

Article IV, Section IV, Paragraph 1 New Jersey Constitution

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library
(Procedure for filling legislative vacancies)

New Jersey Constitution: Article IV, Section IV, Paragraph 1

BILL NO: ACR40

SPONSOR: Rooney

DATE INTRODUCED: Pre-filed

COMMITTEE: **Assembly:** State Government

Senate: State Government

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 3/7/1988

SENATE: 6/9/1988

FILED WITH SECRETARY OF STATE: 7/7/1988

DATE OF ADOPTION: 11/8/1988

EFFECTIVE: 12/8/1988

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced bill enacted) Yes

SPONSOR'S STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government
Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS: No

HEARINGS: Yes

974.90 Public hearing before Assembly State Government Committee : Assembly concurrent resolution—40
E38 (amends the state Constitution to eliminate the need to hold special elections to fill legislative vacancies).
1988

NEWSPAPER ARTICLES:

Yes

'A better way', *Times, The*, 9/22/1988, pg 34

Mercer County Board of Elections, 'Notice To Voters', *Times, The*, 11/2/1988, pg 15

Associated Press, 'Two Mercer County, four state questions on ballot', *Times, The*, 11/3/1988, pg 76

'Election '88/Voters Guide', *Times, The*, 11/3/1988, pg 76

KA

ASSEMBLY STATE GOVERNMENT COMMITTEE
STATEMENT TO
ASSEMBLY CONCURRENT RESOLUTION No. 40

STATE OF NEW JERSEY

DATED: JANUARY 28, 1968

The Assembly State Government Committee reports favorably Assembly Concurrent Resolution, No. 40.

This concurrent resolution proposes an amendment to the State Constitution to revise its provisions regarding the filling of vacancies in the membership of the Legislature.

The Constitution currently requires that any vacancy occasioned by death, resignation or otherwise shall be filled by election, but does not require that the election be held at a general election. Under the resolution, a vacancy-filling election shall be held only at the time of the next general election occurring at least 51 days following the occurrence of the vacancy, and if that general election immediately precedes the end of the term of the office vacated, the vacancy will not be filled by election at all. That portion of a term not filled by election (that is, during the interim period between the occurrence of the vacancy and either the general election at which it is filled or the expiration of the term, as appropriate) will be filled through appointment by those members of the county committee of the vacating incumbent's political party who represent the election districts included in the legislative district in which the vacancy has occurred.

This concurrent resolution was pre-filed for introduction in the 1968 session pending technical review. As reported, the resolution includes the changes required by technical review, which has been performed.

SENATE STATE GOVERNMENT COMMITTEE
STATEMENT TO
ASSEMBLY CONCURRENT RESOLUTION No. 40

STATE OF NEW JERSEY

DATED: APRIL 25, 1968

The Senate State Government Committee reports favorably Assembly Concurrent Resolution, No. 40.

This concurrent resolution proposes an amendment to the State Constitution to revise its provisions concerning the filling of legislative vacancies. At present, the Constitution requires that any vacancy caused by death, resignation or otherwise shall be filled by election for the unexpired term only, as may be provided by law.

This concurrent resolution provides that any vacancy in the Legislature caused other than by expiration of term shall be filled by election for the unexpired term only at the next general election occurring not less than 51 days after the occurrence of the vacancy, except that no vacancy shall be filled at the general election which immediately precedes the expiration of the term in which the vacancy occurs. If a vacancy occurs during the interim period between the election and qualification of a successor or during the remainder of a term and cannot be filled pursuant to the terms of this concurrent resolution at a general election, the vacancy shall be filled within 35 days by the members of the county committee of the political party of which the incumbent was the nominee from the municipalities, districts or units thereof which comprise the legislative district.

ASSEMBLY CONCURRENT RESOLUTION No. 40

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1968 SESSION

By Assemblyman ROONEY

1 A **CONCURRENT RESOLUTION** proposing to amend Article IV,
2 Section IV, paragraph 1 of the Constitution of the State of
3 New Jersey.

