

SENATE, No. 1350

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 10, 2020

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Establishes new procedure to fill congressional vacancies by election; eliminates special election option; requires congressional vacancy be filled on general election day; requires Governor to make appointment from same party to temporarily fill Senate vacancy.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the filling of congressional vacancies and
2 supplementing Title 19 of the Revised Statutes, amending
3 R.S.19:27-12, and repealing various sections of statutory law.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. (New section) If a vacancy occurs in the representation of
9 this State in the United States Senate, the Governor shall make a
10 temporary appointment to fill the vacancy within 30 days of the
11 occurrence of the vacancy. If the person vacating the office is a
12 member of a political party, the temporary appointee shall be a
13 member of the same political party. The appointee shall serve until
14 the person elected at the next applicable general election is
15 qualified and assumes office.

16 If the vacancy occurs on or before the 85th day preceding the
17 general election for that year, the Governor shall issue a writ of
18 election on or before the 70th day preceding the election
19 designating the day of that general election as the election day to
20 fill the vacancy. If the vacancy occurs after the 85th day preceding
21 the general election for that year, the Governor shall issue a writ of
22 election on or before the 70th day preceding the election
23 designating the day of the general election in the following year as
24 the election day to fill the vacancy. Notwithstanding the provisions
25 of this section, a vacancy shall not be filled at the general election
26 which immediately precedes the expiration of the term in which the
27 vacancy occurs.

28 If the vacancy occurs after the 85th day preceding a general
29 election but on or before the 70th day preceding the primary
30 election for the next general election, the candidates nominated for
31 election to fill the vacancy shall be selected at that primary election.
32 If the vacancy occurs after the 70th day preceding the primary
33 election for the general election, the Governor shall issue a writ of
34 election within 15 days of the occurrence of the vacancy. The
35 Secretary of State shall, upon receipt of the writ, post the writ in a
36 conspicuous location on the official website of the Division of
37 Elections. Each political party shall select its candidate to fill such
38 vacancy in the same manner prescribed in R.S.19:13-20 for
39 selecting candidates to fill vacancies arising among candidates
40 nominated at primary elections, except that the time for making
41 such selection and filing the statement thereof shall be on or before
42 the last Monday in July. Petitions of nomination of other
43 candidates shall be filed in the office of the Secretary of State no
44 later than the last Monday in July. The Secretary of State shall
45 certify to the clerk and county board of each county affected by the

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 vacancy a statement of all candidates selected and nominated for
2 the office so vacated in accordance with R.S.19:13-22.

3
4 2. (New section) If a vacancy occurs in the representation of
5 this State in the United States House of Representatives, the
6 Governor shall issue a writ of election to fill such vacancy on or
7 before the 70th day preceding the election, unless the vacancy
8 occurs in an even-numbered year after the 85th day preceding the
9 general election in which case the Governor shall not issue a writ of
10 election. The Secretary of State shall, upon receipt of the writ, post
11 the writ in a conspicuous location on the official website of the
12 Division of Elections.

13 If the vacancy occurs on or before the 85th day preceding the
14 general election for that year, the writ of election shall designate the
15 day of that general election as the election day to fill the vacancy.
16 If the vacancy occurs in an odd-numbered year after the 85th day
17 preceding the general election, the writ of election shall designate
18 the day of the general election in the following year as the election
19 day to fill the vacancy.

20 If the vacancy occurs after the 85th day preceding a general
21 election but on or before the 70th day preceding the primary
22 election for the next general election, the candidates nominated for
23 election to fill the vacancy shall be selected at that primary election.
24 If the vacancy occurs after the 70th day preceding the primary
25 election for the general election, each political party shall select its
26 candidate to fill such vacancy in the same manner prescribed in
27 R.S.19:13-20 for selecting candidates to fill vacancies arising
28 among candidates nominated at primary elections, except that the
29 time for making such selection and filing the statement thereof shall
30 be on or before the last Monday in July. Petitions of nomination of
31 other candidates shall be filed in the office of the Secretary of State
32 on or before the last Monday in July. The Secretary of State shall
33 certify to the clerk and county board of each county affected by the
34 vacancy a statement of all candidates selected and nominated for
35 the office so vacated in accordance with R.S.19:13-22.

36
37 3. R.S.19:27-12 is amended to read as follows:

38 19:27-12. Notice of special elections other than those to fill
39 vacancies in the **【**United States senate, United States house of
40 representatives,**】** state senate or general assembly shall be given in
41 accordance with the provisions of any statute, ordinance or
42 resolution relative thereto. If such statute, ordinance or resolution
43 fails to provide for the giving of notice by officials to officials or by
44 officials to the public, such notice shall be given in the manner
45 herein provided for giving notice of the general election so far as
46 may be.

