs, and shared surfaces;
 - d. The facilitation of student hand washing at frequent intervals, or use of alcohol-based hand sanitizer if soap and water are not readily available;

- e. Use of face coverings and social distancing procedures to the extent practicable and cleaning protocols on school buses if students are bussed to and from school;
- f. Student and staff health screenings;
- g. Implementation of enhanced social distancing and infection control protocols for music, choir, and physical education classes that are conducted in indoor spaces, particularly where students are not wearing face coverings;
- h. A plan for response to students and staff that exhibit symptoms of COVID-19, which must include coordination with the local health department and procedures for isolating symptomatic students and staff;
- i. A plan detailing the response when students and/or staff test positive for COVID-19, which must include coordination with the local health department and procedures for isolating any students or staff who learn of a positive test result while on school grounds;
- j. Coordination with the local health department to support contact tracing efforts;
- k. A plan to ensure that indoor facilities have adequate ventilation;
- l. Implementation of social distancing and infection control practices during recess and physical education periods; and
- m. Procedures for resumption of athletics programs and extracurriculars, if applicable.

3. Public preschool, elementary, and secondary schools, including county vocational schools, charter schools, and renaissance schools (collectively "public school districts"), shall resume partial or full-time in-person instruction during the fall of school year 2020-2021.

4. Public school districts shall submit a reopening plan (the "Plan") to the Department of Education at minimum thirty days prior to the first day of school. A public school district that has already submitted such Plan pursuant to the standards outlined in "The Road Back: Restart and Recovery Plan for Education" will be considered to have satisfied this requirement if the Plan is otherwise consistent with the requirements of this Order. In addition to the Plan, a minimum of seven days prior to the first day of school, the chief school administrator or his/her designee must also certify to the Department of Education that the district has policies and procedures in place to meet the minimum health and safety standards set forth in Paragraph 2.

5. Nonpublic schools shall also create and maintain reopening plans. Those schools that intend to resume partial or full-time in-person instruction during the fall of 2020-2021 school year must certify to the Department of Education that the school has policies and procedures in place to meet the minimum health and safety standards set forth in Paragraph 2 of this Order.

6. School districts that resume partial or full-time in-person instruction shall permit students to engage in full-time remote learning upon the request of a parent or guardian, subject to the Department of Education's July 24, 2020 "Clarifying Expectations Regarding Full-time Remote Learning Options for Families in 2020-2021." School districts must implement a policy that, at a minimum, addresses the following:

- a. Unconditional eligibility for full-time remote learning;
- b. Procedures for parent or guardian submission of full-time remote learning requests;
- c. The scope and expectations of full-time remote learning;
- d. Procedures to transition from full-time remote learning to in-person instruction and services;
- e. Reporting data to the Department of Education regarding participation in full-time remote learning. Data must include number of students participating in full-time remote learning by each of the following subgroups: economically disadvantaged; major racial and ethnic groups; students with disabilities; and English learners; and
- f. Procedures for communicating the school district's full-time remote learning policy to school district families.

7. Public school districts that are or become unable to satisfy the health and safety requirements for in-person instruction, as detailed in Paragraph 2 of this Order, may provide full-time remote instruction to all students pursuant to N.J.S.A. 18A:7F-9.

8. Public school districts that determine that they cannot provide in-person instruction pursuant to Paragraph 7 of this Order must submit documentation to the Department of Education that identifies:

- a. The school building(s) or grade level(s) within the district that will provide full-time remote instruction;
- b. The specific health and safety standard(s) listed in Paragraph 2 of this Order that the school is unable to satisfy;
- c. The school's anticipated efforts to satisfy the identified health and safety standard(s); and
- d. A date by which the school anticipates the resumption of in-person instruction.

Such documentation must be submitted at minimum one week prior to the public school district's first day of school.

9. The Department of Education, by way of executive county superintendents, shall request periodic updates from the chief school administrator of a public school district offering only remote instruction in accordance with Paragraphs 8 and 9 of this Order to demonstrate that the school district is actively engaged in good-faith efforts towards the resumption of in-person instruction.

10. All instruction, whether in-person instruction or remote instruction, for the 2020-2021 year shall adhere to the following requirements, and any other requirements imposed by Order, statute, or regulation:

- a. A school day, whether in-person or remote must consist of at least four (4) hours of active instruction to students by an appropriately certified teacher, except that one continuous session of two and one-half hours may be considered a full day in kindergarten, pursuant to N.J.A.C. 6A:32-8.3.

b. District and school policies for attendance and instructional contact time will need to accommodate opportunities for both synchronous and asynchronous instruction, while ensuring the requirements for a 180-day school year are met pursuant to N.J.S.A. 18A:7F-9.

c. All instructional time shall be provided in accordance with the New Jersey Student Learning Standards.

11. All school districts participating in the National School Lunch and Breakfast Programs, regardless of whether they are required to participate or voluntarily opt-in to the programs, must offer the required meals to all children, regardless of eligibility, when the school day involves at least four hours of in-person or remote instruction.

12. For the 2020-2021 school year, N.J.S.A. 18A:6-123(b)(2) and (4) shall be waived and student growth data based on standardized assessment or student growth percentile shall not be used as a measure of educator effectiveness in the overall evaluation of any educator.

13. Effective immediately, degree-granting institutions of higher education may resume all in-person instruction not previously permitted in Executive Order No. 155 (2020). Institutions must provide students with the option of participation via remote instruction to the extent practicable.

14. In resuming in-person instruction, a degree-granting institution of higher education shall continue to adhere to the requirements of Paragraph 4 of Executive Order No. 155 (2020) as addressed in the restart plan submitted by the institution to the

Office of the Secretary of Higher Education, and any other requirements established by Order, statute, or regulation.

15. Nothing in Paragraph 13 of this Order shall be construed to preclude degree-granting institutions of higher education from continuing to provide instruction and services to students and members of the public in a form other than in-person instruction.

16. Paragraph 8 of Executive Order No. 107 (2020), which prohibits in-person dining at certain establishments that are open to the public, shall not apply to school district cafeterias or dining halls operated by degree-granting institutions of higher education, provided that social distancing can be maintained and access is limited to staff and students and is not available to the general public. In-person dining at degree-granting institutions of higher education shall continue to adhere to the requirements of Paragraph 4 of Executive Order No. 155 (2020) as addressed in the restart plan submitted by the institution to the Office of the Secretary of Higher Education. Such cafeterias and dining halls must adhere to infection control practices outlined for dining in the applicable reopening documents issued by the Department of Education and the Office of the Secretary of Higher Education.

17. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

18. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of

any nature whatsoever, to cooperate fully in all matters concerning this Order.

19. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement.

20. This Order shall take effect immediately.

GIVEN, under my hand and seal this
13th day of August,
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/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 176

WHEREAS, Executive Order No. 174, declaring a State of Emergency, was issued on August 3, 2020, because of the potential for severe weather conditions, including hurricane force winds and heavy and sustained rainfall, that was expected to result from Hurricane Isaias on August 4, 2020; and

WHEREAS, the severity of the conditions necessitating the declaration of a State of Emergency has eased;

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 the following:

1. The State of Emergency declared in Executive Order No. 174 (2020) is terminated effective at 3:00 p.m., Eastern Daylight Time, on August 13, 2020.

GIVEN, under my hand and seal this
13th day of August,
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/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 177

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, and 171 issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, and August 1, 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, and No. 175 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, as of August 14, 2020, according to the World Health Organization, there were over 20,730,000 confirmed cases of COVID-19 worldwide, with over 751,000 of those cases having resulted in death; and

WHEREAS, as of August 14, 2020, according to the Centers for Disease Control and Prevention ("CDC"), there were over 5,228,000 confirmed cases of COVID-19 in the United States, with over 166,000 of those cases having resulted in death; and

WHEREAS, as of August 14, 2020, there were over 187,000 positive cases of COVID-19 in New Jersey, with at least 14,064 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 set to take place in March and April were postponed until 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, 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, I issued Executive Order No. 164 (2020), 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, to accommodate the increase in vote-by-mail ballots, Executive Order No. 144 (2020) extended the time that ballots must be received by five (5) days, provided that such ballots must be postmarked by July 7, 2020, and received by July 14, 2020, in order to be counted; and

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

WHEREAS, even as the rate of reported new cases of COVID-19 decreased, the ongoing risks presented by COVID-19 have meant that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

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

WHEREAS, the COVID-19 emergency makes it difficult for election officials, candidates, and voters to properly plan and prepare for and fully participate in the general election on November 3, 2020 ("November General Election") if it was to proceed as it would under normal circumstances; and

WHEREAS, States generally have discretion to dictate the time, manner, and place of elections in the absence of controlling federal law; and

WHEREAS, pursuant to 3 U.S.C. §1, the presidential election shall be held on the Tuesday after the first Monday in November, which is November 3, 2020; and

WHEREAS, pursuant to 3 U.S.C. §7 and N.J.S.A. 19:36-1, the State's electors for President and Vice President must meet and vote on the first Monday after the second Wednesday in December, which is December 14, 2020; and

WHEREAS, the results of the November General Election must be certified in advance of the federal deadline for the meeting of electors; and

WHEREAS, although the dates for the November General Election and the meeting of electors are established by federal law and cannot be changed, allowing the November General Election to proceed as it would under normal circumstances during this unprecedented COVID-19 health crisis will create hardships and health risks for voters, poll workers, and candidates alike; and

WHEREAS, the county Boards of Elections had difficulty retaining poll workers for the July Primary Election due to the COVID-19 pandemic and are likely to face the same issue for the November General Election so long as the health crisis exists; and

WHEREAS, election officials require flexibility and sufficient lead time to adapt their locality's voting infrastructure to confront the magnitude of the public health and safety risks of the COVID-19 pandemic; and

WHEREAS, failing to take proactive actions to mitigate the adverse impacts of the current health crisis on the upcoming November General Election carries the risk of disenfranchising citizens; and

WHEREAS, social distancing measures are required for a period of as-yet-undetermined duration, and the COVID-19 outbreak may have significant effects on New Jersey's voting systems as long as social distancing measures are in place and for some time thereafter; and

WHEREAS, failing to offer voters a ready alternative to reporting to public polling locations to vote in the upcoming November General Election in the midst of the COVID-19 crisis will hinder public participation in the democratic process, particularly among elderly and immune-compromised voters, and undermine the legislative intent of provisions such as N.J.S.A. 19:8-2 and 19:8-3.1, which are designed to ensure that such voters can exercise their right to vote; and

WHEREAS, the United States Post Office has advised that voters must use First-Class postage to return their ballots to the county Boards of Elections so that it will be delivered 2-5 days after it is received by the Postal Service, and recent reports have indicated that mail is taking longer for delivery than is typical; and

WHEREAS, in July the United States Post Office sent letters to the county Boards of Elections advising that mail-in ballots were in the mail stream on or before the July Primary Election, notwithstanding the postmark on the ballots and that the ballots were delivered to the county Boards of Elections the day after the July Primary Election; and

WHEREAS, the United States Post Office has advised that international mail service has been suspended to and from sixty-seven (67) destinations, see <https://about.usps.com/newsroom/service-alerts/international/welcome.htm>, for further details; 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 November General Election shall be conducted primarily via vote-by-mail ballots, which will be sent to all "Active" registered voters without the need for an application to receive a vote-by-mail ballot.

2. All vote-by-mail return envelopes shall have prepaid First-Class postage in order to facilitate the proper delivery of all cast vote-by-mail ballots.

3. The requirements of N.J.S.A. 19:14-25 that sample ballots be sent shall be suspended. In lieu of sending a sample ballot, the appropriate county official, as identified in N.J.S.A. 19:14-25, shall send notice to all "Active" voters, pursuant to N.J.S.A. 19:14-21, advising of the voter's polling place, the URL to the Division of Election's website that contains polling place information, locations of secure ballot drop boxes within the county, information on where to obtain a sample ballot prior to the election, a statement indicating that a sample ballot will be available at the polling place on the day of the election, and, if applicable, information on a county website where a sample ballot may be viewed. This notice in lieu of a sample ballot shall be sent return receipt requested as required by N.J.S.A. 19:14-23. The time to mail the notice in lieu of a sample ballot, under N.J.S.A. 19:14-25, shall be modified such that the notices are to be mailed by October 23, 2020.

4. To the extent possible, each county shall have at least a total of ten (10) secure ballot drop boxes in locations that are readily accessible to the registered voters within the county. To the best of their ability, the county Boards of Elections shall

place secure ballot drop boxes based on geographic location and population density to best serve the voters of each county. The Secretary of State shall establish guidelines for the placement of the ballot drop boxes, the security of the ballot drop boxes, and the schedule for ballot pickup from the ballot boxes.

5. All public primary and secondary schools shall be closed to in-person instruction on November 3, 2020, and pursuant to N.J.S.A. 19:8-2, the authorities in charge of such schools shall not deny the request of county Boards of Elections for use of their buildings as polling places. All public primary and secondary schools shall work cooperatively with the county elections officials for the delivery of the necessary equipment for the November General Election.

6. Each county shall open a minimum of at least one (1) polling place in each municipality. Each county shall open a minimum of fifty (50) percent of its regularly used polling places, and may open more than the minimum number of its regularly used polling places. If a county Boards of Elections is unable to reach a minimum of fifty (50) percent of its regularly used polling places, the county Boards of Elections must utilize schools or other large facilities to serve as large voting centers, which will accommodate more voting districts in one polling place. To the best of their ability, the county Boards of Elections shall select polling places based on geographic location and population density to best serve the voters of each municipality. County Boards of Elections must ensure that polling places and poll workers implement, at a minimum, the following requirements:

- a. Limit occupancy within all polling places to a number that permits voters to maintain a distance of six feet between each other and poll workers at any time;

- b. Ensure six feet of distance between voters and ensure six feet of distance between voters and poll workers through the demarcation of six feet of spacing in voter lines and poll worker stations to demonstrate appropriate spacing for social distancing;
- c. Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;
- d. Provide poll workers break time for repeated handwashing throughout their shifts;
- e. Require frequent sanitization of high-touch areas in polling places consistent with CDC guidelines as of the date of the election;
- f. Place conspicuous signage at entrances and throughout the polling place alerting poll workers and voters to the required six feet of physical distance;
- g. Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to poll workers, voters, and those accompanying voters;
- h. Require poll workers to adhere to CDC guidelines as of the date of the election regarding face coverings while in the polling place, except where doing so would inhibit that individual's health, and require poll workers to wear gloves when in contact with voters and those accompanying voters. County Boards of Elections must provide any required face coverings and gloves for poll workers, without charge to the poll workers. If a poll worker refuses to wear a required cloth face

covering for non-medical reasons, then a county Board of Elections may decline entry to the individual. Nothing herein should prevent a poll worker from wearing a surgical grade mask or other more protective face covering if the individual is already in possession of such equipment. Where a poll worker declines to wear a required face covering at a polling place due to a medical condition that inhibits such usage, they shall not be required to produce medical documentation verifying the stated condition;

- i. Require appointed challengers to adhere to CDC guidelines as of the date of the election regarding face coverings while in the polling places and while in any location where the challenger is serving in such a capacity, such as while observing the counting of ballots. If an appointed challenger refuses to wear a required cloth face covering, then a county Board of Elections may decline entry to the individual; and
- j. Strongly encourage voters and those accompanying voters to adhere to any CDC guidelines as of the date of the election regarding face coverings while inside polling places except where doing so would inhibit that individual's health. County Boards of Elections may provide such face coverings for voters and those accompanying voters, without charge to them. If a voter or person accompanying a voter refuses to comply with the CDC guidelines, a poll worker shall not deny entry to the voter or person. Nothing herein should prevent a voter from

wearing a surgical grade mask or other more protective face covering if the individual is already in possession of such equipment.

7. The Secretary of State may modify the requirements of N.J.S.A. 19:31-21 concerning the use of poll books and the information contained therein as necessary to address the procedure by which the November General Election will be conducted under this Order, and the needs resulting therefrom.

8. Any voter who appears at a polling place on the day of the November General Election and does not return a voted mail-in ballot, pursuant to paragraph 9 of the Order, shall vote via a provisional ballot, except that accommodations will be made for voters with disabilities.

9. Pursuant to N.J.S.A. 19:63-16, the county Boards of Elections shall designate each polling place as a location to receive voted mail-in ballots. A voter may return only the mail-in ballot that they personally voted to their designated polling place. The Secretary of State shall establish appropriate standards for the acceptance of mail-in ballots, including, but not limited to, the poll worker verification that the voter returning the voted mail-in ballot at the polling place is the individual who voted the mail-in ballot, the securing of the returned mail-in ballots, and the return of the mail-in ballots to the county Boards of Elections after the close of polls.

10. Each polling place shall have signage that provides the location of all ballot drop boxes in the county in which the polling place is located.

11. The time restrictions of N.J.S.A. 19:63-9 shall be modified as follows: vote-by-mail ballots shall be mailed to all "Active" voters on or before the 29th day before the November General Election and in a manner to ensure the timely receipt and

return of ballots for counting in the November General Election, and whenever the county Clerk forwards a mail-in ballot by mail to a voter between the 29th day and the 13th day before the November General Election it shall be transmitted within three (3) business days of receipt of the application and in a manner to ensure the timely receipt and return of ballot for counting in the November General Election. All other provisions of N.J.S.A. 19:63-9 remain, and this paragraph does not modify the requirements set forth in the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §20302(a)(8)(A).

12. To allow enough time for the county Clerks to print and mail the ballots to voters, the following deadlines are modified as follows: the deadline to submit a public question for November school board elections to the county Clerk by the School Board Secretary, pursuant to N.J.S.A. 19:16-4, shall be August 31, 2020; the last day a vacancy may occur for primary election nominees for the November General Election, under N.J.S.A. 19:13-20, shall be August 29, 2020; the deadline to fill a vacancy in the primary election nominees for the November General Election, under N.J.S.A. 19:13-20, shall be August 31, 2020; the deadline to apply for a mail-in ballot by mail, under N.J.S.A. 19:63-3, shall be October 23, 2020; and the deadline for returning a vote-by-mail application in-person in N.J.S.A. 19:63-3(d) shall be suspended.

13. Vote-by-mail ballots shall be processed and canvassed in accordance with guidelines provided by the CDC, the New Jersey Department of Health, and the respective county departments of health.

14. To account for the increase in vote-by-mail ballots and to ensure that registered voters' efforts to vote are not impacted by delays in the postal service, the requirements of N.J.S.A. 19:59-15(d) shall be suspended and the ballot-return deadline in

N.J.S.A. 19:63-22 shall be suspended. Every vote-by-mail ballot that is postmarked on or before November 3, 2020, and that is received by November 10, 2020, at 8:00 p.m. shall be considered valid and shall be canvassed, assuming the ballot meets all other statutory requirements. Additionally, every ballot without a postmark, and ballots mis-marked and confirmed by the post office that those ballots were received by the post office on or before November 3, 2020, that is received by the county Boards of Elections from the United States Postal Service within forty-eight (48) hours of the closing of polls on November 3, 2020, shall be considered valid and shall be canvassed, assuming the ballot meets all other statutory requirements.

15. To account for the increase in vote-by-mail ballots and to provide the county Boards of Elections sufficient time to canvass the returned ballots, N.J.S.A. 19:63-18 is hereby suspended. The county Boards of Elections may continue the counting of ballots beyond the close of polls on November 3, 2020, and may adjourn counting after 11:00 pm on November 3, 2020 to immediately continue counting at 9:00 am on November 4, 2020, and continue every business day thereafter, until the counting is completed within the limits of this Order.

16. In order to expedite the signature-verification process outlined in N.J.S.A. 19:63-17, the county Boards of Elections shall meet at least four (4) days per week starting October 13, 2020. Voters whose ballots are rejected pursuant to N.J.S.A. 19:63-17, for a missing or discrepant signature, shall be given the opportunity to cure the signature defect in accordance with procedures established by the Secretary of State.

17. Because of the need to meet the federal deadlines for the State's electors to meet, the meeting of the county Board of Canvassers, under N.J.S.A. 19:19-1, must occur on or before

November 20, 2020 to certify the results of the November General Election, and no extension under N.J.S.A. 19:19-4 or -6 shall be sought. The county Clerks' transmittal of the Official November General Election Results to the Secretary of State, under N.J.S.A. 19:19-13, must occur on or before November 23, 2020, and the county Clerks may not seek an extension of this deadline. The meeting of the Board of State Canvassers, under N.J.S.A. 19:21-1, shall occur on or before December 8, 2020 to certify the results of the November General Election.

18. To allow for greater flexibility in obtaining poll workers, the county-resident requirement for poll workers set forth in N.J.S.A. 19:6-2 is hereby suspended.

19. Due to the limited number of polling places that will be open for the November General Election, the 1,000-foot limitation on the location of polling places set forth in N.J.S.A. 19:8-2 shall be suspended.

20. Due to the suspension of N.J.S.A. 19:63-22 and N.J.S.A. 19:63-18, the time to prepare reports pursuant to N.J.S.A. 19:53B-21 and 19:53C-21 is extended to November 23, 2020.

21. To allow enough time for results to be certified prior to the meeting of electors, N.J.S.A. 19:61-9(c)(8) is suspended, and counties may certify their election results prior to the commencement of the election audit required in N.J.S.A. 19:61-9.

22. The Secretary of State shall establish other appropriate standards for ensuring that all voters with disabilities are able to exercise their right to vote in the November General Election.

23. The Secretary of State and county election officials, as appropriate, shall coordinate with the United States Postal Service to facilitate proper delivery of ballots by the United States Postal Service.

24. The Secretary of State and county election officials, as appropriate, shall act to facilitate the public's understanding of the rules governing the November General Election.

25. The Secretary of State shall establish a hotline number for reports of violations of the election laws and this Order in connection with the November General Election.

26. Any actions taken by the Secretary of State pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

27. December 2020 special school elections pursuant to N.J.S.A. 19:60-2(a) shall be suspended until the authorized January 2021 special school election date. No special elections to fill any vacancies shall be held prior to January 12, 2021.

28. This Order shall take effect immediately.

GIVEN, under my hand and seal this
14th day of August,
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/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 178

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, and 171 issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, and August 1, 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 and the Emergency Health Powers Act, 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. 140-159, Nos. 161-166, Nos. 168-69, No. 171, and No. 175 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to 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 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, as of March 19, 2020, I instructed all State departments and agencies to utilize work-from-home arrangements for both essential and non-essential employees wherever feasible; and

WHEREAS, in recognition that the Centers for Disease Control and Prevention had advised that social mitigation strategies for combatting COVID-19 require every effort to reduce the rate of community spread of the disease and that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another, I issued Executive Order No. 107 (2020) to order steps to mitigate community spread of COVID-19; and

WHEREAS, to further limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) required, with limited exceptions, New Jersey residents to remain in their place of residence, cancelled all gatherings, and closed all recreational and entertainment businesses; and

WHEREAS, Executive Order No. 107 (2020) also mandated that all businesses and non-profits in the State accommodate their workforce, wherever practicable, for telework or work-from-home arrangements, and reduce staff on site to the minimal number necessary to continue essential operations because restricting the physical presence of individuals in office environments and work sites is critical to preventing future spread of COVID-19; and

WHEREAS, all State offices and Executive Branch departments and agencies have been directed to prioritize addressing immediate public needs, including protecting public health, safety, and the environment, while still trying as much as is practicable to maintain the basic functions of State government, and its many duties, missions, and initiatives; and

WHEREAS, notwithstanding the extraordinary circumstances of the COVID-19 pandemic, certain Executive Branch departments and agencies remain subject to statutory provisions that require agencies to review and act upon certain filings or other authorizations before a specified deadline lest the matter under review be deemed approved; and

WHEREAS, a public health emergency such as the COVID-19 pandemic, and especially my direction to strictly observe social distancing practices, including avoiding all non-essential travel, working remotely, and prioritizing addressing immediate public needs, including protecting public health, safety, and the environment, is an impediment to compliance with the statutory timeframes by Executive Branch agencies; and

WHEREAS, members of the public, including individuals, small businesses, and other entities, may similarly be limited in their ability to act within statutory timeframes and may require additional time due to the interruptions related to the Public Health Emergency and the social distancing and mitigation restrictions imposed; and

WHEREAS, strict enforcement of certain statutory timeframes during and shortly following the ongoing Public Health Emergency could unduly burden the Executive Branch, industry, and members of the public, including individuals, small businesses, and other entities, in ways that would be detrimental to the public welfare,

or yield other unintended consequences that will frustrate the fair achievement of the statute's objectives in a manner that imperils the health, safety, and well-being of New Jersey residents; and

WHEREAS, despite the encouraging decrease in the number of infections, the social distancing requirements that have been in place since March and related COVID-19 concerns have frustrated the ability of State agencies and members of the public to comply with certain statutory deadlines; and

WHEREAS, because of the broad range of regulated activities, it is not appropriate to allow a blanket extension of statutory deadlines which vary with the function or regulated activity at issue; and

WHEREAS, pursuant to N.J.S.A. App. A:9-47, the Governor is authorized to, among other things, suspend any regulatory provision of law when its enforcement is detrimental to the public welfare during an emergency; and

WHEREAS, I have consulted with the Cabinet and other agency heads with regard to the prioritization of government activities and requirements that are most important to guarding the health, safety, and welfare of the residents of our State, and they have identified deadlines that can be postponed without significant detriment to the well-being of the public for limited periods of time; and

WHEREAS, I find that strict enforcement of certain statutory deadlines that fall within or shortly after the period of the Public Health Emergency would be detrimental to the public welfare; and

WHEREAS, I find that extensions of the deadlines identified in the Appendix to this Order are warranted to address the economic impact of COVID-19 upon individuals, businesses, or other non-government entities; to protect public health and safety, including because social distancing policies adopted in response to COVID-19 will make it harder for individuals, businesses, or other non-government entities to meet the deadline; to protect the health and safety of agency personnel, including because social distancing policies adopted in response to COVID-19 will make it harder to meet the deadline; to address other circumstances related to COVID-19 that would make enforcement of the deadline unduly burdensome for individuals, businesses, or other non-government entities; and to address issues arising from the COVID-19 pandemic that would make it unduly burdensome for the agency to adhere strictly to the deadline; 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;

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 statutory deadlines, including statutory effective dates, identified in the Appendix to this Order are hereby extended by the amount of time identified in the Appendix.

2. Except as specified in Paragraph 5, for statutory deadlines extended by a specific number of days from the original deadline, the extension shall be available to any person or entity that would have been required to meet such deadline during the Public Health Emergency or within 30 days after the last day of the Public Health Emergency.

3. Except as specified in Paragraph 5, for statutory deadlines extended until a specific number of days or months after the last day of the Public Health Emergency, the extension shall be available to any person or entity that would have been required to meet such deadline during the Public Health Emergency or at any time between the last day of the Public Health Emergency and the new deadline established pursuant to this Order.

4. Except as specified in Paragraph 5, an extension available pursuant to Paragraph 2 or 3 of this Order shall be available regardless of whether the original deadline has already passed.

5. An extension of a statutory deadline after which a filing with any agency or instrumentality of the State government is deemed approved shall be available to the agency only if the original deadline is on or after the date of this Order and within 30 days after the last day of the Public Health Emergency.

6. In addition to extensions available pursuant to Paragraphs 2 and 3 of this Order, this Order also provides extensions to Executive Branch agencies of specific, non-recurring deadlines that occur in 2020 and are identified in the Appendix.

7. For purposes of this Order, the "Public Health Emergency" means the Public Health Emergency declared in Executive Order No. 103 (2020), as extended by Executive Order No. 119 (2020), Executive Order No. 138 (2020), Executive Order No. 151

(2020), Executive Order No. 162 (2020), Executive Order No. 171 (2020), and any subsequent Executive Order which may further extend such Public Health Emergency.

8. Nothing in this Order is intended to deny or alter the authority of any agency or instrumentality of the State government, or any other person or entity, to request, grant, or consent to any extension that would otherwise be permissible under existing law.

9. In administering the extensions set forth in this Order, each agency shall adopt the least disruptive means of addressing the health and safety concerns of this Order while faithfully enforcing the requirements of the affected statute to the fullest extent.

10. This Order is not intended to, and does not confer any legal rights upon businesses or others whose activities are regulated by New Jersey's agencies, boards, commissions, or departments and shall not be used as a basis for legal challenges to regulations, rules, approvals, permits, licenses or other actions, or to any inaction of the governmental entity subject to it.

11. This Order shall take effect immediately.

GIVEN, under my hand and seal this
 14th day of August,
 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/ Matthew J. Platkin

Chief Counsel to the Governor

APPENDIX TO EXECUTIVE ORDER NO. 178

AGENCY	STATUTORY PROVISION	DESCRIPTION	EXTENSION
Banking and Insurance, Division of Banking	N.J.S.A. 17:11C-12	The affected statutory provision states that any sale or transfer of a controlling interest in a consumer lender or sales finance company licensee's or applicant's business shall be deemed approved if the Commissioner does not deny a completed application within 90 days after its receipt. This extension will extend the time the Commissioner has to deny a completed application by 90 days.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:11C-69	The affected statutory provision states that the sale or transfer of a controlling interest in a residential mortgage lender or residential mortgage broker applicant's or licensee's business shall be deemed approved if the Commissioner does not deny a completed application within 90 days after its receipt. This extension will extend the time the Commissioner has to approve or deny a completed application by 90 days.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:12B-24(A)(1)	The affected statutory provision states that an application by a savings association to upgrade a previously operated branch office shall be deemed approved on the 30th day after receipt by the Commissioner, unless approved or denied earlier by the Commissioner in writing. This extension will extend the time by which the Commissioner has to approve or deny a completed application by 90 days.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:12B-24(F)(2)	The affected statutory provision states that an application by a savings association which has been in business for at least three years, and which is well capitalized, adequately managed, and, if applicable, has received in its most recent examination under the Community Reinvestment Act of 1977 a rating of not less than "satisfactory record of meeting community credit needs," or its equivalent, may apply for expedited branch office approval, and such application shall be deemed approved on the 30th day after receipt by the Commissioner, unless approved or denied earlier by the Commissioner in writing. This extension will extend the time by which the Commissioner has to approve or deny a completed application by 90 days.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:12B-250(c)	The affected statutory provision states that a filing by a capital stock association to amend its certificate of incorporation shall be deemed approved on the 30th day after receipt by the Commissioner, unless approved or disapproved earlier by the Commissioner in writing. This extension will extend the time by which the Commissioner may approve or disapprove a filing by 90 days.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:12B-264(c)	The affected statutory provision states that a certificate of amendment filed with the Commissioner under this provision shall be deemed approved on the 30th day after receipt by the Commissioner, unless approved or disapproved earlier by the Commissioner in writing. This extension will extend by 90 days the time by which the Commissioner must act.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:12B-312	The affected statutory provision states that a filing by a subsidiary capital stock state association to amend its certificate of incorporation shall be deemed approved on the 30th day after receipt by the Commissioner, unless approved or denied earlier by the Commissioner in writing. This extension will extend the time by which the Commissioner may approve or deny a filing by 90 days.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:12B-39	The affected statutory provision states that no by-law nor any change in the by-laws of a savings association shall become effective until it shall have been submitted in writing to the Commissioner and the Commissioner shall either have approved it in writing, or have failed to take any action thereon for a period of 30 days after it shall have been submitted to him. This extension will extend the time for the Commissioner to approve or take action by 90 days.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:16G-5(d)	The affected statutory provision requires that a debt adjuster licensee file a copy of its annual report with the Commissioner on or before April 1 of each year. This extension will extend the time for filing a copy of the annual report until August 1, 2020.	Extend until August 1, 2020
Banking and Insurance, Division of Banking	N.J.S.A. 17:9-43(a)	The affected statutory provision requires public depositories to file certain financial information on a quarterly basis. This extension will extend the filing deadline by 30 days.	Extend by 30 days

APPENDIX TO EXECUTIVE ORDER NO. 178

AGENCY	STATUTORY PROVISION	DESCRIPTION	EXTENSION
Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-117	The affected statutory provision states that amendments to certificates of incorporation filed with the Commissioner by capital stock savings banks shall be deemed approved on the 30th day after receipt by the Commissioner unless approved or denied earlier by the Commissioner in writing. This extension will extend by 90 days the time within which the Commissioner must approve or deny an amendment to a certificate of incorporation before it is deemed approved.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-198(A)	The affected statutory provision states that amendments to certificates of incorporation filed with the Commissioner by savings banks shall be deemed approved on the 30th day after receipt by the Commissioner unless approved or denied earlier by the Commissioner in writing. This extension will extend by 90 days the time within which the Commissioner must approve or deny an amendment to a certificate of incorporation before it is deemed approved.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-20	The affected statutory provision states that an application by a bank to establish a full branch shall be deemed approved on the 30th day after the receipt by the Commissioner, unless earlier approved or denied by the Commissioner in writing. This extension will extend by 90 days the time by which the Commissioner must act before an application is deemed approved.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-254(A)	The affected statutory provision requires that within 60 days after the completion of an examination of a bank by the Commissioner, a report thereof, in such form as the Commissioner may prescribe, certified by the person by whom or under whose supervision the examination was made, shall be presented to the directors at a meeting of the board. This extension will extend the deadline for such reports by 30 days.	Extend by 30 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-254(B)	The affected statutory provision requires directors to file in the Department, within a 60-day period after a bank examination, certified copies of the report of the examination and the prepared statement showing in detail such of the assets of the bank, other than loans, which, in the judgment of the board, have a value less than the value at which they are carried on the books of the bank, and stating the value, in its judgment, of such assets. This extension will extend the filing deadline for such certified copies by 30 days.	Extend by 30 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-402	The affected statutory provision states that amendments to certificates of incorporation filed with the Commissioner by subsidiary capital savings banks shall be deemed approved on the 30th day after receipt by the Commissioner unless approved or denied earlier by the Commissioner in writing. This extension will extend by 90 days the time within which the Commissioner must approve or deny an amendment to a certificate of incorporation before it is deemed approved.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-414(a)	The affected statutory provision requires the Commissioner to decide whether to approve an acquisition under sections 28 through 36 of P.L.1996, c.17 (C.17:9A-409 through C.17:9A-417) within 60 days after receipt of a completed application, provided, that if the Commissioner requests additional information from the applicant following receipt of a completed application, the time limit for decision by the Commissioner shall be the later of: (1) 60 days after receipt of a completed application, or (2) 30 days after the Commissioner's receipt of the requested additional information. This extension will extend the time by which the Commissioner must take action by 90 days.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-52(c)	The affected statutory provision states that a certificate filed in the Department for the approval of the Commissioner, concerning payment of certain dividends, shall be deemed approved on the 30th day after receipt by the Commissioner, unless approved or denied earlier by the Commissioner in writing. This extension will extend by 90 days the time by which the Commissioner must act before a certificate is deemed approved.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-6.2	The affected statutory provision states that a certificate of amendment filed with the Commissioner under this provision shall be deemed approved on the 30th day after receipt by the Commissioner, unless approved or disapproved earlier by the Commissioner in writing. This extension will extend by 90 days the time by which the Commissioner must act.	Extend by 90 days

APPENDIX TO EXECUTIVE ORDER NO. 178

AGENCY	STATUTORY PROVISION	DESCRIPTION	EXTENSION
Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-79(A)	The affected statutory provision requires the annual meeting of the stockholders of every bank to be held on such day in January, February, March or April in each year as the bylaws shall provide; or, if there be no governing bylaw, then on the fourth Tuesday in March; or, in the case of a savings bank operating on a fiscal-year basis, the annual meeting shall be held no later than 120 days after the closing of the fiscal year. This extension will extend the deadline for such annual meetings by 30 days.	Extend by 30 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-8.5(b)	The affected statutory provision states that a certificate of amendment filed with the Commissioner under this provision shall be deemed approved on the 30th day after receipt by the Commissioner, unless approved or disapproved earlier by the Commissioner in writing. This extension will extend by 90 days the time by which the Commissioner must act.	Extend by 90 days
Banking and Insurance, Real Estate Commission	N.J.S.A. 45:15-11.3	The affected statutory provision requires qualifying salespersons, in the event of the death or incapacity of the broker of record, to apply for a temporary broker license within 30 days from the death or incapacity of the broker of record. This extension will extend the time within which the qualifying salesperson must apply for a temporary broker license by 30 days.	Extend by 30 days
Banking and Insurance, Real Estate Commission	N.J.S.A. 45:15-16.30a(c)	The affected statutory provision requires the Commission to provide secondary registration subdividers with a notice of completion or notice of deficiency of applications within 30 days of receipt of a substantially completed application. This extension will extend by 6 months the time within which the Commission must issue notices of completion or deficiency before the application is deemed complete.	Extend by 6 months
Banking and Insurance, Real Estate Commission	N.J.S.A. 45:15-16.33	The affected statutory provision states that the Commission shall enter an order registering subdivisions or subdivided lands or rejecting the registration within 90 days from the date of the notice of filing, and that subdivisions or subdivided lands shall be deemed registered unless an order of rejection is entered within 90 days from the date of the notice of filing or the applicant has consented in writing to a delay. This extension will extend the time for the Commission to take action under this statute by six months.	Extend by 6 months
Banking and Insurance, Real Estate Commission	N.J.S.A. 45:15-16.62(a)	The affected statutory provision requires the Commission to issue an order of registration as to a comprehensive registration filed by a timeshare developer within 60 days after receipt and issuance of a notice of filing, or to provide a list of deficiencies in the application within 60 days of the issuance of the notice of filing, and provides that a timeshare plan shall be deemed registered unless a list of deficiencies is provided to the applicant within 60 days of the issuance of the notice of filing, unless the applicant has consented in writing to a delay. This extension will extend by 6 months the time within which the Commission must issue an order of registration or a list of deficiencies.	Extend by 6 months
Banking and Insurance, Real Estate Commission	N.J.S.A. 45:15-16.62(b)	The affected statutory provision requires the Commission to issue an order of registration as to an abbreviated registration filed by a timeshare developer within 30 days after receipt and issuance of a notice of filing, or to provide a list of deficiencies in the application within 30 days of the issuance of the notice of filing, and provides that a timeshare plan shall be deemed registered unless a list of deficiencies is provided to the applicant within 30 days of the issuance of the notice of filing, unless the applicant has consented in writing to a delay. This extension will extend by 6 months the time within which the Commission must issue an order of registration or a list of deficiencies.	Extend by 6 months
Banking and Insurance, Real Estate Commission	N.J.S.A. 45:15-16.62(c)	The affected statutory provision states that a preliminary registration filed by a timeshare developer shall be effective and deemed approved within 20 days of receipt, unless the Commission provides to the applicant a written list of deficiencies in the application within 20 days of receipt of the completed application and fee, or the applicant has consented in writing to a delay. This extension will extend by 6 months the time within which the Commission must issue a list of deficiencies.	Extend by 6 months
Law & Public Safety, Division of New Jersey Racing Commission	N.J.S.A. 5:5-22.2(c)	The affected statutory provision requires persons who possess unclaimed cash vouchers to redeem the voucher within three years after the date of purchase or the voucher shall expire and the voucher funds shall be paid to the permitholder and purse account. This extension will extend the time by which persons possessing unclaimed cash vouchers must redeem the vouchers until 90 days after the last day of the public health emergency.	Extend until 90 days after last day of PHE

APPENDIX TO EXECUTIVE ORDER NO. 178

AGENCY	STATUTORY PROVISION	DESCRIPTION	EXTENSION
Law & Public Safety, Division of New Jersey Racing Commission	N.J.S.A. 5:5-64	The affected statutory provision requires persons holding winning parimutuel tickets to claim the funds within six months from the time such tickets are issued. This extension will extend the time by which persons holding winning tickets must claim the funds associated with the winning ticket until 90 days after the last day of the public health emergency.	Extend until 90 days after last day of PHE
Law & Public Safety, Division of New Jersey Racing Commission	N.J.S.A. 5:5-67	The affected statutory provision requires permit holders conducting horse race meetings to, within 60 days after the conclusion of every race meeting, file a complete audit of the total amount of money contributed to every parimutuel pool on each race; provided that no reports be filed later than December 1 of the year in which the race meeting is held, unless such meeting is held after November 1, in which case the report must be filed not later than December 15 of the same year. This extension will extend the time within which permit holders must submit audits of the monies contributed to every parimutuel pool on each race until 60 days after the last day of the public health emergency.	Extend until 60 days after last day of PHE
Law & Public Safety, Division of New Jersey Racing Commission	N.J.S.A. 5:5-68.1	The affected statutory provision states that amounts resulting from parimutuel tickets remaining unclaimed after six months which are paid to the Racing Commission for deposit in the general fund shall be appropriated each fiscal year to the Racing Commission to be used for the expenses of the Commission. This extension will extend the deadline for claiming parimutuel tickets before the funds are appropriated to the Commission.	Extend until 90 days after last day of PHE
Law & Public Safety, Division of State Police	N.J.S.A. 45:19-33	The affected statutory provision requires renewal of bounty hunter licenses every two years. This extension will extend the expiration dates of expiring bounty hunter licenses until 60 days after the last day of the public health emergency.	Extend until 60 days after last day of PHE
Law & Public Safety, Division of State Police	N.J.S.A. 45:19A-3(d)	The affected statutory provision requires that licenses for security officer companies be renewed every two years. This extension will extend expiring licenses for security officer companies until 60 days after the last day of the public health emergency.	Extend until 60 days after last day of PHE
Law & Public Safety, Division of State Police	N.J.S.A. 45:19A-4(f)	The affected statutory provision states that a certificate of registration as a security officer shall be renewed every two years by an applicant for an unarmed security officer position and each year by an applicant for an armed security officer position. This extension will extend the expiration date of registrations until 60 days after the last day of the public health emergency.	Extend until 60 days after last day of PHE
Law & Public Safety, Division of State Police	P.L. 2019, c.269, ss. 2, 3, 5, 7	The affected statutory provision, with an effective date of June 15, 2020, amends the State's laws concerning expungement eligibility and procedures. This extension will extend the effective date until February 15, 2021.	Extend by 9 months
Administrative Office of the Courts	P.L. 2019, c.269, s. 6	The affected statutory provision requires the Administrative Office of the Courts to develop and maintain a system for sealing records from the public, upon order of a court, pertaining to offenses or delinquent acts involving marijuana or hashish, by September 15, 2020. This extension will extend the deadline until February 15, 2021.	Extend by 5 months
Office of the Secretary of Higher Education	N.J.S.A. 18A:3B-82(a)	The affected statutory provision requires each institution of higher education to submit to the Office of the Secretary of Higher Education, by May 1, 2020, plans to expand the use of open textbooks and commercial digital learning materials. This extension will extend the submission deadline by 6 months.	Extend by 6 months

