

ASSEMBLY, No. 112

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman CHRISTOPHER P. DEPHILLIPS

District 40 (Bergen, Essex, Morris and Passaic)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

SYNOPSIS

Provides for vacancy in county surrogate, clerk, register of deeds and mortgages, and sheriff offices occurring 70 days before general election to be filled at second succeeding general election.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the timeframe for filling vacancies in certain
2 county offices at a general election and amending various parts
3 of the statutory law.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. N.J.S.2B:14-5 is amended to read as follows:

9 2B:14-5. Filling vacancy in Surrogate's office. If a Surrogate
10 does not take office within 30 days after the end of the preceding
11 term or a vacancy occurs in the office of Surrogate, the Governor,
12 with advice and consent of the Senate, shall fill the vacancy from
13 the political party of the person last elected to the office. The
14 person appointed shall serve until election and qualification of a
15 successor. Election of a successor for a five-year term shall occur
16 at the next general election unless the vacancy occurs within **[37]**
17 70 days before the election, in which case it shall occur at the
18 second succeeding general election.
19 (cf: N.J.S.2B:14-5)

20

21 2. N.J.S.40A:9-70 is amended to read as follows:

22 40A:9-70. When a vacancy shall occur in the office of the county
23 clerk of any county other than by expiration of term, the Governor
24 shall fill such vacancy with the advice and consent of the Senate by
25 appointment of a member of the same political party as that of the
26 previous incumbent of the office, and the commission of said
27 appointee shall expire when a successor is elected and qualified.
28 The successor in such case shall be elected for a term of 5 years at
29 the general election next succeeding the happening of the vacancy
30 unless such vacancy shall occur within **[37]** 70 days next preceding
31 such election, in which case it shall be filled at the second
32 succeeding general election.
33 (cf: N.J.S.40A:9-70)

34

35 3. N.J.S.40A:9-88 is amended to read as follows:

36 40A:9-88. When a vacancy shall occur in the office of the
37 register of deeds and mortgages of any county other than by
38 expiration of term, the Governor shall fill such vacancy with the
39 advice and consent of the Senate, by appointment of a member of
40 the same political party as that of the previous incumbent of the
41 office, and the commission of said appointee shall expire when a
42 successor is elected and qualified. The successor in such case shall
43 be elected for a term of 5 years at the general election next
44 succeeding the happening of the vacancy unless such vacancy shall

EXPLANATION – Matter enclosed in bold-faced brackets **[thus] in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 occur within **【37】 70** days next preceding such election, in which
2 case it shall be filled at the second succeeding general election.

3 (cf: N.J.S.40A:9-88)

4
5 4. N.J.S.40A:9-102 is amended to read as follows:

6 40A:9-102. When a vacancy shall occur in the office of sheriff of
7 any county, other than by expiration of term, the Governor shall fill
8 such vacancy with the advice and consent of the Senate by
9 appointment of a member of the same political party as that of the
10 previous incumbent of the office, and the commission of said
11 appointee shall expire when a successor is elected and qualified.
12 The successor in such case shall be elected for a term of 3 years at
13 the general election next succeeding the happening of the vacancy
14 unless such vacancy shall occur within **【37】 70** days next preceding
15 such election, in which case it shall be filled at the second
16 succeeding general election.

17 (cf: N.J.S.40A:9-102)

18
19 5. This act shall take effect immediately.

20
21
22 STATEMENT

23
24 This bill provides that a vacancy in the offices of county
25 surrogate, county clerk, county register of deeds and mortgages, and
26 county sheriff will be filled at the second succeeding general
27 election if the vacancy occurs 70 days before the general election.

28 Under current law, when a vacancy occurs in these county
29 offices, other than by expiration of the term, the Governor is
30 required to fill the vacancy with the advice and consent of the
31 Senate by appointing a member of the same political party as that of
32 the previous incumbent of the office. That appointment continues
33 until a successor is elected and qualified. The successor is required
34 to be elected for a specified term at the general election next
35 succeeding the occurrence of the vacancy. However, if the vacancy
36 occurs within 37 days next preceding the general election, the
37 vacancy is required to be filled at the second succeeding general
38 election. This bill changes that 37 days to 70 days.

39 The timeframe established in this bill matches the same
40 timeframe for filling vacancies in other public offices at the general
41 election in accordance with Title 19 of the Revised Statutes, thereby
42 accomplishing uniformity in the election administration process.
43 This timeframe also allows for compliance with the requirements
44 established under federal and State law for the mailing of vote-by-
45 mail ballots to voters at least 45 days before the general election.