47 (cf: R.S.19:27-12)

1 4. The following sections are repealed:
2 R.S.19:3-26;
3 R.S.19:3-27;
4 R.S.19:27-4;
5 R.S.19:27-6;
6 R.S.19:27-9; and
7 Section 1 of P.L.1945, c.206 (C.19:27-10.1).

8
9 5. This act shall take effect immediately.

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STATEMENT

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14 This bill repeals the current statutory provisions regarding the
15 filling of vacancies in the United States Senate and House of
16 Representatives and establishes a new procedure for the filling of
17 such vacancies.

18 Under the bill, the Governor would be required to make a
19 temporary appointment to fill a Senate vacancy within 30 days of
20 the occurrence of the vacancy. If the person vacating the office is a
21 member of a political party, the temporary appointee must be a
22 member of the same political party. The appointee would serve
23 until a successor is elected and assumes office.

24 If the vacancy occurs on or before the 70th day preceding the
25 general election, the vacancy would be filled at that general
26 election. If the vacancy occurs after the 70th day preceding the
27 general election, the vacancy would be filled at the following year's
28 general election. A vacancy would not be filled at the general
29 election which immediately precedes the expiration of the term in
30 which the vacancy occurs. If the vacancy in the Senate occurs after
31 the 70th day preceding a general election but on or before the 70th
32 day preceding the primary election, the candidates would be
33 nominated at that primary election. If the vacancy occurs after the
34 70th day preceding the primary election, the candidates would be
35 nominated by the State committee of the relevant political party, as
36 provided by law, within 10 days of the issuance of the writ of
37 election. Petitions of nomination of other candidates must be filed
38 with the Secretary of State within the same 10-day time span.

39 The bill also establishes the procedure for the filling of vacancies
40 in the United States House of Representatives. In the case of a
41 vacancy in the House, the Governor would not make a temporary
42 appointment. Instead, the Governor would issue a writ of election
43 to fill the vacancy, except that no writ of election would be issued if
44 the vacancy occurs in an even-numbered year after the 70th day
45 preceding the general election. If the vacancy occurs on or before
46 the 70th day preceding the general election, the vacancy would be
47 filled at that general election. If the vacancy occurs in an odd-
48 numbered year and after the 70th day preceding the general

1 election, the vacancy would be filled at the following year's general
2 election. If the vacancy occurs after the 70th day preceding a
3 general election but on or before the 70th day preceding the primary
4 election, the candidates would be nominated at that primary
5 election. If the vacancy occurs after the 70th day preceding the
6 primary election, the candidates would be nominated by those
7 members of the county committee or committees wherein the
8 vacancy has occurred who represent those portions of the respective
9 county or counties which are comprised in the district from which
10 the candidate is to be elected, as provided by law, within 10 days of
11 the issuance of the writ of election. Petitions of nomination of other
12 candidates must be filed with the Secretary of State within the same
13 10-day time span.

14 The sections of law that would be repealed are:

- 15 • R.S.19:3-26, which provides the procedure for filling a U.S.
16 Senate vacancy and permits the Governor to make a
17 temporary appointment to fill the vacancy and to call a
18 special election to fill the vacancy;
- 19 • R.S.19:3-27, which requires the Governor to issue a writ of
20 election to fill a vacancy in the House of Representatives
21 unless the term is set to expire within six months of the
22 occurrence of the vacancy;
- 23 • R.S.19:27-4, which requires the Governor to issue a writ of
24 election to fill a vacancy in the Senate or House of
25 Representatives unless the term is set to expire within six
26 months of the occurrence of the vacancy;
- 27 • R.S.19:27-6, which provides the timeframe and procedure
28 for the Governor to issue a writ of election to fill a
29 congressional vacancy and provides the Governor discretion
30 to call a special election; and
- 31 • Section 1 of P.L.1945, c.206 (C.19:27-10.1), which provides
32 the procedure for filling a vacancy in the House of
33 Representatives between the specified dates preceding the
34 primary and general elections if more than one year remains
35 on the unexpired term.

36 The bill also amends a section of law to remove a reference to
37 special elections to the United States Senate or House of
38 Representatives. Under the bill, congressional vacancies would
39 only be filled on a general election day or, in the case of Senate
40 vacancies, temporarily by appointment by the Governor.