EXECUTIVE ORDER NO. 179

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, and 171 issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, and August 1, 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, and No. 175, and Nos. 177-178 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, as of August 24, 2020, according to the World Health Organization, there were over 23,311,000 confirmed cases of COVID-19 worldwide, with over 806,000 of those cases having resulted in death; and

WHEREAS, as of August 24, 2020, according to the Centers for Disease Control and Prevention, there were over 5,682,000 confirmed cases of COVID-19 in the United States, with over 176,000 of those cases having resulted in death; and

WHEREAS, as of August 24, 2020, there were over 189,000 positive cases of COVID-19 in New Jersey, with at least 14,120 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 set to take place in March and April were postponed until 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, 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, I issued Executive Order No. 164 (2020), 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, to accommodate the increase in vote-by-mail ballots, Executive Order No. 144 (2020) extended the time that ballots must be received by five (5) days, provided that such ballots must be postmarked by July 7, 2020, and received by July 14, 2020, in order to be counted; and

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

WHEREAS, even as the rate of reported new cases of COVID-19 decreased, the ongoing risks presented by COVID-19 have meant that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

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

WHEREAS, the COVID-19 emergency makes it difficult for election officials, candidates, and voters to properly plan and prepare for and fully participate in the general election on November 3, 2020 ("November General Election") if it was to proceed as it would under normal circumstances; and

WHEREAS, States generally have discretion to dictate the time, manner, and place of elections in the absence of controlling federal law; and

WHEREAS, pursuant to 3 U.S.C. §1, the presidential election shall be held on the Tuesday after the first Monday in November, which is November 3, 2020; and

WHEREAS, pursuant to 3 U.S.C. §7 and N.J.S.A. 19:36-1, the State's electors for President and Vice President must meet and vote on the first Monday after the second Wednesday in December, which is December 14, 2020; and

WHEREAS, the results of the November General Election must be certified in advance of the federal deadline for the meeting of electors; and

WHEREAS, although the dates for the November General Election and the meeting of electors are established by federal law and cannot be changed, allowing the November General Election to proceed as it would under normal circumstances during this unprecedented COVID-19 health crisis will create hardships and health risks for voters, poll workers, and candidates alike; and

WHEREAS, the county Boards of Elections had difficulty retaining poll workers for the July Primary Election due to the COVID-19 pandemic and are likely to face the same issue for the November General Election so long as the health crisis exists; and

WHEREAS, election officials require flexibility and sufficient lead time to adapt their locality's voting infrastructure to confront the magnitude of the public health and safety risks of the COVID-19 pandemic; and

WHEREAS, failing to take proactive actions to mitigate the adverse impacts of the current health crisis on the upcoming November General Election carries the risk of disenfranchising citizens; and

WHEREAS, social distancing measures are required for a period of as-yet-undetermined duration, and the COVID-19 outbreak may have significant effects on New Jersey's voting systems as long as social distancing measures are in place and for some time thereafter; and

WHEREAS, failing to offer voters a ready alternative to reporting to public polling locations to vote in the upcoming November General Election in the midst of the COVID-19 crisis will hinder public participation in the democratic process, particularly among elderly and immune-compromised voters, and undermine the legislative intent of provisions such as N.J.S.A. 19:8-2 and 19:8-3.1, which are designed to ensure that such voters can exercise their right to vote; and

WHEREAS, the United States Post Office has advised that voters must use First-Class postage to return their ballots to the county Boards of Elections so that it will be delivered 2-5 days after it is received by the Postal Service, and recent reports have indicated that mail is taking longer for delivery than is typical; and

WHEREAS, in July, the United States Post Office sent letters to the county Boards of Elections advising that mail-in ballots were in the mail stream on or before the July Primary Election, notwithstanding the postmark on the ballots and that the ballots were delivered to the county Boards of Elections the day after the July Primary Election; and

WHEREAS, the United States Post Office has advised that international mail service has been suspended to and from sixty-seven (67) destinations, see <https://about.usps.com/newsroom/service-alerts/international/welcome.htm>, for further details; 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 November General Election; and

WHEREAS, Executive Order No. 177 (2020) requires modification as set forth below to ensure enough time to complete preparations for the November General Election, to minimize voter confusion, to ensure voters have a process by which they may cure a ballot with a signature deficiency, and to ensure timely counting of the November General Election ballots; 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. Paragraph 3 of Executive Order No. 177 (2020) is modified such that the notice in lieu of a sample ballot authorized pursuant to this subsection shall be sent return service requested as required by N.J.S.A. 19:14-23.

2. Paragraph 12 of Executive Order No. 177 (2020) is modified such that the last day a vacancy may occur for primary election nominees for the November General Election, under N.J.S.A. 19:13-20, shall be August 28, 2020. Furthermore, vacancies occurring after August 28, 2020, and any initiatives or

referendums not on the ballot by August 31, 2020, shall not be placed on the November General Election ballot.

3. Paragraph 15 of Executive Order No. 177 (2020) is modified such that the county Boards of Elections may continue the counting of ballots beyond the close of polls on November 3, 2020, and may adjourn counting after 11:00 pm on November 3, 2020 to immediately continue counting at 9:00 am on November 4, 2020, and continue every day thereafter, until the counting is completed within the limits of this section.

4. Paragraph 16 of Executive Order No. 177 (2020) is modified such that voters whose ballots are rejected pursuant to N.J.S.A. 19:63-17, for a missing or discrepant signature, shall be given the opportunity to cure the signature defect in accordance with procedures established by the Secretary of State, in the absence of any governing statute.

5. Paragraph 21 of Executive Order No. 177 (2020) is modified such that counties may certify their election results prior to the commencement of the election audit required in that section, provided that the audit is completed by December 4, 2020.

6. To allow enough time for the county Boards of Elections to complete the count of the provisional ballots, N.J.S.A. 19:53C-13 is suspended. The county commissioner of registration may forward provisional ballots to the county Board of Elections for counting on an ongoing basis as the verification process is completed.

7. To avoid voter confusion, N.J.S.A. 19:63-6 is suspended. In lieu of the statutory notice, the county clerks shall, in a time set forth by the Secretary of State, publish a notice to be prepared by the Secretary of State.

8. This Order shall take effect immediately.

GIVEN, under my hand and seal this
25th day of August,
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/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 180

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, 135-138, 140-166, 168-173, 175, and 177-179 (2020), 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

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, through Executive Order Nos. 119, 138, 151, 162, and 171 (2020), 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, since the Public Health Emergency was renewed on August 1, 2020, at which time there were over 181,000 positive cases of COVID-19 in New Jersey, the COVID-19 outbreak has continued to present a public health hazard in New Jersey, in the region, and across the United States; and

WHEREAS, as of August 27, 2020, according to the World Health Organization, there were over 23,980,000 confirmed cases of COVID-19 worldwide, with over 820,000 of those cases having resulted in death; and

WHEREAS, as of August 26, 2020, according to the Centers for Disease Control and Prevention (CDC), there were over 5,752,000 confirmed cases of COVID-19 in the United States, with over 177,000 of those cases having resulted in death; and

WHEREAS, as of August 26, 2020, there were over 190,000 positive cases of COVID-19 in New Jersey, with at least 14,134 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, due to the significant emergency measures the State has taken in response to COVID-19, there has now been 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 has 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 (the "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 Plan, the State has 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 recreational and entertainment businesses have been lifted over the past several months; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

WHEREAS, the fact that the spread of COVID-19 has been limited by the State's emergency measures does not in any way suggest that the ongoing Public Health Emergency has dissipated, because absent social distancing measures, public health experts anticipate that the spread of COVID-19 would again significantly increase; and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is necessary to allow the State to continue with the Plan to allow for the methodical and strategic reopening of the State, consistent with the State's authority under the EHPA; and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is also necessary to ensure that the State can swiftly respond to take all appropriate actions should the rate of reported new cases of COVID-19 in New Jersey, number of individuals being admitted to hospitals for COVID-19, or rate of reproduction for COVID-19 infections in New Jersey increase once more, as we are now seeing in numerous states across the country; and

WHEREAS, the spread of COVID-19 has greatly strained the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, and the situation is too large in scope to be handled entirely by the normal county and municipal operating services; and

WHEREAS, the facts as set forth above and consultation with the Commissioner of DOH confirm that the spread of COVID-19 in New Jersey constitutes an ongoing public health hazard that

threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State, and it is necessary and appropriate to take action against this public health hazard to protect and maintain the health, safety, and welfare of New Jersey residents and visitors; and

WHEREAS, the facts as set forth above and consultation with the Commissioner of DOH confirm that there exists a public health emergency in the State; 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 DECLARE and PROCLAIM that the Public Health Emergency declared in Executive Order No. 103 (2020) pursuant to the EHPA, N.J.S.A. 26:13-1, et seq., continues to exist throughout the State of New Jersey, and I hereby ORDER and DIRECT:

1. All Executive Orders adopted in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak remain in full force and effect.

2. All actions taken by any Executive Branch departments and agencies in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak, or in whole or in part based on authority delegated by any Executive Orders described in Paragraph 1 of this

Order, including but not limited to any Administrative Orders, remain in full force and effect.

3. For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

4. This Order shall take effect immediately.

GIVEN, under my hand and seal this
27th day of August,
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/ Matthew J. Platkin
Chief Counsel to the Governor

EXECUTIVE ORDER NO. 181

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, and 180, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, and August 27, 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 and the Emergency Health Powers Act, 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, and Nos. 177-180 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to further limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) closed all recreational and entertainment businesses, and limited all restaurants, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, to offering food delivery and/or take-out services only; and

WHEREAS, given the decrease in the rate of reported new cases of COVID-19 in New Jersey, including a reduction in the total number of individuals being admitted to hospitals for COVID-19, the State has taken and can take steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan (the "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, the State is implementing its reopening process and has begun to relax restrictions on certain businesses, including the opening of all retail businesses, and resumption of limited indoor recreation and outdoor dining; and

WHEREAS, because of our continued progress, most recreational and entertainment businesses can allow the public into their indoor spaces for activity, as long as there are strict capacity limits and individuals are wearing face coverings; and

WHEREAS, a limited number of indoor entertainment businesses still pose a higher risk of transmission of COVID-19 at this time, such as performance-based locations such as movie theaters, performing arts centers, other concert venues, and nightclubs, because those businesses necessitate individuals congregating together concurrently in one indoor location for a prolonged period of time, which is different than indoor retail settings, and even most recreational and entertainment businesses where individuals do not inherently spend a prolonged amount of time together in one location; and

WHEREAS, Executive Order No. 157 (2020) permitted certain recreation and entertainment businesses, including those businesses that offered fitness activities, to reopen subject to their compliance with specified health and safety protocols; and

WHEREAS, issuing health and safety protocols that apply to fitness activities that were previously permitted to resume can help ensure that these activities can continue to occur while minimizing the risk of COVID-19 transmission; and

WHEREAS, while gyms and fitness centers involve people congregating in a confined space and exercising, individuals are typically utilizing the facility for a short period of time, so that with strict mitigation protocols in place, safe operations can resume inside the facilities; and

WHEREAS, certain businesses that were permitted to resume operations were required to adopt policies and procedures that incorporated critical health and safety guidelines, including

through Executive Orders Nos. 122, 157, and 163 (2020), and which required that staff wear gloves at worksites; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") has now advised that gloves should be worn in certain limited circumstances, such as when caring for a sick individual or while cleaning, but that frequent handwashing is generally the preferable method to maintain appropriate hand hygiene; 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. "Health clubs," as defined by N.J.S.A. 56:8-39, which include gyms and fitness centers, as well as amusement and water parks, can open their indoor premises as of 6:00 a.m. on Tuesday, September 1, 2020, provided that such businesses adopt policies that include, at minimum, the following requirements:

- a. Limit occupancy of any indoor premises to 25 percent of the stated maximum capacity, if applicable, at one time, excluding staff;
- b. Require that reservations, cancellations, and pre-payments be made via electronic or telephone reservation systems to limit physical interactions. Such policies shall, wherever possible, consider

populations that do not have access to internet service or credit cards;

- c. Install a physical barrier, such as a shield guard, between customers and employees wherever feasible or otherwise ensure six feet of distance between those individuals, except at the moment of payment;
- d. Limit the use of equipment rented or otherwise provided by the business to one person at a time, excluding immediate family members, caretakers, household members, or romantic partners, and sanitize such equipment before and after use;
- e. Demarcate and post signs that denote six feet of spacing in all commonly used and other applicable areas or where people may form a line;
- f. Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;
- g. Provide employees break time for repeated handwashing throughout the workday;
- h. Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to staff and customers;
- i. Limit occupancy in restrooms and locker facilities that remain open to avoid over-crowding and maintain social distancing through signage and, where practicable, the utilization of attendants to monitor capacity;
- j. Require frequent sanitization of high-touch areas including, at minimum, the following cleaning protocols:

- i. Routinely clean and disinfect all high-touch areas in accordance with DOH and CDC guidelines, particularly in spaces that are accessible to staff, customers, or members, or other individuals, including, but not limited to, restroom and locker facilities, counter tops, hand rails, door knobs, other common surfaces, safety equipment, and other frequently touched surfaces including employee used equipment, and ensure cleaning procedures following a known or potential exposure in compliance with CDC recommendations;
 - ii. Clean and disinfect equipment that is rented in accordance with CDC and DOH guidelines; and
 - iii. Train and equip employees to perform the above protocols effectively and in a manner that promotes the safety of the visitors and staff;
- k. Place additional restrictions on areas of the business, as necessary, to limit person-to-person interactions and facilitate appropriate social distancing;
 - l. Immediately separate and send home workers who appear to have symptoms consistent with COVID-19 illness upon arrival at work or who become sick during the day;
 - m. Promptly notify workers of any known exposure to COVID-19 at the worksite, consistent with the confidentiality requirements of the Americans with Disabilities Act and any other applicable laws;

- n. Clean and disinfect the worksite in accordance with CDC guidelines when a worker at the site has been diagnosed with COVID-19 illness;
- o. Continue to follow guidelines and directives issued by the New Jersey DOH, the CDC and the Occupational Health and Safety Administration, as applicable, for maintaining a clean, safe, and healthy work environment; and
- p. Require workers and customers to wear cloth face coverings while in the indoor portion of the premises, except where doing so would inhibit that individual's health or where the individual is under two years of age. Businesses must provide, at their expense, such face coverings for their employees. If a customer refuses to wear a cloth face covering for non-medical reasons and if such covering cannot be provided to the individual by the business at the point of entry, then the business must decline the individual entry into the indoor premises. This requirement shall not apply when wearing a face covering would inhibit that individual's health, including when in the water and in other situations where the presence of a mask would pose a risk to the individual's safety, or where the individual is under two years of age. Nothing in the stated policy should prevent workers or customers from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if the business is otherwise required

to provide such worker with more protective equipment due to the nature of the work involved. Where an individual declines to wear a face covering in the indoor premises due to a medical condition that inhibits such usage, neither the business nor its staff shall require the individual to produce medical documentation verifying the stated condition.

2. Notwithstanding the provisions of Paragraph 1, above, health clubs, amusement parks, and water parks are permitted to open their indoor premises to the public only where they are in compliance with the health and safety guidelines and standards issued by the Commissioner of the DOH.

3. Recreational and entertainment businesses that provide fitness instruction and which were permitted to resume operations pursuant to Executive Order No. 157 (2020) must adhere to the protocols outlined in Paragraph 1 and to guidance issued by the Commissioner of Health.

4. Paragraphs 8 and 10 of Executive Order No. 157 (2020) are superseded to the extent that they are inconsistent with the provisions of this Order.

5. Any type of event at one of the above-described facilities that involves individuals who are there at a specific time, a specific location, and for a common reason, such as a fitness class at a gym or a birthday party at an amusement park, are subject to the applicable gathering limits, which were most recently laid out in Executive Order No. 173 (2020).

6. Businesses subject to the requirements of Executive Orders Nos. 122, 157, and 165 (2020) are no longer required to mandate that workers wear gloves on the premises or when in contact

with customers or goods. Such businesses may adopt policies that require staff to wear gloves, in addition to regular hand hygiene. Where a business requires its staff to wear gloves while at the worksite, the business must provide such gloves to staff. The specified businesses must ensure that staff practice regular hand hygiene when interacting with the public. Paragraphs 1 and 3 of Executive Order No. 122 (2020), paragraphs 1 and 7 of Executive Order No. 157 (2020), and paragraphs 1, 2, 3, 4, and 5 of Executive Order No. 165 (2020) are superseded to the extent that they are inconsistent with the provisions of this Order.

7. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

8. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order.

9. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement.

10. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

11. This Order shall take effect immediately, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this
27th day of August,
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/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 182

WHEREAS, United States Army Staff Sergeant Vincent P. Marketta was a lifelong product of Ocean County and most recently resided in Brick Township; and

WHEREAS, Staff Sergeant Marketta graduated from Brick High School in 2005 and enlisted in the U.S. Army as a Black Hawk helicopter repairer in 2011; and

WHEREAS, following extensive training and assessment, Staff Sergeant Marketta was assigned to the 160th Special Operations Aviation Regiment (Airborne) in 2012; and

WHEREAS, soldiers within the 160th Special Operations Aviation Regiment, known as "Night Stalkers," are recognized for their proficiency in nighttime military engagements; and

WHEREAS, Staff Sergeant Marketta dedicated eighteen months to aircraft repair within the 160th Special Operations Aviation Regiment before he was promoted to an MH-60M Crew Chief in 2014; and

WHEREAS, Staff Sergeant Marketta completed or graduated from the Enlisted Combat Skills, Combatives Level 1, MH-60 Maintainers Course, Survival, Evasion, Resistance, and Escape School, MH-60 Non-Rated Crew Member Course, the Basic and Advanced Leaders Courses, and the MH-60 Flight Instructors Course; and

WHEREAS, while assigned to the 160th Special Operations Aviation Regiment, Staff Sergeant Marketta was first deployed to Afghanistan in Operation Enduring Freedom; and

WHEREAS, Staff Sergeant Marketta subsequently served multiple tours in Iraq in support of Operation Inherent Resolve in action against the Islamic State; and

WHEREAS, during his eleven years of service to the United States, Staff Sergeant Marketta received many awards and decorations, including the Distinguished Flying Cross, Air Medal

with V device, Air Medal with C device, Air Medal, Army Commendation Medal with C device (20LC), Army Commendation Medal, Army Achievement Medal (10LC), Army Good Conduct Medal, Afghanistan Campaign Medal (Campaign Star), Inherent Resolve Campaign Medal, Global War on Terrorism Service Medal, Global War on Terrorism Expeditionary Medal, Noncommissioned Officer Professional Development Ribbon (Numeral 2), Army Service Ribbon, NATO Medal, Combat Action Badge, and the Basic Aviator's Badge; and

WHEREAS, Staff Sergeant Marketta tragically lost his life while engaged in training operations on San Clemente Island in California on August 27, 2020; and

WHEREAS, Staff Sergeant Marketta was a beloved member of our New Jersey family whose presence will be immensely missed by his family, his friends, his fellow servicemembers, and by the people of New Jersey and around the country whom are grateful for his service; and

WHEREAS, it is with immense sadness that we mourn Staff Sergeant Marketta's sudden passing, and extend our deepest sympathy and gratitude to his family, friends, and colleagues; and

WHEREAS, it is appropriate to honor the exemplary character, outstanding achievements, and cherished memory of Staff Sergeant Marketta and to mark his passing;

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 flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours

on Tuesday, September 1, 2020, in recognition and mourning of a courageous and loyal American hero, Staff Sergeant Vincent P. Marketta.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this
31st day of August,
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/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 183

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, and 180, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, and August 27, 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 and the Emergency Health Powers Act, 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, and Nos. 177-181 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to further limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) closed all recreational and entertainment businesses, and limited all restaurants, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, to offering food delivery and/or take-out services only; and

WHEREAS, given the decrease in the rate of reported new cases of COVID-19 in New Jersey, including a reduction in the total number of individuals being admitted to hospitals for COVID-19, the State has taken and can take steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan (the "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 accordance with this Plan, on June 3, 2020, I signed Executive Order No. 150, which authorized food or beverage establishments to offer in-person service at outdoor areas, provided that the food or beverage establishment complied with certain social distancing protocols; and

WHEREAS, Executive Order No. 150 (2020) prohibited smoking in any outdoor areas designated for the consumption of food and/or beverages, but stated that the requirement that food or beverage establishments impose this prohibition would automatically sunset when in-person service was permitted in indoor areas; and

WHEREAS, on June 9, 2020, I signed Executive Order No. 153, which allowed all recreational and entertainment businesses to reopen their outdoor spaces to the public as long as they adopted policies containing a specified list of health and safety requirements; and

WHEREAS, I signed Executive Order No. 157 on June 26, 2020, which authorized most recreational and entertainment businesses to reopen their entire premises, whether indoor or outdoor, to the public, contingent on those businesses adopting certain health and safety protocols; and

WHEREAS, while Executive Order No. 157 (2020) announced the limited resumption of indoor dining, this step was put on hold in Executive Order No. 158 (2020), in light of COVID-19 spikes in states around the nation, which were attributed by state officials and other experts, at least in part, to activities in indoor food and beverage establishments; and

WHEREAS, Executive Order No. 157 (2020) prohibited certain recreational and entertainment businesses, including health clubs, performance-based entertainment centers such as movie theaters, performing arts centers, or other concert venues, and indoor amusement or water parks, from opening their indoor spaces to the public because they were deemed to pose an unacceptably high risk of transmission of COVID-19 at that time; and

WHEREAS, on August 27, 2020, I signed Executive Order No. 181 (2020), which opened health clubs and indoor amusement and water parks with strict capacity limits and mask requirements; and

WHEREAS, indoor performance-based entertainment centers have posed unique challenges because they involve individuals in proximity for unusually significant periods of time, and, in the case of centers like movie theaters that offer concessions, necessitate individuals removing their masks for limited periods; and

WHEREAS, indoor dining has also presented challenges given that it necessitates individuals removing their masks, and given that it has been tied to spikes in other states; and

WHEREAS, because of the enormous progress that New Jersey has made in combatting the spread of COVID-19, including the lack of any sustained uptick in transmission for the last several months, it is now appropriate to allow indoor dining and indoor entertainment centers to operate, with strict capacity limits and health and safety protocols; and

WHEREAS, in line with the State's overall rules, which require individuals to wear a face covering any time they are in a range of indoor locations, except when doing so would endanger someone's health or would physically block an activity from taking place, individuals will still be required to wear a mask in indoor dining locations or

performance-based entertainment centers except when consuming their food or drinks; and

WHEREAS, in light of this continued progress, and of the importance of activities that receive heightened First Amendment protection, including religious worship and political activities, it is appropriate to adjust the limit on these types of indoor gatherings upward, while maintaining the 25 percent capacity limit that ensures that individuals are able to appropriately social distance; 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. Effective at 6:00 a.m. on Friday, September 4, 2020, restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as "food or beverage establishments," are permitted to offer in-person service at indoor areas, provided that the establishment complies with the following requirements:

- a. Limit the number of patrons in indoor areas to 25 percent of the food or beverage establishment's indoor capacity, excluding the food or beverage establishment's employees;
- b. Ensure that tables where individuals or groups are seated are six feet apart in all directions from any other table or seat and that individual seats in any shared area that is not reserved for individual groups, such as an indoor bar area, are also six feet apart in all directions from any other table or seat;

- c. Require indoor patrons to wear face coverings while inside the indoor premises of the food or beverage establishment. When seated at their table or their individual seat, indoor patrons shall wear face coverings until their food or drinks arrive, and after individuals have finished consuming their food or drinks, they shall put their face coverings back on. The face covering requirement does not apply if the patron has a medical reason for not wearing a face covering or is a child under two years of age;
- d. Food or beverage establishments shall only allow patrons to place orders for indoor table service when they are seated at a table or bar, and only wait staff or other employees may bring food or beverages to seated patrons;
- e. Patrons may only consume food or beverages while seated; and
- f. Abide by all other health and safety standards issued by the Commissioner of DOH, including infection control practices and other sanitization protocols, consistent with her authority under the Emergency Health Powers Act.

2. Effective at 6:00 a.m. on September 4, 2020, entertainment centers where performances are viewed or given, including movie theaters, performing arts centers, and other concert venues, may open their indoor spaces to the public, subject to the following requirements:

- a. Limit the number of patrons in any indoor room where a performance is viewed or given to 25 percent of the stated maximum capacity, if applicable, at one time, excluding the entertainment business's employees, but regardless of the capacity of the room, such limit shall never be larger than 150 persons;

- b. Individuals who purchase or reserve tickets together may be seated together, but must be six feet away from all other groups or individuals in all directions;
- c. Require that reservations, cancellations, and pre-payments be made via electronic or telephone reservation systems to limit physical interactions. Such policies shall, wherever possible, consider populations that do not have access to internet service or credit cards;
- d. Install a physical barrier, such as a shield guard, between visitors and employees wherever feasible or otherwise ensure six feet of distance between those individuals, except at the moment of payment;
- e. Limit the use of equipment rented or otherwise provided by the business to one person at a time, excluding immediate family members, caretakers, household members, or romantic partners, and sanitize such equipment before and after use;
- f. Demarcate and post signs that denote six feet of spacing in all commonly used and other applicable areas or where people may form a line;
- g. Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;
- h. Provide employees break time for repeated handwashing throughout the workday;
- i. Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to staff and customers;
- j. Limit occupancy in restrooms that remain open to avoid over-crowding and maintain social distancing through signage and, where practicable, the utilization of attendants to monitor capacity;

- k. Require frequent sanitization of high-touch areas including, at minimum, the following cleaning protocols:
 - i. Routinely clean and disinfect all high-touch areas in accordance with DOH and Centers for Disease Control and Prevention ("CDC") guidelines, particularly in spaces that are accessible to staff, customers, or members, or other individuals, including, but not limited to, restroom and locker facilities, counter tops, hand rails, door knobs, other common surfaces, safety equipment, and other frequently touched surfaces including employee used equipment, and ensure cleaning procedures following a known or potential exposure in compliance with CDC recommendations;
 - ii. Clean and disinfect equipment that is rented in accordance with CDC and DOH guidelines; and
 - iii. Train and equip employees to perform the above protocols effectively and in a manner that promotes the safety of the visitors and staff;
- l. Place additional restrictions on areas of the business, as necessary, to limit person-to-person interactions and facilitate appropriate social distancing;
- m. Immediately separate and send home workers who appear to have symptoms consistent with COVID-19 illness upon arrival at work or who become sick during the day;
- n. Promptly notify workers of any known exposure to COVID-19 at the worksite, consistent with the confidentiality requirements of the Americans with Disabilities Act and any other applicable laws;
- o. Clean and disinfect the worksite in accordance with CDC guidelines when a worker at the site has been diagnosed with COVID-19 illness;

- p. Continue to follow guidelines and directives issued by the New Jersey DOH, the CDC, and the Occupational Health and Safety Administration, as applicable, for maintaining a clean, safe and healthy work environment;
- q. Ensure that staff practice regular hand hygiene when interacting with the public. Businesses may adopt policies that require staff to wear gloves, in addition to regular hand hygiene. Where a business requires its staff to wear gloves while at the worksite, the business must provide such gloves to staff;
- r. Require workers and customers to wear cloth face coverings while in the indoor portion of the premises, except where doing so would inhibit that individual's health or where the individual is under two years of age. Businesses must provide, at their expense, such face coverings for their employees. If a customer refuses to wear a cloth face covering for non-medical reasons and if such covering cannot be provided to the individual by the business at the point of entry, then the business must decline the individual entry into the indoor premises. Nothing in the stated policy should prevent workers or customers from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if the business is otherwise required to provide such worker with more protective equipment due to the nature of the work involved. Where an individual declines to wear a face covering in the indoor premises due to a medical condition that inhibits such usage, neither the essential retail business nor its staff shall require the individual to produce medical documentation verifying the stated condition; and

s. The requirement listed above in Paragraph 2(p) shall not apply where impracticable, such as when individuals are eating or drinking. Individuals who are eating or drinking concessions must wear face coverings before they begin eating or drinking, and then must put their face coverings back on after they are finished eating or drinking.

3. Effective at 6:00 a.m. on Friday, September 4, 2020, Paragraphs 2, 3, 4, and 5 of Executive Order No. 158 (2020) are hereby rescinded. After 6:00 a.m. on Friday, September 4, 2020, any retail, recreational, and entertainment business that is authorized to open its indoor premises to the public may allow the consumption of food, beverages, or smoking in those indoor premises, when otherwise permitted by State law. The State-mandated prohibition of smoking in any outdoor areas designated for the consumption of food and/or beverages shall sunset at 6:00 a.m. on Friday, September 4, 2020, although food or beverage establishments may choose to continue this prohibition if otherwise permitted to do so by State law.

4. Paragraph 1 of Executive Order No. 173 (2020) is hereby rescinded and the number of individuals at indoor gatherings that are not religious services or celebrations, political activities, wedding ceremonies, funerals, or memorial services shall be limited to 25 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be larger than 25 persons or smaller than 10 persons. The number of individuals at indoor gatherings that are religious services or celebrations, political activities, wedding ceremonies, funerals, or memorial services shall be limited to 25 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be larger than 150 persons or smaller than 10 persons. For purposes of this Paragraph, any private residence or residential unit shall be treated as a single "room."

5. Paragraph 1(b) of Executive Order No. 152 (2020) is hereby rescinded and all attendees at an indoor gathering must wear face coverings at all times except where doing so would inhibit the individual's health, where the individual is under two years of age, or when wearing a face covering is impracticable, such as when an individual is eating, drinking, or smoking.

6. While the numerical limits on indoor gatherings in Paragraph 1(a) of Executive Order No. 152 (2020) and the face covering requirement in Paragraph 1(b) of Executive Order No. 152 (2020) are hereby superseded, all other requirements for indoor gatherings contained in Paragraph 1 for Executive Order No. 152 (2020) shall remain in effect.

7. Any requirements in any Executive Order, Administrative Order, or agency directive that incorporated by reference the gatherings limits in Executive Order Nos. 107, 142, 148, 152, 156, 161, and/or 173 (2020) are amended to reflect the rules on gatherings stated in this Order.

8. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

9. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order.

10. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement.

11. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

12. This Order shall take effect immediately, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this
1st day of September,
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/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 184

WHEREAS, on September 11, 2001, unprecedented acts of terrorism were committed in New York, Washington, D.C., and Pennsylvania; and

WHEREAS, these barbaric attacks took the lives of almost 3,000 innocent people, nearly 700 of whom were residents of New Jersey; and

WHEREAS, many New Jerseyans, including thousands of police, fire, military, emergency, and construction personnel, bravely responded to this tragedy; and

WHEREAS, these attacks caused a tremendous loss of life, and further inflicted incalculable pain and anguish on the survivors of the attacks and the families who lost loved ones that day; and

WHEREAS, nineteen years later, many New Jerseyans continue to endure the devastating loss of a parent, spouse, child, or other loved one; and

WHEREAS, September 11, 2001 will be remembered by New Jerseyans across the State, both privately and at public remembrances and memorials, as we continue to display the patriotism and compassion that defines us as Americans and as New Jerseyans; and

WHEREAS, we remain grateful to our law enforcement officers, Armed Forces, and intelligence officers for their extraordinary sacrifices in the protection of our country and our State; and

WHEREAS, on this nineteenth anniversary of September 11, 2001, it is appropriate and fitting that this day be observed with full solemnity, in honor of the victims of the attacks;

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 flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, instrumentalities, and all public buildings during appropriate hours on Friday, September 11, 2020, in recognition and in mourning of the victims of the attacks of September 11, 2001, including those from our home State.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this
10th day of September,
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/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 185

WHEREAS, Justice Ruth Bader Ginsburg was born Joan Ruth Bader on March 15, 1933 in Brooklyn, New York, to Celia and Nathan Bader; and

WHEREAS, Celia Bader, Justice Ginsburg's mother, struggled with cancer while Justice Ginsburg was in high school, and tragically passed away the day before Justice Ginsburg's high school graduation; and

WHEREAS, Justice Ginsburg attended Cornell University on a scholarship, where she received a Bachelor of Arts in Government, was a member of Phi Beta Kappa, and earned the highest grade point average of any female student in her graduating class; and

WHEREAS, during her time at Cornell, Justice Ginsburg met and began dating a fellow student named Martin Ginsburg, and they married nine days after Justice Ginsburg's graduation in 1954 and remained married for 56 years until Martin's death from cancer in 2010; and

WHEREAS, after Justice Ginsburg gave birth to her and Martin's first child, Jane, in 1955, Martin enrolled at Harvard Law School that year while Justice Ginsburg enrolled at Harvard Law School the following year, in 1956; and

WHEREAS, Justice Ginsburg was one of only nine women in a class of 500 at Harvard Law School, and excelled academically while caring for both Jane and Martin, who had been diagnosed with testicular cancer; and

WHEREAS, when Martin took a job in New York City after graduating in 1958, Justice Ginsburg transferred to Columbia Law School and spent her third year of law school there, where she graduated tied for first in her class; and

WHEREAS, despite her superb academic credentials, Justice Ginsburg received no offers from New York law firms and was rejected for a clerkship at the U.S. Supreme Court by a Justice who refused to consider her because she was a woman, reflecting the pervasive discrimination that women in the law faced during that time; and

WHEREAS, Justice Ginsburg eventually obtained a clerkship with U.S. District Judge Edmund L. Palmieri of the Southern District of New York, and then went to work for the Columbia Law School Project on International Procedure, and produced a treatise on Swedish civil law; and

WHEREAS, Justice Ginsburg joined the faculty at Rutgers Law School in Newark in 1963, at which time she was one of fewer than 20 female law professors in the United States, and taught there from 1963 to 1972; and

WHEREAS, during this time, Justice Ginsburg and Martin had their second child, James, in 1965; and

WHEREAS, while a member of the faculty, Justice Ginsburg began volunteering to work on discrimination cases for the New Jersey affiliate and the national chapter of the American Civil Liberties Union ("ACLU"), including *Reed v. Reed*, 404 U.S. 71 (1972), in which the U.S. Supreme Court ruled for the first time that the Equal Protection Clause in the Fourteenth Amendment prohibits gender discrimination; and

WHEREAS, in 1972, Justice Ginsburg left Rutgers Law School to join the faculty at Columbia Law School as its first female tenured law professor and was also hired that year as the first director of the Women's Rights Project at the ACLU; and

WHEREAS, in her role at the Women's Rights Project, Justice Ginsburg argued six gender discrimination cases before the U.S. Supreme Court and won five of them, including several cases where she argued against laws that were based on stereotypes of male and female roles; and

WHEREAS, her contributions to gender equality in the courts led many observers to describe her as the Thurgood Marshall of the women's rights movement; and

WHEREAS, in 1980, Justice Ginsburg was nominated by President Jimmy Carter to serve as a Judge on the U.S. Court of Appeals for the District of Columbia Circuit, and she served on that court for 13 years; and

WHEREAS, in June 1993, President Clinton nominated Justice Ginsburg to the U.S. Supreme Court, and after being confirmed by a 96 to 3 vote in the Senate, she became the second woman ever to serve on our nation's highest court; and

WHEREAS, Justice Ginsburg served on the U.S. Supreme Court for over 27 years, and authored numerous landmark majority and dissenting opinions; and

WHEREAS, in 1996, Justice Ginsburg wrote the majority opinion in *United States v. Virginia*, 518 U.S. 515 (1996), where the Court held that the Virginia Military Institute's all-male admissions policy violated the Equal Protection Clause; and

WHEREAS, in *Ledbetter v. Goodyear*, 550 U.S. 618 (2007), Justice Ginsburg dissented and called on Congress to clarify Title VII and reverse the majority's decision making it extraordinarily difficult to assert a pay discrimination claim, which came to pass in 2009 when Congress passed the Lily Ledbetter Fair Pay Act that was signed into law by President Barack Obama; and

WHEREAS, Justice Ginsburg also notably dissented in *Shelby County v. Holder*, 570 U.S. 2 (2013), where she criticized the Court's decision to invalidate portions of the Voting Rights Act of 1965 because "throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet"; and

WHEREAS, Justice Ginsburg was a beloved member of the Court, and famously forged a close personal friendship with Justice Antonin Scalia despite their sharp ideological differences, serving as a reminder that we in public life can disagree while still maintaining civility and respect for each other; and

WHEREAS, towards the end of her tenure, Justice Ginsburg achieved significant fame in pop culture and became the subject of numerous books, movies, and artwork, making her an iconic figure to younger generations who have benefited from her fights for equality; and

WHEREAS, in 2019, I had the distinct honor of presenting Justice Ginsburg with The Golden Pea on behalf of MARCHENLAND Berlin, an experience that my family and I will never forget; and

WHEREAS, Justice Ginsburg died from complications of metastatic pancreatic cancer on September 18, 2020; and

WHEREAS, Justice Ginsburg leaves behind her daughter Jane, her son James, and her four grandchildren, including her granddaughter Clara, who has followed in Justice Ginsburg's footsteps as a lawyer at the ACLU; and

WHEREAS, despite beginning her legal career at a time when the legal field was almost entirely male, Justice Ginsburg ascended to the highest level of our judiciary through an unmatched combination of intellect, work ethic, and perseverance; and

WHEREAS, Justice Ginsburg was a towering figure in American jurisprudence, both as an advocate and as a Justice, and leaves behind a particularly profound legacy for women and girls, who today are entitled to equal rights under the law because of Justice Ginsburg's lifetime of work; and

WHEREAS, Justice Ginsburg will be sorely missed by a country that will forever be in her debt, and she will always remain a guiding light for all those who continue the fight for justice, equality, and civil rights;

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 flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours from Saturday, September 19, 2020, through the day of Justice Ginsburg's interment, in recognition and mourning of an American hero, Justice Ruth Bader Ginsburg.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this
 19th day of September,
 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/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 186

WHEREAS, on March 9, 2020, through Executive Order No. 103 (2020), 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, 135-138, 140-166, 168-173, 175, 177-181, and 183 (2020), 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

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. 181, 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, and 181 (2020), 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, since the Public Health Emergency was renewed on August 27, 2020, at which time there were over 190,000 positive cases of COVID-19 in New Jersey, the COVID-19 outbreak has continued to present a public health hazard in New Jersey, in the region, and across the United States; and

WHEREAS, as of September 25, 2020, according to the World Health Organization, there were over 32,029,000 confirmed cases of COVID-19 worldwide, with over 979,000 of those cases having resulted in death; and

WHEREAS, as of September 24, 2020, according to the Centers for Disease Control and Prevention (CDC), there were over 6,916,000 confirmed cases of COVID-19 in the United States, with over 201,000 of those cases having resulted in death; and

WHEREAS, as of September 24, 2020, there were over 201,000 positive cases of COVID-19 in New Jersey, with at least 14,300 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, due to the significant emergency measures the State has taken in response to COVID-19, there has now been 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 has 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 (the "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 Plan, the State has 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 recreational and entertainment businesses have been lifted over the past several months; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

WHEREAS, the fact that the spread of COVID-19 has been limited by the State's emergency measures does not in any way suggest that the ongoing Public Health Emergency has dissipated, because absent social distancing measures, public health experts anticipate that the spread of COVID-19 would again significantly increase; and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is necessary to allow the State to continue with the Plan to allow for the methodical and strategic reopening of the State, consistent with the State's authority under the EHPA; and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is also necessary to ensure that the State can swiftly respond to take all appropriate actions should the rate of reported new cases of COVID-19 in New Jersey, number of individuals being admitted to hospitals for COVID-19, or rate of reproduction for COVID-19 infections in New Jersey increase once more, as we are now seeing in numerous states across the country; and

WHEREAS, the spread of COVID-19 has greatly strained the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, and the situation is too large in scope to be handled entirely by the normal county and municipal operating services; and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that the spread of COVID-19 in New Jersey constitutes an ongoing public health hazard that

threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State, and it is necessary and appropriate to take action against this public health hazard to protect and maintain the health, safety, and welfare of New Jersey residents and visitors; and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that there exists a Public Health Emergency in the State; 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 DECLARE and PROCLAIM that the Public Health Emergency declared in Executive Order No. 103 (2020) pursuant to the EHPA, N.J.S.A. 26:13-1, et seq., continues to exist throughout the State of New Jersey, and I hereby ORDER and DIRECT:

1. All Executive Orders adopted in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak remain in full force and effect.

2. All actions taken by any Executive Branch departments and agencies in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak, or in whole or in part based on authority delegated by any Executive Orders described in Paragraph 1 of this

Order, including but not limited to any Administrative Orders, remain in full force and effect.

3. For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

4. This Order shall take effect immediately.

GIVEN, under my hand and seal this
25th day of September,
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/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 187

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, and 186, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, and September 25, 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 and the Emergency Health Powers Act, 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, and No. 183 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's 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, organized sports play a crucial role in an individual's physical and mental development, and for a number of athletes, organized sports offer the possibility of collegiate scholarships or other opportunities; and

WHEREAS, on May 29, 2020, I signed Executive Order No. 149, which allowed organized sporting activities to resume on June 22, 2020, in outdoor settings, provided that they did not involve person-to-person contact or individuals routinely interacting in close proximity; and

WHEREAS, Executive Order No. 149 (2020) also directed the Commissioner of the DOH to issue health and safety standards regarding sporting activities before June 22, 2020; and

WHEREAS, on June 15, 2020, the Commissioner of the DOH issued Guidance for Sports Activities (the "Guidance"), which categorized sports as "High Risk", "Medium Risk", and "Low Risk"; and

WHEREAS, the Guidance stated that practices and competitions for Low Risk sports could resume on June 22, 2020 in outdoor settings, because pursuant to Executive Order No. 149 (2020), they do not involve person-to-person contact and do not routinely entail individuals interacting within six feet of one another; and

WHEREAS, the Guidance noted no-contact practices for Medium Risk and High Risk sports could also resume on June 22, 2020, in outdoor settings, consistent with Executive Order No. 149 (2020); and

WHEREAS, on July 8, 2020, I issued Executive Order No. 163, which among other things, stated that practices and competitions for Low Risk sports and no-contact practices for High or Medium Risk sports could resume in both outdoor and indoor settings; and

WHEREAS, Executive Order No. 163 (2020) also stated that contact practices and competitions for Medium Risk sports were permitted to resume, but in outdoor settings only; and

WHEREAS, Executive Order No. 163 (2020) noted that contact practices and competitions for High Risk sports remain prohibited in both indoor and outdoor settings; and

WHEREAS, on July 20, 2020, I issued Executive Order No. 168, which allowed contact practices and competitions for High Risk sports in outdoor settings only, meaning that contact practices and competitions for both Medium Risk and High Risk sports have been permitted in outdoor settings but prohibited in indoor settings; and

WHEREAS, there are certain Medium and High Risk sports that require the use of indoor facilities and cannot be readily played outside; and

WHEREAS, the feasibility of conducting organized sporting activities outside will decrease as the weather becomes colder; and

WHEREAS, by expressly authorizing Medium and High Risk sports to resume contact practices and competitions in indoor settings, organizers and participants will be required to abide by the protocols outlined in the Guidance and will be subject to additional monitoring by leagues, associations and similar entities, thereby minimizing the potential risk associated with the activities; and

WHEREAS, the indefinite prohibition of contact practices and competitions in indoor settings would be highly disruptive to individuals' athletic careers, which could both affect individuals' personal and professional development and endanger certain financial opportunities for individuals, such as collegiate scholarships; and

WHEREAS, Paragraph 7 of Executive Order No. 148 clarified that professional athletes could fulfill their job duties, meaning professional sporting activities associated with Medium and High Risk sports have been permitted indoors, and there are no confirmed

COVID-19 outbreaks in New Jersey related to professional sporting activities indoors; and

WHEREAS, organized sports typically involve a common, defined group of people interacting, which makes contact tracing easier in the event there are identified cases of COVID-19; and

WHEREAS, because of our continued progress, we can now allow Medium and High Risk sports to resume contact practices and competitions in indoor settings; and

WHEREAS, certain sports practices and competitions require more than 25 individuals to be present, when accounting for players, coaches, referees, and other necessary individuals, and the formal nature of such events makes it easier to ensure that health and safety protocols are being appropriately followed; 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. No-contact practices, contact practices, and competitions for sports defined as "Low Risk", "Medium Risk", and "High Risk" by DOH's "Guidance for Sports Activities" are permitted in both outdoor and indoor settings. All activities referenced in this Paragraph are subject to the "Guidance for Sports Activities" issued by the Commissioner of the DOH, and such activities must comply with all applicable laws, regulations, and Executive Orders, including restrictions on recreational and entertainment businesses in

Paragraph 7 of Executive Order No. 157 (2020) and restrictions on gatherings in place at the time the sporting activities occur. Paragraph 13 of Executive Order No. 149 (2020), Paragraph 6 of Executive Order No. 163 (2020), and Paragraph 1 of Executive Order No. 168 (2020) are superseded to the extent that they are inconsistent with the provisions of this Paragraph.

2. No-contact practices, contact practices, and competitions that are conducted indoors are subject to the current indoor gathering limit of 25% of the capacity of the room in which it takes place, with such limit not to exceed 25 persons or be smaller than 10 persons. However, if the number of individuals who are necessary for a no-contact practice, contact practice, or competition, such as players, coaches, and referees, is greater than 25 persons, such a no-contact practice, contact practice, or competition may proceed, as long as no individuals are present who are not necessary for the no-contact practice, practice, or competition, such as spectators. If this exception applies, the number of individuals at such an indoor gathering still may not exceed 25% of the capacity of the room in which it takes place, and such limit may not exceed 150 persons.

3. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

4. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order.

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 which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement.

6. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

7. This Order shall take effect immediately, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this
12th day of October,
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/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 188

WHEREAS, New Jersey is one of the most racially, ethnically, and religiously diverse states in the nation, and this diversity is one of our State's greatest strengths; and

WHEREAS, discrimination, prejudice, and bigotry have no place in New Jersey or anywhere else in the nation; and

WHEREAS, in addition to enforcing existing anti-discrimination laws and regulations, such as the New Jersey Law Against Discrimination, our Administration is committed to using all resources and tools available to end hate and intolerance in all their forms, especially among New Jersey's students and young adults; to root out systemic racism and bias; and to foster learning environments where all students are welcome; and

WHEREAS, bias incidents, or suspected or confirmed crimes that are committed based on the victim's actual or perceived race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity, jeopardize our pursuit of freedom and opportunity, attack the identity and heritage of our citizens, shake the foundations of our cultural and religious institutions, and strike at our efforts to build a stronger and fairer New Jersey; and

WHEREAS, our institutions and systems play a role in teaching and perpetuating interpersonal bias, and it is impossible to address interpersonal bias without addressing systemic bias, particularly systemic racism; and

WHEREAS, the 2017-2018 Bias Incident Report issued by the Department of Law & Public Safety in August 2019, drawing on data submitted to the New Jersey Uniform Crime Reporting System by every New Jersey law enforcement agency, identified 569 reported bias

incidents in New Jersey in 2018, the highest annual total since 2011; and

WHEREAS, the 2017-2018 Bias Incident Report noted that an alarming number of reported bias incidents occurred at schools, and/or involved offenders and/or victims who were minors; and

WHEREAS, the Department of Law & Public Safety's Bias Incident Report for 2019 identifies 994 reported bias incidents, a 75% increase from 2018 -- the highest annual number of bias incidents in the State and the largest year-over-year increase since New Jersey began reporting bias incident data in 1994; and

WHEREAS, the reported bias incidents from 2019 include the deadly December 10th attacks at the JC Kosher Supermarket and the Bayview Cemetery in Jersey City, in which two shooters fueled by hate, tragically killed four of our fellow New Jerseyans; and

WHEREAS, in 2019, almost 25% of reported bias incidents occurred in elementary and secondary schools; and

WHEREAS, young people continue to make up a disproportionate share of offenders and victims in reported bias incidents; and

WHEREAS, addressing the rise in reported bias incidents among students and young adults in New Jersey requires cooperation across government agencies to understand the root causes of bias incidents and determine the best path forward; and

WHEREAS, in response to the findings in the 2017-2018 Bias Incident Report, Acting Governor Sheila Y. Oliver issued Executive Order No. 78 (2019), which created an Interagency Task Force to Combat Youth Bias ("Interagency Task Force") to provide advice and recommendations to the Governor's Office, the Attorney General, and other Executive Branch departments and agencies on strategies and actions to reduce incidents of hate, bias, and intolerance involving students and young adults; and

WHEREAS, the Interagency Task Force has now issued the required report of its findings and recommendations to the Governor and Attorney General; and

WHEREAS, the Interagency Task Force's report includes 27 recommendations for how New Jersey can better address the rate of bias incidents, particularly among young people, through education, enforcement, and public engagement; and

WHEREAS, although certain recommendations of the Interagency Task Force would require action by the Legislature, by school districts, or by postsecondary institutions, other recommendations can be implemented through action by Executive Branch departments and agencies, as described in the Interagency Task Force report's "Implementation Plan"; and

WHEREAS, the Interagency Task Force's recommendations are consistent with the policy of the State of New Jersey to combat discrimination, prejudice, and bigotry, and to reduce the rate of bias incidents in the State;

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 Attorney General; the Department of Law & Public Safety's Division on Civil Rights, Division of Criminal Justice, Division of State Police, and Juvenile Justice Commission; the Department of Children & Families; the Department of Education; the Office of Homeland Security & Preparedness; and the Office of the Secretary of Higher Education, shall take necessary and appropriate steps to implement those recommendations contained in the report of the Interagency Task Force that these Executive

Branch departments and agencies currently have legal authority to implement.

2. No later than December 31, 2021, each of the Executive Branch departments and agencies identified in Paragraph 1 shall report to the Office of the Governor on the progress of their implementation of the Interagency Task Force's recommendations.

3. Nothing contained herein shall be construed to direct the exercise of enforcement discretion by the Attorney General, the Division on Civil Rights, the Division of Criminal Justice, or the New Jersey State Police.

4. Nothing in this Order shall be construed to supersede any federal, State, or local law.

5. This order shall take effect immediately.

GIVEN, under my hand and seal this
13th day of October,
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/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 189

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, and 186 issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, and September 25, 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, and Nos. 186-187 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, as of October 14, 2020, according to the World Health Organization, there were over 38,002,000 confirmed cases of COVID-19 worldwide, with over 1,083,000 of those cases having resulted in death; and

WHEREAS, as of October 14, 2020, according to the Centers for Disease Control and Prevention, there were over 7,835,000 confirmed cases of COVID-19 in the United States, with over 215,000 of those cases having resulted in death; and

WHEREAS, as of October 14, 2020, there were over 216,000 positive cases of COVID-19 in New Jersey, with at least 14,402 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, the COVID-19 Emergency has caused many businesses throughout the State to transition to remote working arrangements, including third party and in-house tax professionals; and

WHEREAS, adherence to social distancing requirements have made it difficult for tax preparers to meet with their clients to prepare tax returns; and

WHEREAS, P.L.2018, c.48 and P.L.2018, c.131 overhauled the State's Corporation Business Tax ("CBT") Act, including by collectively mandating combined reporting for tax years ending on and after July 31, 2019 for combined groups that have common ownership, conduct a unitary business, and have at least one member corporation subject to tax under the CBT Act; and

WHEREAS, pursuant to N.J.S.A. 54:10A-4.11, the managerial member of a combined group may elect to have the combined group determined on a world-wide basis or an affiliated group basis, and if no such election is made, the combined group shall be determined

on a water's-edge basis and will take into account the incomes and allocation factors of only members with significant business operations within the United States, with several inclusions and exceptions; and

WHEREAS, a world-wide election or an affiliated group election is effective only if made on a timely filed, original return for a privilege period by the managerial member of the combined group; and

WHEREAS, N.J.A.C. 18:7-11.19 requires tax preparers and taxpayers who submit their own returns to file CBT returns electronically; and

WHEREAS, N.J.S.A. 54:10A-15 provides that annual returns and installment payments of estimated tax for the first quarter of the current tax year for CBT taxpayers with accounting periods ending December 31 are due April 15; and

WHEREAS, N.J.S.A. 54:10A-19 allows the Director of the Division of Taxation in the Department of the Treasury to grant a reasonable extension of time for the filing of CBT returns or the payment of tax, or both, under such rules and regulations as the Director shall prescribe and N.J.A.C. 18:7-11.12 provides for an automatic extension for a period not exceeding six months; and

WHEREAS, on March 21, 2020, the United States Treasury Department and the Internal Revenue Service (IRS) announced that the federal income tax filing due date is extended from April 15, 2020 to July 15, 2020, and taxpayers may also defer federal income tax payments due on April 15, 2020 to July 15, 2020, without penalties and interest, regardless of the amount owed; and

WHEREAS, pursuant to P.L.2020, c.19, the "COVID-19 Fiscal Mitigation Act," the Legislature and the Governor aligned certain New Jersey tax payment and reporting deadlines with the federal

government by automatically extending the deadline for filing New Jersey gross income tax and corporation business tax annual or quarterly returns or reports with an original due date of April 15, 2020 to July 15, 2020 and providing that a taxpayer will not be subject to penalties or interest if the taxpayer files a return or report, and makes a payment, by the end of the extension; and

WHEREAS, 2019 CBT calendar year and 2020 CBT first quarter returns being filed under an extension pursuant to N.J.S.A. 54:10A-19 have the same return due date as the federal return, October 15, 2020; and

WHEREAS, many filers received an extension to file their federal returns and therefore need some additional time to file their New Jersey returns; and

WHEREAS, the starting point for computing the CBT is a taxpayer's federal taxable income before the subtraction of any net operating loss deduction and special deductions and therefore having a CBT filing due date that aligns with the due date for federal taxation makes it difficult for taxpayers to determine their CBT liability; and

WHEREAS, the difficulty of filing federal and State corporate taxes concurrently may have been further exacerbated by the inability of tax professionals to meet with their clients due to the social distancing mandates and work-from home requirements brought about by the COVID-19 emergency; and

WHEREAS, the transition to combined reporting presents new challenges for tax preparers which are made more severe by the inability of tax preparers to meet with their clients in-person and engage in a line-by-line review and collaborative discussion

about the intricacies of the new combined return due to the COVID-19 emergency; and

WHEREAS, failure to file a timely CBT return will result in CBT taxpayers being defaulted to a water's edge basis for the current tax year; and

WHEREAS, the concurrent due dates of State and federal returns in combination with the difficulties caused by the COVID-19 Emergency will likely result in many corporate taxpayers being unable to file their returns by the October 15, 2020 extended due date; and

WHEREAS, mandatory electronic filing of the newly required combined returns is likely to result in errors given the size and complexity of many CBT returns; and

WHEREAS, the COVID-19 emergency has had a profound effect on the lives and livelihoods of all State residents and the extension of the filing due date of the CBT is necessary to ensure that residents and State officials have the ability to focus their full attention and resources on the immediate emergency; 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 extended due date for filing the 2019 CBT annual return, which is currently October 15, 2020, will instead be November 16, 2020. The Director of the Division of Taxation shall not impose any penalties for failure to file a corporation business tax report for the applicable tax year after October 15, 2020 but on or before November 16, 2020.

2. The provisions of N.J.S.A. 54:10A-15, N.J.S.A. 54:10A-19, and N.J.A.C. 18:7-11.12 are suspended for the duration of the COVID-19 Public Health Emergency to the degree that the filing deadlines set forth in those provisions are inconsistent with Paragraph 1 of this Order. Any provisions of these statutes and regulations that are not inconsistent with this Order remain in full force and effect.

3. This Order shall take effect immediately.

GIVEN, under my hand and seal this
15th day of October,
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/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 190

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, and 186, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, and September 25, 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 and the Emergency Health Powers Act, 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, and No. 189 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, in response to the COVID-19 pandemic, on March 13, 2020, the Federal Communications Commission issued a request for the nation's telephone companies and internet providers to pledge to "Keep America Connected" and, among other things, not terminate service due to inability to pay because of disruptions caused by COVID-19 through June 30, 2020; and

WHEREAS, to 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 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, including the closure of all public, private, and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools, to students and the cessation of in-person instruction at all private and public institutions of higher education; and

WHEREAS, to further limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) required all public, private, and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools, to continue to remain closed to students, required all public and private institutions of higher education to continue to cease in-person instruction, and mandated that all businesses or non-profits in the State accommodate their workforce, wherever practicable, for telework or work-from-home arrangements; and

WHEREAS, on March 19, 2020, the New Jersey Board of Public Utilities ("BPU") issued an order, Dkt. No. EO20030254, emphasizing the critical need to maintain essential services for

New Jersey residents throughout the pandemic, and permitting broadband internet providers to continue to establish new connections and repair existing service for homes with school-aged children, those in need of internet access to meet job requirements, or other priority customers; and

WHEREAS, Executive Order No. 126 (2020) prohibited cable and telecommunications providers that provide residential internet and voice services to New Jersey residents from terminating such internet and voice service due to nonpayment to ensure that residents maintained sufficient residential internet and voice services to work and further their education in a home environment; and

WHEREAS, recognizing that access to heat, power, and clean water are essential to New Jersey residents as they stay, work, and learn at home in response to COVID-19, all gas and electric utilities in the State, as well as all privately and publicly owned water systems, have voluntarily suspended service shutoffs due to nonpayment through October 15, 2020; and

WHEREAS, given the prior decreases in the rate of reported new cases of COVID-19 in New Jersey, including an ongoing reduction in the total number of individuals being admitted to hospitals for COVID-19, the State has taken steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

WHEREAS, after consultation with officials from the Department of Health, I announced a multi-stage New Jersey's Road Back Plan (the "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, the Department of Education has found that reopening schools for in-person instruction is critical in facilitating the social and emotional health of students and providing educators with the ability to actively participate in student learning, provide feedback, and promote active learning among students on a daily basis; and

WHEREAS, because some school districts may need additional time to properly implement the health and safety precautions necessary to return any portion of the student population to in-person instruction, potentially making it necessary for such district to begin the 2020-2021 school year with remote instruction for all students, on August 13, 2020 I issued Executive Order No. 175, allowing public school districts to begin the school year with full-time remote instruction under certain circumstances; and

WHEREAS, as of October 14, 2020, of the 800 public educational entities that submitted finalized plans to the Department of Education pursuant to Executive Order No. 175, 241 have begun the 2020-2021 school year with all-remote instruction, 434 are utilizing a hybrid plan that incorporates some in-person instruction, 38 have implemented a combination of all-remote and hybrid instruction, and 87 have begun the school year with full in-person instruction; and

WHEREAS, as the Plan is implemented throughout the State, with some students returning to the classroom for in-person instruction, and some businesses are now reopened to employees, clients, and customers, it is appropriate to allow cable and telecommunications providers that provide residential internet and voice services to New Jersey residents to resume discontinuation

of services due to nonpayment, so long as the providers work with their customers to implement repayment plans to mitigate potential financial hardships for residents prior to discontinuing service as a last resort; and

WHEREAS, while providers may resume discontinuing internet and voice services under some circumstances, it remains essential to continue to provide access to residential internet services to households with children attending elementary and secondary schools so that they may continue to receive their education; and

WHEREAS, many New Jersey residents continue to experience financial hardship as a result of the Public Health Emergency, which may hinder their ability to make payments for gas, electric, or water services, subjecting them to potential discontinuation of such essential services due to nonpayment after October 15, 2020; and

WHEREAS, access to heat, power, and clean water remains essential to all New Jersey residents; 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. No gas or electric public or municipal utility or privately or publicly owned water system shall discontinue any gas, electric, or water service to New Jersey residents, which

includes all residential accounts and any accounts primarily serving residential customers, due to nonpayment unless the disconnection is to prevent or ameliorate a risk to public health or safety.

2. No gas or electric public or municipal utility or privately or publicly owned water system shall collect any fee or charge imposed for late or otherwise untimely payments or service reconnections that have accrued, and will continue to accrue, during the Public Health Emergency.

3. Any gas or electric public or municipal utility or privately or publicly owned water system that serves New Jersey residents shall, at no cost to the customer, reconnect any gas, electric, or water service at any occupied residence, which includes all residential accounts and any accounts primarily serving residential customers, that was discontinued due to nonpayment after the social distancing measures went into effect pursuant to Executive Order No. 104 on March 16, 2020, including where the disconnection was for unpaid bills incurred prior to the current Public Health Emergency, so long as maintaining the disconnection is not necessary to prevent a risk to public health and safety.

4. No cable or telecommunications provider that provides residential internet and voice services to New Jersey residents shall terminate such internet and voice service due to nonpayment before November 15, 2020.

5. Before disconnecting residential internet and voice services to New Jersey residents that have an existing account with the cable or telecommunications provider as of the effective date of this Order due to nonpayment after the date established in Paragraph 4 of this Order, after the required notice of

discontinuance is sent to the customer, the cable or telecommunications provider shall offer to enroll customers in an interest free payment plan of at least twelve equal monthly installments that includes any outstanding balance due and owing, as well as the ongoing balance for any services provided during the payment plan period, provided that nothing in this provision prevents a customer from requesting a shorter payback period.

6. A cable or telecommunications provider may provide additional flexibility to customers by offering a combined payment and payment forgiveness plan, involving forgiveness of at least 50% of the outstanding principal, in lieu of a twelve-month payment plan required by paragraph 5 of this Order, solely upon consent of the customer by written or recorded verbal communication, pursuant to a policy approved in writing by the BPU.

7. No cable or telecommunications provider shall discontinue residential internet and voice services to New Jersey residents entered into a payment plan pursuant to paragraphs 5 or 6 of this Order so long as the customer makes timely payments under the payment plan selected by the customer.

8. No cable or telecommunications provider shall require a down payment or deposit to enroll a customer in a payment plan pursuant to Paragraphs 5 through 7 of this Order.

9. No cable or telecommunications provider may disconnect the internet service provided to a residential account that is in effect as of the effective date of this Order that one or more school-aged children utilize for educational purposes. Prior to terminating internet service, a provider must ask the customer, either in writing or through a recorded verbal communication, whether the internet service is being used by a school-aged child for education purposes. If the customer answers in the

affirmative, then the provider shall not disconnect the internet service provided to that residential account; provided that nothing in this Order prohibits a cable or telecommunications provider from implementing a policy of continuing to provide residential internet and voice services to all customers in New Jersey subject to approval from the BPU.

10. Where internet service has been disconnected for a residential account and there has been a change of circumstances such that one or more school-aged children will be using the account for educational purposes, the provider shall, upon notification by a customer of such a change of circumstances, take immediate steps to reestablish service to that residential account. The provider shall develop and implement a process for customers to obtain reestablishment of services in those circumstances pursuant to a policy approved in writing by the BPU and shall provide notice of that policy in writing to all customers prior to the disconnection of internet services and on its website.

11. A cable or telecommunications provider that provides residential internet and voice services to New Jersey residents pursuant to paragraphs 9 and 10 may downgrade or otherwise reduce the quality of residential internet services only if acting pursuant to a policy approved in writing by the BPU as long as this Order remains in effect.

12. No cable or telecommunications provider shall seek to impose or collect any late fees, penalties or other reconnection costs on customers affected by the Public Health Emergency as a condition of maintaining service.

13. To the degree that they are inconsistent with this Order, the provisions of N.J.A.C. 14:3-3A.1a(3)-(4) and -3A.5 are suspended for the duration of the Public Health Emergency. Any provisions of these regulations that are not inconsistent with this Order remain in full force and effect.

14. To the degree that they are inconsistent with this Order, the provisions of N.J.S.A. 40:14A-21; N.J.S.A. 40:14B-41 and -42; N.J.S.A. 40A:26A-12; N.J.S.A. 40A:31-12 are suspended for the duration of the Public Health Emergency. Any provisions of these statutes that are not inconsistent with this Order remain in full force and effect.

15. Any actions taken by the BPU pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

16. Executive Order No. 126 (2020) is hereby superseded to the extent inconsistent with this Order.

17. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Executive Order, and to cooperate fully with Administrative Orders issued pursuant to this Order.

18. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement.

19. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

20. This Order shall take effect immediately and shall remain in effect until March 15, 2021.

GIVEN, under my hand and seal this
15th day of October,
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/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 191

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, 135-138, 140-166, 168-173, 175, 177-181, 183, 187, 189, and 190 (2020), 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

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. 181, 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, through Executive Order Nos. 119, 138, 151, 162, 171, 181, and 186 (2020), 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, since the Public Health Emergency was renewed on September 25, 2020, at which time there were over 201,000 positive cases of COVID-19 in New Jersey, the COVID-19 outbreak has continued to present a public health hazard in New Jersey, in the region, and across the United States; and

WHEREAS, as of October 24, 2020, according to the World Health Organization, there were over 41,809,078 confirmed cases of COVID-19 worldwide, with over 1,139,372 of those cases having resulted in death; and

WHEREAS, as of October 23, 2020, according to the Centers for Disease Control and Prevention (CDC), there were over 8,387,047 confirmed cases of COVID-19 in the United States, with over 222,447 of those cases having resulted in death; and

WHEREAS, as of October 23, 2020, there were over 225,430 positive cases of COVID-19 in New Jersey, with at least 14,484 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, due to the significant emergency measures the State has taken in response to COVID-19, 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 has 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 (the "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 Plan, the State has 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 recreational and entertainment businesses have been 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 does not in any way suggest that the ongoing Public Health Emergency had dissipated, because absent social distancing measures, public health experts anticipate that the spread of COVID-19 would again significantly increase; and

WHEREAS, the State has experienced recent upticks in the rate of reported new cases across all counties, demonstrating the need for many of the State's current measures to remain in place, both to reduce additional new infections and to save lives; and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is necessary to allow the State to continue with the Plan to allow for the methodical and strategic reopening of the State, consistent with the State's authority under the EHPA; and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is also necessary to ensure that the State can swiftly respond to take all appropriate actions should the rate of reported new cases of COVID-19 in New Jersey, number of individuals being admitted to hospitals for COVID-19, or rate of reproduction for COVID-19 infections in New Jersey continue to increase once more, as we are now seeing in numerous states across the country; and

WHEREAS, the spread of COVID-19 has greatly strained the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, and the situation is too large in scope to be handled entirely by the normal county and municipal operating services; and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that the spread of COVID-19 in New Jersey constitutes an ongoing public health hazard that threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State, and it is necessary and appropriate to take action against this public health hazard to protect and maintain the health, safety, and welfare of New Jersey residents and visitors; and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that there exists a Public Health Emergency in the State; 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 DECLARE and PROCLAIM that the Public Health Emergency declared in Executive Order No. 103 (2020) pursuant to the EHPA, N.J.S.A. 26:13-1, et seq., continues to exist throughout the State of New Jersey, and I hereby ORDER and DIRECT:

1. All Executive Orders adopted in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak remain in full force and effect.

2. All actions taken by any Executive Branch departments and agencies in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak, or in whole or in part based on authority delegated by any Executive Orders described in Paragraph 1 of this Order, including but not limited to any Administrative Orders, remain in full force and effect.

3. For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

4. This Order shall take effect immediately.

GIVEN, under my hand and seal this
24th day of October,
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

EXECUTIVE ORDER NO. 192

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, and 191 (2020), issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, and October 24, 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 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 and Nos. 189-191 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, during that time, essential retail businesses and many other types of businesses continued to operate, and it was necessary to impose strict COVID-19 mitigation protocols on those businesses to protect the health of workers and of the community; and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan (the "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, part of the Plan required imposing health and safety protocols on businesses that were permitted to resume partial or total operations in order to protect visitors, customers, and the workforce; and

WHEREAS, now that a more significant portion of the State's workforce has returned to in-person work, and as the State's economy continues to gradually reopen, it is necessary to ensure broad application of relevant health and safety standards to protect workers across all industries; and

WHEREAS, given the recent upticks in the rate of reported new cases across all counties in the State, the use of mandatory health and safety protocols for all industries can help guard against continuing spread and ensure that New Jersey's workers feel safe and supported at their places of work; and

WHEREAS, the federal Occupational Safety and Health Administration ("OSHA") has not issued occupational safety or health standards specific to COVID-19; and

WHEREAS, expanding application of critical COVID-19 protocols to workplaces that have resumed physical operations will require increased investigative and enforcement capacity to efficiently address worker complaints of insufficient compliance with such protocols; and

WHEREAS, Public Employees Occupational Safety and Health ("PEOSH") has already established a process for considering health and safety complaints raised by public sector employees in New Jersey; and

WHEREAS, imposing new safety protocols will require training of both employers and employees to encourage full compliance, so as to ensure public health and safety; 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. Effective at 6:00 a.m. on Thursday, November 5, 2020, every business, non-profit, and governmental or educational entity (hereinafter collectively referred to as "employers" or "employer"), that requires or permits its workforce, whether in part or as a whole, to be physically present at a worksite to perform work is required to abide by the following requirements, at minimum, to protect employees, customers, and all others who come into physical contact with its operations:

- a. Require that individuals at the worksite maintain at least six feet of distance from one another to the maximum extent possible, including but not limited to during worksite meetings, orientations and similar activities that would traditionally require individuals to be present in a single room or space and in close proximity, in common areas such as restrooms and breakrooms, and when individuals are entering and exiting the workplace. Where the nature of an employee's work or the work area does not allow for six feet of distance to be maintained at all times, employers shall ensure that each such employee wears a mask as provided in subsection b. and shall install physical barriers between workstations wherever possible.
- b. Require employees, customers, visitors, and other individuals entering the worksite to wear cloth or disposable face masks while on the premises, in accordance with Centers for Disease Control and Prevention ("CDC") recommendations, except where the individual is under two years of age or where it is impracticable for an individual to wear a face mask, such as when the individual is eating or drinking or where a service being provided by the employer cannot be performed on an individual who is wearing a mask;
 - i. *Masking requirements specific to employees:*
 1. Employers may permit employees to remove face masks when the employees are situated at their workstations and are

more than six feet from other individuals at the workplace, or when an individual is alone in a walled office;

2. Employers must make available, at their expense, such face masks to their employees;
3. Nothing in this subsection shall prevent employees from wearing a surgical-grade mask or other more protective face mask, or interfere with the employer's obligation to provide employees with more protective equipment if it is otherwise required because of the nature of the work involved; and
4. Employers may deny entry to the worksite to any employee who declines to wear a face mask, except when doing so would violate State or federal law. Where an employee cannot wear a mask because of a disability, an employer may, consistent with the Americans with Disabilities Act ("ADA") and/or New Jersey Law Against Discrimination ("NJLAD"), be required to provide the employee with a reasonable accommodation unless doing so would be an undue hardship on the employer's operations. An employer may require employees to produce medical documentation supporting claims that

they are unable to wear a face mask because of a disability.

ii. *Masking requirements specific to customers and visitors:*

1. Employers may deny entry to the worksite to any customer or visitor who declines to wear a face mask, except when doing so would violate State or federal law. The employer may be required to provide a customer or visitor who declines to wear a mask due to a disability services or goods via a reasonable accommodation, pursuant to ADA and NJLAD, unless such accommodation would pose an undue hardship on the employer's operations; and

2. Where a customer or other visitor declines to wear a face mask on the premises due to a disability that inhibits such usage, neither the employer nor its employees shall require the individual to produce medical documentation verifying the stated condition, unless production is otherwise required by State or federal law.

iii. Any prior requirements imposed by an Executive Order restricting the ability of an employer to require the production of medical documentation, or to deny entry to a customer,

employee, or other visitor to the worksite that refuses to wear a face mask, that are inconsistent with the terms of this Paragraph are hereby superseded.

- iv. Subsection b. shall not apply to employers subject to Executive Order No. 175 (2020).
- c. Provide sanitization materials, such as hand sanitizer that contains at least 60% alcohol and sanitizing wipes that are approved by the United States Environmental Protection Agency for SARS-CoV-2 virus to employees, customers, and visitors at no cost to those individuals;
- d. Ensure that employees practice regular hand hygiene, particularly when such employees are interacting with the public, and provide employees break time for repeated handwashing throughout the workday and access to adequate hand washing facilities. Employers may adopt policies that require employees to wear gloves in addition to regular hand hygiene. Where an employer requires its employees to wear gloves while at the worksite, the employer must provide such gloves to employees;
- e. Routinely clean and disinfect all high-touch areas in accordance with DOH and CDC guidelines, particularly in spaces that are accessible to employees, customers, or other individuals, including, but not limited to, restrooms, hand rails, door knobs, other common surfaces, safety equipment, and other frequently touched surfaces including employee used equipment, and ensure

cleaning procedures following a known or potential exposure are in compliance with CDC recommendations;

- f. Prior to each shift, conduct daily health checks of employees, such as temperature screenings, visual symptom checking, self-assessment checklists, and/or health questionnaires, consistent with CDC guidance, including latest CDC guidance regarding COVID-19 symptoms, consistent with the confidentiality requirements of the ADA, NJLAD and any other applicable laws, and consistent with any guidance from the Equal Employment Opportunity Commission ("EEOC") and the New Jersey Division on Civil Rights;
- g. Immediately separate and send home employees who appear to have symptoms, as defined by the CDC, consistent with COVID-19 illness upon arrival at work or who become sick during the day. Employers subject to the New Jersey Earned Sick Leave Law, New Jersey Family Leave Act, N.J.S.A. 34:11D-12 and/or federal leave laws must continue to follow the requirements of the law, including by allowing individuals to use accrued leave in the manner permitted by law and employer policy, when requiring employees to leave the workplace in accordance with the provisions of this subparagraph;
- h. Promptly notify all employees of any known exposure to COVID-19 at the worksite, consistent with the confidentiality requirements of the ADA and any

other applicable laws, and consistent with guidance from the EEOC;

- i. Clean and disinfect the worksite in accordance with CDC guidelines when an employee at the site has been diagnosed with COVID-19 illness; and
- j. Continue to follow guidelines and directives issued by the New Jersey DOH, the CDC and the Occupational Safety and Health Administration, as applicable, for maintaining a clean, safe and healthy work environment.

2. The provisions included in Paragraph 1 do not apply when they interfere with the discharge of the operational duties of first responders, emergency management personnel, emergency dispatchers, health care personnel, public health personnel, court personnel, law enforcement and corrections personnel, hazardous materials responders, transit workers, child protection and child welfare personnel, housing and shelter personnel, military employees, and governmental employees engaged in emergency response activities.

3. Paragraph 1 does not apply to the United States government, or to religious institutions to the extent that application of the health and safety protocols would prohibit the free exercise of religion.

4. The Commissioner of the DOH, pursuant to her authority under the EHPA, N.J.S.A. 26:13-1 et seq., and in consultation with any applicable State agencies, is authorized to impose additional health and safety standards relevant to COVID-19 on employers. Nothing in this Order shall be construed to impair any other state agency's authority to impose additional health and safety standards pursuant to other laws or Executive Orders.

5. The Commissioner of the Department of Labor and Workforce Development ("DOLWD"), in consultation with the Commissioner of the DOH, is hereby authorized to provide support for efforts to enforce the requirements outlined in Paragraph 1 of this Order through the following means:

- a. Establishing an intake mechanism to receive complaints from individuals working in the State that are subject to the COVID-19 specific health and safety protocols outlined in this Order. The Commissioner of the DOLWD shall, where applicable, coordinate with relevant licensing and/or regulating agencies or refer complaints to such agencies. Nothing in this Order shall require the intake mechanism to serve as the sole means for receiving or processing such complaints;
- b. Creating a process for consideration of such complaints, including, but not limited to, through the use of employee and employer interviews; and
- c. Coordinating with the Commissioner of the DOH and any other applicable State entity to establish a process to address such complaints and to raise potential deficiencies in compliance with the requirements outlined in Paragraph 1 with the employer. Such process shall, at minimum, provide employers with an opportunity to correct the alleged or confirmed deficiency.

Complaints received by employees working for employers subject to oversight by PEOSH shall be directed to PEOSH for consideration.

6. The Commissioner of the DOH, pursuant to her authority under the EHPA, N.J.S.A. 26:13-1 et seq., in consultation with the Commissioner of the DOLWD, shall establish a process for investigation of complaints received pursuant to the intake mechanism outlined above, where necessary, including, for example, by performing workplace inspections and issuing subpoenas for information. The DOH shall enter into a memorandum of understanding with the DOLWD to provide assistance in the exercise of those powers and support for investigative efforts. The Commissioners of DOH and DOLWD shall, where necessary, coordinate with relevant federal and State agencies, including OSHA, during this process.

7. Where consistent, the requirements of this Order shall supplement the requirements outlined in any Executive Order, Administrative Order, or similar directive that apply to employers that have resumed operations prior to the effective date of this Order, including via Executive Orders Nos. 122, 125, 142, 145, 147, 149, 155, 157, 165, 175, 181 and 183 (2020). Where an already existing requirement is inconsistent with a requirement outlined in Paragraph 1 of this Order, the previously issued requirement shall continue to apply unless otherwise specified.

8. Paragraph 2, subsection (c) of Executive Order No. 142 (2020) is hereby rescinded.

9. The Commissioner of the DOLWD is hereby further directed to provide compliance and safety training for employers and employees, focused at least in part on the health and safety protocols listed in Paragraph 1, through the following means:

- a. Establish a program to fund workforce training partners to develop and deliver, including virtually, training to workers and employers

throughout the State, subject to the availability of funding; and

- b. Develop notices and informational materials to inform workers of their rights and employers of their obligations under this Order.

10. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

11. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order.

12. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement.

13. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50. Any employer that fails to adhere to the protocols outlined in this Order or to any subsequent requirements issued by the Commissioner of the DOH is subject to, among other actions, closure by the Commissioner of the DOH pursuant to N.J.S.A. 26:13-8.

14. Nothing in this Order shall be considered to create a private right of action to enforce the requirements outlined herein.

15. This Order shall take effect immediately, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of the DOH as appropriate.

GIVEN, under my hand and seal this
28th day of October,
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

EXECUTIVE ORDER NO. 193

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, and 191 issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020 and October 24, 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, and Nos. 189-192 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, as of November 2, 2020, according to the World Health Organization, there were over 46,403,000 confirmed cases of COVID-19 worldwide, with over 1,198,000 of those cases having resulted in death; and

WHEREAS, as of November 2, 2020, according to the Centers for Disease Control and Prevention ("CDC"), there were over 9,182,000 confirmed cases of COVID-19 in the United States, with over 565,000 of those cases having resulted in death; and

WHEREAS, as of November 2, 2020, there were over 240,000 positive cases of COVID-19 in New Jersey, with at least 14,564 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 set to take place in March and April were postponed until 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, 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, I issued Executive Order No. 164 (2020), 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, Executive Order No. 144 (2020) extended the deadline to certify election results under N.J.S.A. 19:23-55 by five (5) days to account for the revised timeframe that Boards of Elections had to receive vote-by-mail ballots, thereby extending the certification deadline to July 24, 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, to accommodate the increase in vote-by-mail ballots, Executive Order No. 177 (2020) delayed the meeting of the county Board of Canvassers to certify the results of the November General Election until no later than November 20, 2020; 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 Order and addressed other issues relating to upcoming elections; and

WHEREAS, N.J.S.A. 40:45-19 requires a run-off election in any municipal election held under N.J.S.A. 40:45-18 if a candidate does not receive a majority of the votes cast, in the case of a mayoral election, or if a sufficient number of candidates do not receive a majority of the votes cast, in the case of a councilman-at-large, commissioner, or village trustee election; and

WHEREAS, pursuant to N.J.S.A. 40:45-19, run-off elections resulting from municipal elections occurring on the day of the November General Election shall be held on the Tuesday following the first Monday in December; and

WHEREAS, the delayed deadline to certify the November General Election results will reduce the time elections officials have to prepare for any run-off election required by N.J.S.A. 40:45-19; and

WHEREAS, election officials require flexibility and sufficient lead time to adapt their locality's voting infrastructure to confront the magnitude of the public health and safety risks of the COVID-19 pandemic; and

WHEREAS, failing to take proactive actions to mitigate the adverse impacts of the current health crisis on any upcoming run-off elections carries the risk of disenfranchising citizens; and

WHEREAS, social distancing measures are required for a period of as-yet-undetermined duration, and the COVID-19 outbreak may have significant effects on New Jersey's voting systems as long as social distancing measures are in place and for some time thereafter; and

WHEREAS, failing to offer voters a ready alternative to reporting to public polling locations to vote in any upcoming run-off elections in the midst of the COVID-19 crisis will hinder

public participation in the democratic process, particularly among elderly and immune-compromised voters, and undermine the legislative intent of provisions such as N.J.S.A. 19:8-2 and 19:8-3.1, which are designed to ensure that such voters can exercise their right to vote; and

WHEREAS, a temporary delay in any upcoming run-off elections will give the county and municipal election officials enough time to send vote-by-mail ballots to all registered voters for these elections, allowing voters to exercise their constitutional franchise without jeopardizing their health and safety; and

WHEREAS, to prepare vote-by-mail ballots for all registered voters in any upcoming run-off elections, county and municipal election officials need sufficient preparation time; and

WHEREAS, the COVID-19 emergency and its impact are likely to extend for an as-yet-undetermined period of time; 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 run-off elections resulting from municipal elections held on the November General Election and required under N.J.S.A. 40:45-19, shall be postponed and rescheduled for Tuesday, December 15, 2020.

2. Run-off elections required under N.J.S.A. 40:45-19 shall be conducted primarily via vote-by-mail ballots, which will be sent to all "Active" registered voters without the need for an application to receive a vote-by-mail ballot.

3. All vote-by-mail return envelopes shall have prepaid First-Class postage to facilitate the proper delivery of all cast vote-by-mail ballots.

4. The requirements of N.J.S.A. 19:14-25 that sample ballots be sent shall be suspended. In lieu of sending a sample ballot, the appropriate county official, as identified in N.J.S.A. 19:14-25, shall send notice to all "Active" voters, pursuant to N.J.S.A. 19:14-21, who have not returned their vote-by-mail ballot at the time of the sending of the notice, advising of the voter's polling place, the URL to the Division of Election's website that contains polling place information, locations of secure ballot drop boxes within the municipality, information on where to obtain a sample ballot prior to the election, a statement indicating that a sample ballot will be available at the polling place on the day of the election, and, if applicable, information on a county website where a sample ballot may be viewed. This notice in lieu of a sample ballot shall be sent return receipt requested as required by N.J.S.A. 19:14-23. The time to mail the notice in lieu of a sample ballot, under N.J.S.A. 19:14-25, shall be modified such that the notices are to be mailed by December 4, 2020.

5. If the municipality has a ballot drop box(es), the ballot drop box(es) shall be opened for use in the run-off election. Each municipality holding a run-off election shall, to the extent possible, use the polling places used for the November General Election, but in no case shall open less than the number of polling places used in the November General Election. Further, if any school was used as a polling place in the November General Election by a municipality needing to hold a run-off election on December 15, 2020, then all schools located in the municipality must not conduct in-person instruction, nor provide in-person day care, on December 15, 2020, such that any school used as a polling place in the November General Election may be used as a polling place on December 15, 2020. Schools located in a municipality needing to hold a run-off election December 15, 2020 may provide remote instruction pursuant to N.J.S.A. 18A:7F-9. County Boards of Elections must ensure that polling places and poll workers implement, at a minimum, the following requirements:

- a. Limit occupancy within all polling places to a number that permits voters to maintain a distance of six feet between each other and poll workers at any time;
- b. Ensure six feet of distance between voters and ensure six feet of distance between voters and poll workers through the demarcation of six feet of spacing in voter lines and poll worker stations to demonstrate appropriate spacing for social distancing;
- c. Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;

- d. Provide poll workers break time for repeated handwashing throughout their shifts;
- e. Require frequent sanitization of high-touch areas in polling places consistent with CDC guidelines as of the date of the election;
- f. Place conspicuous signage at entrances and throughout the polling place alerting poll workers and voters to the required six feet of physical distance;
- g. Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to poll workers, voters, and those accompanying voters;
- h. Require poll workers to adhere to CDC guidelines as of the date of the election regarding face coverings while in the polling place, except where doing so would inhibit that individual's health, and require poll workers to wear gloves when in contact with voters and those accompanying voters. County Boards of Elections must provide any required face coverings and gloves for poll workers, without charge to the poll workers. If a poll worker refuses to wear a required cloth face covering for non-medical reasons, then a county Board of Elections may decline entry to the individual. Nothing herein should prevent a poll worker from wearing a surgical grade mask or other more protective face covering if the individual is already in possession of such equipment. Where a poll worker declines to wear a required face covering at a polling place due to a medical

condition that inhibits such usage, they shall not be required to produce medical documentation verifying the stated condition;

- i. Require appointed challengers to adhere to CDC guidelines as of the date of the election regarding face coverings while in the polling places and while in any location where the challenger is serving in such a capacity, such as while observing the counting of ballots. If an appointed challenger refuses to wear a required cloth face covering, then a county Board of Elections may decline entry to the individual; and
- j. Strongly encourage voters and those accompanying voters to adhere to any CDC guidelines as of the date of the election regarding face coverings while inside polling places except where doing so would inhibit that individual's health. County Boards of Elections may provide such face coverings for voters and those accompanying voters, without charge to them. If a voter or person accompanying a voter refuses to comply with the CDC guidelines, a poll worker shall not deny entry to the voter or person. Nothing herein should prevent a voter from wearing a surgical grade mask or other more protective face covering if the individual is already in possession of such equipment.

6. The Secretary of State may modify the requirements of N.J.S.A. 19:31-21 concerning the use of poll books and the information contained therein as necessary to address the

procedure by which the run-off election will be conducted under this Order, and the needs resulting therefrom.

7. Any voter who appears at a polling place on the day of the run-off election and does not return a voted mail-in ballot, pursuant to paragraph 8 of the Order, shall vote via a provisional ballot, except that accommodations will be made for voters with disabilities.

8. Pursuant to N.J.S.A. 19:63-16, the county Boards of Elections shall designate each polling place as a location to receive voted mail-in ballots. A voter may return only the mail-in ballot that they personally voted to their designated polling place. The Secretary of State's Guide to Processing An In-Person Voter At The Polling Place On Election Day shall apply to any municipal run-off election held on December 15, 2020.

9. Each polling place shall have signage that provides the location of all ballot drop boxes in the municipality in which the polling place is located.

10. The notice provision of N.J.S.A. 40:45-12 is modified as follows to allow for the timely printing and mailing of the vote-by-mail ballots. The notice to the candidates or groups of candidates required by N.J.S.A. 40:45-12, shall be made by email and phone immediately following the certification of the results of the November General Election resulting in the run-off election. The ballot draw must not take place within 24 hours from the date and time the notice was sent to the candidates or groups of candidates. The county clerk shall send the vote-by-mail ballots by first-class mail to all "Active" voters on or before November 27, 2020.

11. Vote-by-mail ballots shall be processed and canvassed in accordance with guidelines provided by the CDC, the New Jersey Department of Health, and the respective county departments of health.

12. To account for the increase in vote-by-mail ballots and to provide the county Boards of Elections sufficient time to canvass the returned ballots, the ballot return deadline in N.J.S.A. 19:63-22 is hereby suspended. Every vote-by-mail ballot that is postmarked on or before December 15, 2020, that is received by December 17, 2020, at 8:00 p.m. shall be considered valid and shall be canvassed, assuming the ballot meets all other statutory requirements. Additionally, every ballot without a postmark, and ballots mis-marked and confirmed by the post office that those ballots were received by the post office on or before December 15, 2020, that is received by the county Boards of Elections from the United States Postal Service within forty-eight (48) hours of the closing of polls on December 15, 2020, shall be considered valid and shall be canvassed, assuming the ballot meets all other statutory requirements.

13. The county Boards of Elections may continue the counting of ballots beyond the close of polls on December 15, 2020, and may only adjourn counting after 11:00 p.m. on December 15, 2020, and must resume counting at 9:00 a.m. on December 16, 2020, and continue every business day thereafter, until the counting is completed within the limits of this Order.

14. To expedite the signature-verification process outlined in N.J.S.A. 19:63-17, the county Boards of Elections shall meet at least one (1) day per week starting November 30, 2020. Voters whose ballots are rejected pursuant to N.J.S.A. 19:63-17, for a missing or discrepant signature, shall be given the opportunity to

cure the signature defect in accordance with procedures established by N.J.S.A. 19:63-17.

15. To allow for the signature verification and cure process, the certification deadline set forth in N.J.S.A. 40:45-16 is hereby suspended. The municipal clerk shall certify the results of the run-off election on December 30, 2020.

16. To allow for greater flexibility in obtaining poll workers, the county-resident requirement for poll workers set forth in N.J.S.A. 19:6-2 is hereby suspended.

17. Due to the limited number of polling places that will be open for the December 15, 2020 elections, the 1,000-foot limitation on the location of polling places set forth in N.J.S.A. 19:8-2 shall be suspended.

18. The Secretary of State shall establish other appropriate standards for ensuring that all voters with disabilities are able to exercise their right to vote in the December 15, 2020 run-off elections.

19. The Secretary of State and county and municipal election officials, as appropriate, shall coordinate with the United States Postal Service to facilitate proper delivery of ballots by the United States Postal Service.

20. County and municipal election officials, as appropriate, shall act to facilitate the public's understanding of the rules governing the December 15, 2020 run-off elections.

21. Any actions taken by the Secretary of State pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

22. This Order shall take effect immediately.

GIVEN, under my hand and seal this
2nd day of November,
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

EXECUTIVE ORDER NO. 194

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, and 191, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, and October 24, 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 and the Emergency Health Powers Act, 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 and Nos. 189-193 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to further limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) closed all recreational and entertainment businesses, and limited all restaurants, dining establishments, and food courts, with or without a liquor license; all bars; and all other holders of a liquor license with retail consumption privileges, to offering food delivery and/or take-out services only; and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan (the "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, the Plan and the subsequent steps the State has taken to allow various industries to reopen their brick-and-mortar premises to the public all reflect the recognition by public health experts that indoor environments present significantly increased risks of transmission as compared to outdoor environments, meaning that while it has been prudent to allow businesses to reopen outdoor areas to the public, the State has also reasonably imposed stricter social distancing limits on indoor premises when businesses are permitted to reopen them to the public; and

WHEREAS, consistent with the Plan, I issued Executive Order No. 150 (2020), which permitted restaurants, bars, and other food or beverage establishments to provide in-person dining outdoors, again with social distancing requirements; and

WHEREAS, because of the progress we had made in our fight against the COVID-19 pandemic in New Jersey, on Monday, June 22 2020, I announced that indoor dining would be able to

resume under strict limits as of Thursday, July 2, 2020, and that decision was formalized in Executive Order No. 157; and

WHEREAS, while Executive Order No. 157 (2020) announced the limited resumption of indoor dining, this step was put on hold in Executive Order No. 158 (2020), in light of COVID-19 spikes in states around the nation which state officials and other experts attributed, at least in part, to activities in indoor food and beverage establishments; and

WHEREAS, indoor dining was permitted to resume on September 4, 2020, pursuant to Executive Order No. 183; and

WHEREAS, personal care service facilities were permitted to reopen their premises to the public pursuant to Paragraph 2 of Executive Order No. 157 (2020); and

WHEREAS, Division of Consumer Affairs Administrative Order No. 2020-09 and subsequently No. 2020-11 limited the occupancy on premises of indoor facilities providing personal care services to indoor gathering limits; and

WHEREAS, because the State has long understood personal care services performed in indoor settings to be subject to the same indoor capacity limits imposed on recreational and entertainment businesses, but has recently received questions on this subject, it should be clarified that the same capacity limit applies, meaning 25 percent of the facility's indoor capacity; and

WHEREAS, on May 29, 2020, I signed Executive Order No. 149, which allowed organized sporting activities to resume on June 22, 2020, in outdoor settings, provided that they did not involve person-to-person contact or individuals routinely interacting in close proximity; and

WHEREAS, Executive Order No. 149 (2020) also directed the Commissioner of the DOH to issue health and safety standards regarding sporting activities before June 22, 2020; and

WHEREAS, on June 15, 2020, the Commissioner of DOH issued Guidance for Sports Activities ("Guidance") that stated that practices and competitions for Low Risk sports, as well as no-contact practices for Medium and High Risk sports, could resume on June 22, 2020 in outdoor settings, because pursuant to Executive Order No. 149 (2020), they do not involve person-to-person contact; and

WHEREAS, Medium and High Risk Sports were subsequently permitted to resume in outdoor and indoor settings with strict limitations on contact activities indoors; and

WHEREAS, on October 12, 2020, I issued Executive Order No. 187 (2020), which permitted contact practices and competitions for both Medium Risk and High Risk sports to resume in indoor settings, so that all sports activities are currently permitted to operate in indoor and outdoor settings subject to DOH guidance; and

WHEREAS, recent upticks in the number of confirmed cases of COVID-19 have increased dramatically, demonstrating more significant community spread; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") and DOH have maintained that congregation of individuals, particularly in indoor environments, is a contributing factor in the spread of COVID-19; and

WHEREAS, the institution of mitigation protocols limiting certain high-risk activities is necessary to combat the spread of the virus and lessen the need for more comprehensive restrictions; and

WHEREAS, the progress we made earlier this year demonstrates the effectiveness of such protocols, particularly those that prevented individuals from congregating indoors and encouraged avoidance of close contact in indoor settings, where the virus is more readily transmitted; and

WHEREAS, in the past eight months, we have gained critical knowledge in our experience with COVID-19, including a better understanding of the risks associated with certain activities 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, allows us to permit certain activities to continue subject to more limited restrictions; and

WHEREAS, restricting the operating hours of the indoor portions of dining and drinking establishments, where consumers are authorized to remove their masks to eat and drink in an indoor setting, will limit congregation inside establishments that are frequently more crowded at late hours, particularly where drinking is taking place; and

WHEREAS, we are aware of at least one outbreak at a restaurant in New Jersey involving nine bartenders at a single location; and

WHEREAS, indoor bar service commonly results in individuals, including patrons, bartenders, and servers, remaining in close contact for extended periods of time; and

WHEREAS, bar service can be suspended to lessen the risk of spread between patrons and bartenders at restaurants and bars while still permitting seated table service that does not involve the same potential for sustained contact between customers and employees when businesses and customers follow health and safety protocols; and

WHEREAS, since the reopening of indoor contact competitions for Medium and High Risk sports, there have been eleven confirmed outbreaks amongst youth and school-aged ice hockey teams in New Jersey that are believed to be associated with hockey

activities, with additional investigations pending and more than one hundred cases believed to be associated with such activities; and

WHEREAS, a number of these outbreaks involved teams and leagues that regularly participate in interstate competitions; and

WHEREAS, health officials across the Northeast region have pointed to interstate youth sports competitions as a source of viral spread; and

WHEREAS, the CDC has advised that sports competitions between teams from different states involves the highest risk of COVID-19 spread of any sports activity; and

WHEREAS, college and university athletic programs and professional athletic teams, leagues, and organizations, are readily able to establish comprehensive protocols for the athletes participating within their programs, including by placing limitations on outside activities, subjecting participants to regular testing, and requiring athletes to reside in a specified location; 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. All restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license; bars; and all other holders of a liquor license with retail consumption privileges,

collectively referred to as "food or beverage establishments," that are open to the public, must close their indoor operations to the public from 10:00 p.m. until 5:00 a.m. each day. Food or dining establishments are permitted to operate during their full range of normal business hours for outdoor dining and food delivery and/or take-out services. Casinos shall cease indoor food and beverage service between 10:00 p.m. and 5:00 a.m. each day, including service on casino floors. This restriction on hours of operation shall not apply to indoor dining in airports in New Jersey. Any retail, recreational, and entertainment business that is authorized to open its indoor premises to the public may only do so after 10:00 p.m. only where it prohibits the consumption of food or beverages in those indoor premises between the hours of 10:00 p.m. and 5:00 a.m.

2. Food and beverage establishments are prohibited from seating patrons at any indoor bar area. Food and beverage establishments may continue seating patrons at tables within their premises consistent with the requirements of Executive Order No. 183 (2020), Paragraph 1 of this Order, and guidance provided by DOH. In-person service to patrons standing in bar areas continues to be prohibited.

3. Food and beverage establishments that are permitted to offer in-person service at indoor areas must ensure that tables where individuals or groups are seated are six feet apart in all directions from any other table or seat. Where six feet of distance is not possible, establishments must erect barriers between tables pursuant to guidance issued by DOH, while still complying with the capacity limits in Executive Order No. 183 (2020). Paragraph 1(b) of Executive Order No. 183 (2020) is hereby superseded to the extent that it conflicts with the provisions of this Paragraph.

4. The definition of "outdoor areas" in Paragraph 4 of Executive Order No. 163 (2020) is updated to include the following:

a. Outdoor enclosed structures, such as plastic domes, to seat individual parties, provided they meet the following criteria:

i. The use of the structures complies with the requirements for outdoor dining contained in Executive Order No. 157 (2020) and associated guidance issued by DOH;

ii. Each party is limited to no more than eight individuals at a time;

iii. The structure is ventilated and cleaned and sanitized in accordance with CDC and DOH guidance between seatings;

iv. The structure and use of the structures otherwise comply with all other applicable codes and regulations, including the provisions of the Fire Safety Code; and

v. Any necessary municipal approvals and permits are obtained prior to use of the structure.

b. Such structures shall be considered "outdoor dining" for purposes of determining the establishment's capacity limitations as described in Executive Order No. 157 (2020) and Executive Order No. 183 (2020).

5. Indoor interstate youth sports competitions - including those operated by school-based, club, and recreational programs - are hereby suspended within the State. School-based, club, and recreational programs are also prohibited from hosting indoor interstate youth sports competitions outside of New Jersey, or

indoor youth sports competitions outside of New Jersey that would require New Jersey teams to travel to another state.

6. For purposes of this Order, "indoor interstate youth sports competition" includes any sports game, scrimmage, tournament, or similar competition that is conducted indoors with opposing teams or individuals from different states competing against each other and which would require an opposing team or individual to travel from a state outside of New Jersey.

7. This suspension shall not impact collegiate and professional sports activities, which are permitted to continue operations subject to compliance with all applicable laws, regulations, and Executive Orders, including restrictions on recreational and entertainment businesses in Paragraph 7 of Executive Order No. 157 (2020) and restrictions on gatherings in place at the time the sporting activities occur.

8. Personal care services authorized to reopen their indoor facilities to the public pursuant to Paragraph 2 of Executive Order No. 157 (2020) shall limit occupancy of any indoor premises to 25 percent of the stated maximum capacity, if applicable, at one time, excluding the facility's employees.

9. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

10. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order.

11. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement.

12. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

13. This Order shall take effect at 6:00 a.m. on Thursday, November 12, 2020, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this
10th day of November,
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

EXECUTIVE ORDER NO. 195

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, and 191, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, and October 24, 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 (the "Act") and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 103-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187 and Nos. 189-194 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, I issued Executive Order No. 108 on March 21, 2020, which permitted municipalities and counties to impose additional restrictions on county and municipal parks and on online marketplaces for arranging or offering lodging to permit locals targeted flexibility to respond to issues with congregation in certain areas; and

WHEREAS, on November 10, 2020, I issued Executive Order No. 194, which, in part, required food and beverage establishments to close their indoor operations between the hours of 10:00 p.m. and 5:00 a.m. each day; and

WHEREAS, the Act establishes that the Governor "is authorized to make, amend and rescind orders, rules and regulations ... and it shall be unlawful for any municipality or other subdivision or any other governmental agency of this State to adopt any rule or regulation or to enforce any such rule or regulation that may be at variance with any such order, rule or regulation established by the Governor," N.J.S.A. App. A:9-40; and

WHEREAS, the Act further provides that "[i]n the event of a dispute on the question of whether or not any such rule or regulation is at variance with an order, rule or regulation established by the Governor ... the determination of the Governor shall control," N.J.S.A. App. A:9-40; and

WHEREAS, in accordance with N.J.S.A. App A:9-40, I declared that, due to the State of Emergency, no municipality, county, or any agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of my Executive Orders, or which will in any way interfere with or impede their achievement; and

WHEREAS, I have subsequently reaffirmed that declaration in numerous COVID-19-related Orders, including in Executive Order No. 194 (2020); and

WHEREAS, during an emergency such as the outbreak of COVID-19, it is of the utmost importance that the emergency response be well coordinated in order to provide consistency of action and clarity of action to the general public, avoid duplication of efforts, prevent unnecessary use of critical resources, and ensure accurate and prompt communications between government and emergency personnel and the public; and

WHEREAS, unitary management is essential for coordination needed during an emergency, because, among other things:

- a. It allows the efficient gathering and assessment of information, and the formulation of a consistent response to changing circumstances;
- b. It ensures an appropriate balance statewide between actions needed to combat the spread of COVID-19 and the avoidance of unnecessary hardships to the public;
- c. It ensures that the State's resources are efficiently and adequately deployed;
- d. It avoids the individual and potential competing interests of the State's hundreds of municipalities and 21 counties; and

WHEREAS, the issuance of mandates and restrictions by municipalities and counties at variance with the Governor's Executive Orders confounds the benefits of a unitary management structure, because, among other things:

- a. It risks confusion among members of the public by creating requirements that are different and in places contrary to the Governor's Executive Orders;

- b. It may cause the public to conform to mandates that the Governor has determined are unnecessary or, in the worst case, counter-productive;
- c. It disrupts the balance between the actions necessary to combat the spread of COVID-19 and the other needs of the population as determined by the Governor;
- d. It risks inefficient deployment of finite resources in that municipal authorities may use their emergency personnel to implement and enforce local mandates the Governor has deemed inappropriate or unnecessary; and

WHEREAS, notwithstanding the overwhelming benefits of a unitary management structure, there exist certain limited circumstances where it may be beneficial for localities to be able to impose additional restrictions; and

WHEREAS, certain municipalities may have legitimate concerns about congregation in and around businesses at particular hours, which may cause public health concerns as we aim to avoid unnecessary increases in density of individuals; and

WHEREAS, businesses vary widely in their nature, with some attracting large, crowded groups of people in indoor spaces, which would pose significant public health concerns; 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 county or municipal restriction imposed in response to COVID-19 that in any way will or might conflict with any of the provisions of Executive Order Nos. 103-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187 and Nos. 189-194 (2020), or which will or might in any way interfere with or impede their achievement, or the achievement of Administrative Orders issued as authorized by my Executive Orders, is hereby invalidated unless otherwise expressly permitted. Examples of such restrictions include, but are not limited to, the following:

- a. Any additions to or deletions from the list of retail businesses that I have deemed essential or that have been identified as essential through Administrative Orders authorized by my Executive Orders;
- b. Any limitations imposed on any business's scope of service;
- c. Any density or social distancing requirements;
- d. Any orders relating to the gathering of individuals; and
- e. General restrictions on the freedom of movement within that county or municipality, including but not limited to the imposition of curfews.

2. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of Executive

Order Nos. 103-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187 and Nos. 189-194 (2020), or which will or might in any way interfere with or impede its achievement, or the achievement of Administrative Orders issued as authorized by my Executive Orders, unless otherwise expressly permitted. This Order shall not supersede the provisions of Executive Order No. 108 (2020) that currently remain in effect, which includes the ability of municipalities and counties to impose additional restrictions on online marketplaces for arranging or offering lodging and on municipal parks, or the provisions of any Administrative order that permits municipalities and counties to impose additional restrictions.

