

EXECUTIVE ORDER NO. 266

WHEREAS, on March 9, 2020, I issued Executive Order No. 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N.J.S.A. App A:9-33 et seq., in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey, I issued a series of Executive Orders pursuant to my authority under the EHPA and the Disaster Control 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, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, Nos. 228-235, Nos. 237-244, No. 246, No. 249, Nos. 251-253, and Nos. 263 and 264 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, on June 4, 2021, I signed into law Assembly Bill No. 5820 as P.L.2021, c.103 and issued Executive Order No. 244, which terminated the Public Health Emergency declared in Executive Order No. 103 (2020) but maintained the State of Emergency declared in that same Order; and

WHEREAS, in furtherance of my Administration's commitment to expanding access to the ballot, I also signed into law Senate Committee Substitute for Senate Bill No. 3203 (Second Reprint) as P.L.2021, c.40 (C.19:15A-1 et seq.), which established nine days of in-person early voting for the first time in New Jersey's history; and

WHEREAS, the State experienced significant upticks in certain critical COVID-19 metrics between June and September of this year, including COVID-19 positive cases, spot positivity, and new hospitalizations, which has created additional hesitancy toward increased interactions with other members of the public in close proximity for extended periods; and

WHEREAS, this hesitancy manifested itself through unprecedented poll worker shortages this election cycle, including during the primary election, with many who would otherwise serve as poll workers declining to do so and communicating to their local boards of election and others that concerns related to COVID-19 precluded their participation; and

WHEREAS, as a result, local elections officials have reported a significant decrease in the number of individuals willing to

serve as poll workers, resulting in an inability to meet the statutory requirements concerning the number of poll workers necessary in each election district on Election Day and properly staff the early voting sites during the nine days of in-person early voting under P.L.2021, c.40 (C.19:15A-1 et seq.); and

WHEREAS, ensuring the continuity of our elections is of critical importance and is necessary to guaranteeing the protection of the right of the franchise and of full participation by all in the democratic process; and

WHEREAS, it is therefore necessary to waive certain eligibility requirements for poll workers and to take other measures to incentivize poll worker participation in the November 2021 General Election, as carried out on Election Day and during the early voting period; 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. 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 the General Election to be held on November 2, 2021 and during the early voting period, from October 23 through October 31, 2021, the following shall apply:

- a. The provisions of N.J.S.A. 19:6-2 requiring that a member of a district board be a resident of the county in which that member will serve shall be suspended. As such, the same requirement applicable to election officers conducting early voting under subsection d. of N.J.S.A. 19:15A-1, otherwise deemed a poll worker, is also suspended;
- b. Each member of a district board serving on the day of the General Election shall receive, in addition to the amount payable under N.J.S.A. 19:45-6, a supplemental payment of \$100 for a full day worked, or of \$50 for each full shift worked if such shift is established pursuant to N.J.S.A. 19:6-9.1. Consistent with N.J.S.A. 43:21-19, such supplemental payments shall not be considered or included as remuneration thereunder; and
- c. Each election officer conducting early voting under subsection d. of N.J.S.A. 19:15A-1, otherwise deemed a poll worker, shall receive for each hour worked, in addition to the amounts payable thereunder, a supplemental payment equal to a pro-rated hourly rate consistent with the \$100 supplemental payment established under subsection c. of this paragraph.

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

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

or that will or might in any way interfere with or impede its achievement.

4. This order shall take effect immediately.

GIVEN, under my hand and seal this
5th day of October,
Two Thousand and Twenty-one,
and of the Independence of
the United States, the Two
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor