

An Overview of Several Recent Executive Orders from Governor Murphy

Client Alert

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Although the bulk of public attention has understandably been focused on New Jersey Governor Phil Murphy's March 21, 2020 "[Stay at Home](#)" [Executive Order 107](#), it is also important for New Jersey residents to understand key aspects of other Executive Orders issued by the governor in recent days, as follows:

Executive Order 105

This Order, effective as of March 19, 2020, addresses New Jersey's upcoming elections by implementing several measures to facilitate the exercise of New Jersey voters' voting franchise while maintaining public safety during the COVID-19 pandemic by:

- permitting electronic signatures and submission of petitions for candidates and delegates for the June 2, 2020 primary election and suspending verification and notarized oath of allegiance requirements;
- postponing until May 12, 2020 any and all elections scheduled between March 19, 2020 and May 12, 2020;
- directing that all elections now scheduled for May 12, 2020 be conducted solely via vote-by-mail ballots, which will automatically be sent to all registered voters (active and inactive) with a prepaid postage return envelope and without the need for an application to receive a vote-by-mail ballot; and
- suspending the mailing of sample ballots.

The intended purpose of these measures is to assure that all eligible citizens are able to exercise their right to vote.

Executive Order 106

This Order, effective as of March 19, 2020, protects New Jersey residential tenants from being forcibly removed from their residences during the COVID-19 pandemic. Specifically, the Order:

- prohibits landlords, sheriffs, court officers, and their agents from physically removing any lessee, tenant, homeowner or other person from a residential property as the result of an eviction or foreclosure proceeding;
- permits the initiation and continuation of eviction and foreclosure proceedings but prohibits the enforcement of judgments for possession, warrants of removal, and writs of possession, unless permitted by a court "in the interest of justice";
- maintains any schedule of rent that is due. "Residential property" is defined as "any property rented or owned for residential purposes, including, but not limited to, any house, building, mobile home or land in a mobile home park, or tenement leased for residential purposes" but does not include hotels, motels, or other guest houses, or part thereof, rented to transient guests or seasonal tenants, or residential health care facilities.

Executive Order 109

This Order requires that all adult elective medical and dental surgeries, and all adult invasive procedures, be suspended as of Friday, March 27, 2020 at 5:00pm. An elective surgery or invasive procedure is defined as a procedure that can be delayed without undue risk to the current or future health of the patient as determined by the patient's treating physician or dentist. For purposes of this Order, family planning services, including the termination of a pregnancy, is not considered an elective surgery or procedure.

This temporary suspension on elective surgeries is twofold. First, it allows for resources such as medical personnel, supplies, and beds to be allocated to those suffering from COVID-19. Second, it reduces the potential exposure of healthy patients to patients being treated for COVID-19.

Additionally, an [expanded analysis](#) of this Executive Order is available in the COVID-19 Resources section of our website.

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