3. Notwithstanding Paragraphs 1 and 2, municipalities and counties are permitted under this Order to impose additional restrictions, in response to COVID-19, on the hours of operation of non-essential retail businesses, as defined by Executive Order No. 107 (2020) and subsequent Administrative orders, and food and beverage establishments, as defined by Executive Order No. 194 (2020), personal care service businesses, as defined by Executive Order No. 157 (2020), and recreation and entertainment businesses, as defined by Executive Orders Nos. 157 and 181 (2020). Such limitations may apply across the entire county or municipality or in targeted locations therein. Provided, however, that the limitations authorized by this paragraph cannot restrict the hours of operation of such businesses between 5:00 a.m. and 8:00 p.m. While municipalities and counties can restrict hours of operation for the aforementioned businesses between the hours of 8:00 p.m. and 5:00 a.m., they cannot prevent dining establishments from arranging for the pickup or delivery of goods or otherwise limit their scope of operations. The State Director of Emergency Management, who is the Superintendent of the State Police, shall

have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to this list of entities.

4. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

5. This Order shall take effect immediately, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of the Department of Health as appropriate.

GIVEN, under my hand and seal this
12th day of November,
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

EXECUTIVE ORDER NO. 196

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, and 191, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, and October 24, 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 and the Emergency Health Powers Act, 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 and Nos. 189-195 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's 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, the Centers for Disease Control and Prevention ("CDC") has issued guidance for mass gatherings or large community events, such as conferences, festivals, parades, concerts, sporting events, and other potentially super-spreading events, recognizing that gatherings can significantly contribute to the spread of COVID-19 and introduce the virus to new communities through increased transmission to a large number of people in a short period of time, and states throughout the region previously canceled all such events; and

WHEREAS, the CDC recognizes that the stringency of any limit on gatherings should be tailored to the significance of COVID-19 transmission in the State and region, meaning that as the spread of COVID-19 fluctuates in a state, that state can adjust its limits on indoor and outdoor gatherings accordingly; and

WHEREAS, consistent with the above principles, I signed a series of Executive Orders gradually lifting restrictions on both outdoor and indoor gatherings; and

WHEREAS, the most recent of which, Executive Order No. 183, issued on September 1, 2020, limited the number of individuals at indoor gatherings that are not religious services or celebrations, political activities, wedding ceremonies, funerals, or memorial services to 25 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be larger than 25 persons or smaller than 10 persons; and

WHEREAS, the limitations on outdoor gatherings have not been altered since Executive Order No. 161, issued on July 2, 2020, which limited the number of individuals at such a gathering to 500 persons

or fewer and clarified that an outdoor gathering that is a religious service or political activity, such as a protest, is not required to comply with the numerical limit on persons; and

WHEREAS, the State has experienced recent upticks in the number of cases and hospitalizations across all counties; and

WHEREAS, approximately 13 percent of all outbreaks in New Jersey between March 20 through November 1 can be attributed to private gatherings, consistent with the role indoor gatherings have played in leading to further spikes of COVID-19 in other states and countries; and

WHEREAS, the combination of evidence tracing clusters of COVID-19 to gatherings and the overall statewide increase in the rate of transmission means that it is appropriate to reduce the limits on gatherings at the current time; and

WHEREAS, certain gatherings, including religious services and political activity, are constitutionally protected activities, and restrictions on these gatherings should be less aggressive than restrictions on other gatherings, as other states have repeatedly recognized; and

WHEREAS, legislative and judicial proceedings are particularly important to the functioning of the State, the latter of which implicates constitutional rights and foundational privileges, and so can proceed with less restrictive limits; and

WHEREAS, certain events such as wedding ceremonies, funerals, and memorial services, whether religious in nature or not, which typically happen once in a lifetime, provide benefits to the well-being of the participants such that they can be treated differently from casual social gatherings such as house parties and birthday parties, which occur on a more frequent basis and typically do not present the same compelling need; and

WHEREAS, indoor wedding ceremonies and memorial services may have been planned under the current capacity limits, and often with social distancing protocols set up well in advance, and therefore suddenly changing the applicable limits for these events would be highly disruptive; and

WHEREAS, events such as wedding ceremonies, funerals, and memorial services typically include a defined list of attendees, which makes it easier for contact tracing to occur; and

WHEREAS, the informal nature of large house parties also makes it especially hard to engage in contact tracing, as well as to monitor and to enforce the requirements to wear masks and engage in social distancing, which stands in sharp contrast to wedding ceremonies, funerals, and memorial services; and

WHEREAS, reducing the limits on indoor gatherings other than religious services or celebrations, political activities, wedding ceremonies, funerals, and memorial services from a maximum of 25 persons to a maximum of 10 persons will both help reduce the spread of COVID-19 and reduce the burden on our contact tracing program; and

WHEREAS, certain sports practices and competitions require more than 10 individuals to be present, when accounting for players, coaches, referees, and other necessary individuals, and the formal nature of such events makes it easier to ensure that health and safety protocols are being appropriately followed; and

WHEREAS, college and university athletic programs and professional athletic teams, leagues, and organizations, are readily able to establish comprehensive protocols for the athletes participating within their programs, including by placing limitations on outside activities, subjecting participants to regular testing, and requiring athletes to reside in a specified location; and

WHEREAS, while there is generally less risk associated with outdoor gatherings, it is likewise appropriate to lower the outdoor gatherings limit in our State to no more than 150 people to prevent increased transmission through super-spreading events and large community gatherings; and

WHEREAS, all gatherings, whatever their nature, must continue to utilize protective measures, including use of masks and social distancing; and

WHEREAS, because of the severity of the decrease of the limit on outdoor gatherings, as compared with the limit on indoor gatherings, the effective date of that provision will be delayed by approximately one week to avoid significant disruption of prescheduled activities; 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. Paragraph 4 of Executive Order No. 183 (2020) is hereby rescinded and the number of individuals at indoor gatherings that are not religious services or celebrations, political activities, wedding ceremonies, funerals, or memorial services shall be limited to 10 persons. The number of individuals at indoor gatherings that are religious services or celebrations, political activities, wedding ceremonies, funerals, or memorial services shall be limited to 25 percent of the capacity of the room in which it takes place, but

regardless of the capacity of the room, such limit shall never be larger than 150 persons or smaller than 10 persons. For purposes of this Paragraph, any private residence or residential unit shall be treated as a single "room". Legislative proceedings of state, county, or local government, including local Boards of Education, and state and local judicial proceedings are not subject to the capacity limits on gatherings in this or any other applicable Executive Order.

2. Professional and collegiate athletic competitions that are conducted indoors are subject to the current indoor gathering limit of 10 persons. Athletes, coaches, referees, and trainers, and other individuals who are necessary for the competitive professional or collegiate sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings. The number of individuals present inside facilities where indoor professional or collegiate athletic competitions are taking place may not exceed 25 percent of the capacity of the room in which it takes place, and such limit may not exceed 150 persons. The provisions of Paragraph 1 of Administrative Order No. 2020-22 regarding indoor gatherings shall continue to apply.

3. All other athletic practices and competitions that are conducted indoors are subject to the current indoor gathering limit of 10 persons. However, if the number of individuals who are necessary for a no-contact practice, contact practice, or competition, such as players, coaches, and referees, is greater than 10 persons, such a practice or competition may proceed, as long as no individuals are present who are not necessary for the practice or competition, such as spectators. If this exception applies, the number of individuals at such an indoor gathering still may not exceed 25 percent of the capacity of the room in which it takes place, and such limit may not exceed 150 persons. Paragraph 2 of Executive Order No. 187 (2020) is hereby rescinded.

4. While the numerical limits on indoor gatherings in Paragraph 4 of Executive Order No. 183 (2020) are rescinded, all other requirements for indoor gatherings outlined in Paragraphs 5 and 6 of Executive Order No. 183 (2020), including those provisions that incorporate by reference the requirements of Paragraph 1 of Executive Order No. 152 (2020), shall remain in effect.

5. Any requirements in any Executive Order, Administrative Order, or agency directive that incorporated by reference the gatherings limits in Executive Order Nos. 107, 142, 148, 152, 156, 161, 173, or 183 (2020) are amended to reflect the rules on gatherings stated in this Order.

6. Paragraph 2 of Executive Order No. 183 (2020) shall remain in effect.

7. Paragraph 1 of Executive Order No. 161 (2020) is hereby rescinded and the number of individuals at outdoor gatherings shall be limited to 150 persons or fewer. All other requirements for outdoor gatherings contained in Paragraph 1 of Executive Order No. 161 (2020), including the requirements of Paragraph 2 of Executive Order No. 152 (2020) incorporated by reference therein, shall remain in effect. An outdoor gathering that is a religious service or celebration, political activity, wedding ceremony, funeral, or memorial service is not required to comply with the numerical limit on persons.

8. Outdoor entertainment centers where performances are viewed or given, including movie theaters, performing arts centers, and other concert venues, must limit the number of patrons in any outdoor area where a performance is viewed or given to a number that ensures that all individuals can remain six feet apart, but such limit shall never be larger than 150 persons.

9. Professional and collegiate athletic competitions that are conducted outdoors are subject to the outdoor gathering limit of 150 persons. Athletes, coaches, referees, and trainers, and other individuals who are necessary for the competitive professional or collegiate sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings. The provisions of Paragraph 1 of Administrative Order No. 2020-22 regarding outdoor gatherings shall continue to apply.

10. All other sports practices and competitions that are conducted outdoors are subject to the outdoor gathering limit of 150 persons, inclusive of athletes, coaches, referees, and trainers.

11. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

12. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order.

13. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement.

14. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

15. Paragraphs 1 - 6 of this Order regarding the indoor gathering limit shall take effect at 6:00 a.m. on Tuesday, November 17, 2020, and Paragraphs 7 - 10 of this Order regarding the outdoor gathering limit shall take effect at 6:00 a.m. on Monday, November 23, 2020. This Order shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this
16th day of November,
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

EXECUTIVE ORDER NO. 197

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, and 191, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, and October 24, 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 and the Emergency Health Powers Act, 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, and Nos. 189-196 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to 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 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, the issuance of the Public Health Emergency on March 9, 2020 and mitigation strategies on March 16, 2020 resulted in the closure of the racetracks conducting horse races and stabling facilities; and

WHEREAS, the racetracks remained closed until June 1, 2020, when Administrative Order No. 2020-14 allowed the racetrack permit holders to offer live racing and to open stabling facilities, while still prohibiting spectators or other members of the public due to the ongoing Public Health Emergency; and

WHEREAS, the permit holders ultimately were authorized to allow spectators and other members of the public, in a limited capacity, into the racetrack to participate in simulcasting, pari-mutuel wagering, sports wagering or other activities on July 3, 2020, by Administrative Order No. 2020-16; and

WHEREAS, notwithstanding the extraordinary circumstances of the COVID-19 pandemic, N.J.S.A. 5:5-156 requires the permit holders to schedule a minimum number of live race dates as a condition for participation in off-track wagering and account wagering; and

WHEREAS, N.J.S.A. 5:5-130 provides that the New Jersey Racing Commission shall issue an off-track wagering license only if the permit holders schedule at least the minimum number of race dates required in N.J.S.A. 5:5-156; and

WHEREAS, N.J.S.A. 5:5-139 similarly provides that the New Jersey Racing Commission shall issue the account wagering license only if the permit holders schedule the statutory minimum number of race dates; and

WHEREAS, the permit holders were limited in their ability to conduct the minimum number of live race dates required in N.J.S.A. 5:5-156 due to the interruptions related to the Public Health Emergency and the social distancing and mitigation restrictions imposed, including the closure of the racetracks for a period of months, along with the continued limitation on public access; and

WHEREAS, the permit holders' inability to strictly comply with the mandatory minimum number of live race dates under N.J.S.A. 5:5-156, was caused by the March 16, 2020 closure of the racetracks by Executive Order No. 104 through June 1, 2020, when Administrative Order No. 2020-14 permitted live races at the racetracks; and

WHEREAS, strict enforcement of the statutory mandate under N.J.S.A. 5:5-156, during the ongoing Public Health Emergency, would unduly burden the permit holders and frustrate their ability to maintain their licenses and participate in off-track and account wagering; and

WHEREAS, pursuant to N.J.S.A. App. A:9-47, the Governor is authorized to, among other things, suspend any regulatory provision of law when its enforcement is detrimental to the public welfare during an emergency; 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;

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 statutory minimum number of live race dates required by N.J.S.A. 5:5-156 is hereby waived for the 2020 calendar year.

2. This Order is not intended to, and does not confer any legal rights upon the permit holders whose activities are regulated by the New Jersey Racing Commission and shall not be used as a basis for legal challenges to regulations, rules, approvals, permits, licenses or other actions, or to any inaction of the governmental entity subject to it.

3. This Order shall take effect immediately.

GIVEN, under my hand and seal this
17th day of November,
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

EXECUTIVE ORDER NO. 198

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, and 191 issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, and October 24, 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, and Nos. 189-197 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, as of November 19, 2020, according to the World Health Organization, there were over 55,928,000 confirmed cases of COVID-19 worldwide, with over 1,344,000 of those cases having resulted in death; and

WHEREAS, as of November 19, 2020, according to the Centers for Disease Control and Prevention ("CDC"), there were over 11,654,000 confirmed cases of COVID-19 in the United States, with over 249,000 of those cases having resulted in death; and

WHEREAS, as of November 19, 2020, there were over 293,000 positive cases of COVID-19 in New Jersey, with at least 14,877 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 set to take place in March and April were postponed until 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, 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, 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, Executive Order No. 144 (2020) extended the deadline to certify election results under N.J.S.A. 19:23-55 by five (5) days to account for the revised timeframe that Boards of Elections had to receive vote-by-mail ballots, thereby extending the certification deadline to July 24, 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, to accommodate the increase in vote-by-mail ballots, Executive Order No. 177 (2020) delayed the meeting of the county Board of Canvassers to certify the results of the November General Election until no later than November 20, 2020; 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 Order and addressed other issues relating to upcoming elections; and

WHEREAS, N.J.S.A. 19:61-9 requires the Secretary of State to annually appoint an independent, professional audit team to oversee an audit of each election for federal or State offices, and for county and municipal offices selected for audit by the Secretary of State; and

WHEREAS, N.J.S.A. 19:61-9(c)(8) prohibits a county from certifying the results of an election that is subject to an audit prior to the completion of the audit and the announcement and publication of the audit results; and

WHEREAS, to allow enough time for the results of the November General Election to be certified prior to the meeting of electors, Executive Order No. 177 (2020) suspended N.J.S.A. 19:61-9(c)(8), thereby allowing counties to certify their election results prior to the commencement of the election audit required under N.J.S.A. 19:61-9; and

WHEREAS, Executive Order No. 179 (2020) modified Executive Order No. 177 (2020), permitting counties to certify their election results prior to commencing the election audit and ordering the audit to be completed by December 4, 2020; and

WHEREAS, the federal deadline for the meeting of electors is December 14, 2020; and

WHEREAS, despite best efforts to socially distance and adhere to CDC guidelines and public health protocols, several county boards of elections are experiencing COVID-19 outbreaks among county boards of election members and staff; and

WHEREAS, these COVID-19 outbreaks have resulted in staff shortages in affected counties as boards of elections work to meet the November 20, 2020 deadline to certify the election results; and

WHEREAS, allowing county boards of election an additional week to conduct the audit will enable employees in impacted counties to isolate and quarantine for the recommended two weeks following certification of the election results, while still ensuring that the audit occurs before the meeting of the electors; and

WHEREAS, the Ocean County Board of Elections (Ocean County Board") had approximately sixty-seven people working more than full-time every day, and approximately thirty additional people working after traditional work hours, to process ballots for the November 2020 General Election; and

WHEREAS, since the November 2020 General Election, the Ocean County Board has had seventeen COVID-19 positive cases, which resulted in the need to shut down the ballot counting operations on November 9, 2020 at 4:00 p.m., for deep cleaning and the rapid testing of staff on November 11, 2020, which identified additional positive COVID-19 cases; and

WHEREAS, on November 12, 2020 at 4:00 p.m., the ballot counting operations again had to be shut down for deep cleaning as a result of another COVID-19 positive test result and the testing of all staff on November 13, 2020, which identified additional positive COVID-19 cases; and

WHEREAS, the Ocean County Board's ballot processing operations remained shut down from November 12, 2020 at 4:00 p.m. through November 16, 2020, with staff being permitted back on November 17, 2020 gradually as their negative test results were received; and

WHEREAS, the Ocean County Board effectively lost five full days of ballot processing for the November 2020 General Election; and

WHEREAS, the Salem County Board of Elections ("Salem County Board") had four permanent employees, four Board of Elections Commissioners, six voting machine technicians, twenty-six temporary employees, and ten National Guard members on staff in an effort to complete the November 2020 General Election ballot count for the November 20, 2020 certification of the election results; and

WHEREAS, since November 5, 2020, the Salem County Board has had seventeen COVID-19 positive cases, which resulted in the quarantine of the remaining thirty-three staff members; and

WHEREAS, all quarantined Salem County Board staff were required to leave the county offices by 9:00 p.m. on November 6, 2020; and

WHEREAS, due to COVID-19, and the fact that all of the remaining Salem County Board staff are under quarantine, the alternate site in the Salem County Board's Continuity of Operations Plan could not be used; and

WHEREAS, Salem County provided the Salem County Board with a temporary satellite office on November 7, 2020, which could not be outfitted with access to the tabulation equipment; and

WHEREAS, only four Salem County Board staff can work in the temporary satellite office under social distancing guidelines and those four staff are responsible for reviewing and manually processing the ballots in preparation for counting; and

WHEREAS, allowing the Ocean County Board and Salem County Board an additional five days to complete the ballot count so the respective county Boards of Canvassers can meet and certify the results of the November 2020 General Election is necessary given the hardships these Boards have faced in their attempt to complete the ballot count amid the public health crisis; and

WHEREAS, failing to take proactive actions to mitigate the spread of the virus risks further infecting election officials; and

WHEREAS, social distancing measures are required for a period of as-yet-undetermined duration, and the COVID-19 outbreak may have significant effects on New Jersey's voting systems as long as social distancing measures are in place and for some time thereafter; and

WHEREAS, the COVID-19 emergency and its impact are likely to extend for an as-yet-undetermined period of time; 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. For any county board of elections that has notified the Office of the Secretary of State prior to the issuance of this Order that the county board of canvassers cannot hold their meeting under N.J.S.A. 19:19-1 by November 20, 2020 due to the significant impact of COVID-19 on their staff and facilities, which are the Ocean and Salem County Boards of Elections, such meeting must occur on or before November 25, 2020. For such counties, the county

Clerks' transmittal of the Official November General Election Results to the Secretary of State, under N.J.S.A. 19:19-13, must occur on or before November 25, 2020, and the county Clerks may not seek an extension of this deadline.

2. Due to the suspension of N.J.S.A. 19:63-22 and N.J.S.A. 19:63-18, the production of reports pursuant to N.J.S.A. 19:53B-21 and 19:53C-21 must occur on or before November 25, 2020, for any county that receives an extension under Paragraph 1 of this Order.

3. The deadline to conduct the election audit required under N.J.S.A. 19:61-9, which is currently December 4, 2020, is extended an additional week, until December 11, 2020, for all counties.

4. Any deadline set forth in P.L.2020, c.72, Executive Order No. 177 (2020), or Executive Order No. 179 (2020) that is inconsistent with the provisions of this Order is suspended to the extent of such inconsistency.

5. This Order shall take effect immediately.

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

EXECUTIVE ORDER NO. 199

WHEREAS, United States Air Force Senior Airman Richard "Rico" Asey Samaroo was born in Guyana and moved to the United States in 2003, spending his formative years in North Brunswick, New Jersey; and

WHEREAS, Senior Airman Samaroo attended Livingston Park Elementary School, Linwood Middle School, and North Brunswick High School, from which he graduated with honors in 2017 and thereafter enlisted in the United States Air Force; and

WHEREAS, Senior Airman Samaroo completed his basic training at Lackland Airforce Base in Texas and subsequently completed his military school training at Sheppard Air Force Base in Texas; and

WHEREAS, Senior Airman Samaroo served as an electrical power production technician at the Ramstein Air Force Base in Germany for two years and later as a member of the 51st Civil Engineer Squadron at the Osan Air Force Base in South Korea, where he had been stationed since May of 2020; and

WHEREAS, Senior Airman Samaroo was the recipient of multiple honors during his service, including the National Defense Service Medal; the Global War on Terrorism Medal; the M-16 Expert Qualifying Medal; and the Air Force Training Ribbon; and

WHEREAS, while on active duty in South Korea, Senior Airman Samaroo tragically passed away at the age of twenty-one; and

WHEREAS, Senior Airman Samaroo was a beloved member of our New Jersey family whose presence will be immensely missed by his family, his friends, his fellow servicemembers, and by the people of New Jersey whom are grateful for his service; and

WHEREAS, it is with immense sadness that we mourn Senior Airman Samaroo's sudden passing, and extend our deepest sympathy and gratitude to his family, especially to his parents, Richard

and Bibi Samaroo, his sister, Zhane, and his friends and colleagues; and

WHEREAS, it is appropriate to honor the exemplary character, outstanding achievements, and cherished memory of Senior Airman Samaroo and to mark his passing;

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 flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, November 23, 2020, in recognition and mourning of Senior Airman Richard Asey Samaroo.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this
20th day of November,
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