5 **BE IT RESOLVED** by the General Assembly of the State of
6 New Jersey (the Senate concurring):

7 1. The following proposed amendment to the Constitution of
8 the State of New Jersey is hereby agreed to:

9

PROPOSED AMENDMENT

11

12 Amend Article IV, Section IV, paragraph 1 of the Constitution
13 to read as follows:

14 1. Any vacancy in the Legislature occasioned [by death,
15 resignation or] otherwise than by expiration of term shall be
16 filled by election for the unexpired term ^{term} [, as may be
17 provided by law] at the next general election occurring not less
18 than 51 days after the occurrence of the vacancy, except that
19 no vacancy shall be filled at the general election which
20 immediately precedes the expiration of the term in which the
21 vacancy occurs. For the interim period pending the election and
22 qualification of a successor to fill the vacancy, or for the
23 remainder of the term in the case of a vacancy occurring which
24 cannot be filled pursuant to the terms of this paragraph at a
25 general election, the vacancy shall be filled within 35 days by
26 the members of the county committee of the political party of
27 which the incumbent was the nominee from the municipalities or

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 districts or units thereof which comprise the legislative
2 district. [Each house shall direct a writ of election to fill any
3 vacancy in its membership; but if the vacancy shall occur during
4 a recess of the Legislature, the writ may be issued by the
5 Governor, as may be provided by law.]

6
7 2. When this proposed amendment to the Constitution is
8 finally agreed to, pursuant to Article IX, paragraph 1 of the
9 Constitution, it shall be submitted to the people at the next
10 general election occurring more than three months after such
11 final agreement and shall be published at least once in at least
12 one newspaper of each county designated by the President of the
13 Senate and the Speaker of the General Assembly and the
14 Secretary of State, not less than three months prior to the
15 general election.

16 3. This proposed amendment to the Constitution shall be
17 submitted to the people at that election in the following manner
18 and form:

19 There shall be printed on each official ballot to be used at the
20 general election, the following:

21 a. In every municipality in which voting machines are not
22 used, legend which shall immediately precede the question, as
23 follows:

24 If you favor the proposition printed below make a cross (X),
25 plus (+) or check (✓) in the square opposite the word "Yes." If
26 you are opposed thereto make a cross (X), plus (+), or check (✓)
27 in the square opposite the word "No."

28 b. In every municipality the following question:

1

3

5

7

9

11

13

15

17

19

21

23

25

27

29

31

33

35

37

39

41

	YES.	<p>FILLING VACANCIES IN THE LEGISLATURE</p> <p>Shall the amendment of Article IV, Section IV, paragraph I of the Constitution of the State of New Jersey, as agreed to by the Legislature, requiring that a vacancy in the Legislature be filled within 35 days by appointment by the members of the county committee of the political party of which the incumbent was the nominee from the municipalities or districts or units thereof which comprise the legislative district, and providing that the appointee shall serve until the election of a successor to fill the vacancy at the next general election occurring not less than 51 days after the occurrence of the vacancy, or until the end of the unexpired term of office if the next general election so occurring immediately precedes the expiration of the term, be adopted?</p>
	NO.	<p>INTERPRETIVE STATEMENT</p> <p>This amendment requires that a vacancy in the Legislature be filled within 35 days by appointment by the members of the county committee of the political party of which the incumbent was the nominee from the municipalities or districts or units thereof which comprise the legislative district and provides that the appointee shall serve until the election of a successor to fill the vacancy at the next general election occurring not less than 51 days after the occurrence of the vacancy, or until the end of the unexpired term of office if the next general election so occurring immediately precedes the expiration of the term.</p>

1

ELECTIONS

Legislature

5 Amend the Constitution to establish a procedure for the filling of legislative vacancies.

<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> <p>98</p> <p>99</p> <p>100</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> <p>98</p> <p>99</p> <p>100</p>
---	---

ASSEMBLY CONCURRENT RESOLUTION No. 40

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblyman ROONEY

2 A CONCURRENT RESOLUTION proposing to amend Article IV,
Section IV, paragraph 1 of the Constitution of the State of
New Jersey.

4
6 BE IT RESOLVED by the General Assembly of the State of
New Jersey (the Senate concurring):

8 1. The following proposed amendment to the Constitution of
the State of New Jersey is hereby agreed to:

10 PROPOSED AMENDMENT

12 Amend Article IV, Section IV, paragraph 1 of the Constitution
14 to read as follows:

16 1. Any vacancy in the Legislature occasioned [by death,
resignation or] otherwise than by expiration of term shall be
filled by election for the unexpired term only, as may be
18 provided by law] at the next general election occurring not less
than 51 days after the occurrence of the vacancy, except that
no vacancy shall be filled at the general election which
20 immediately precedes the expiration of the term in which the
vacancy occurs. For the interim period pending the election and
22 qualification of a successor to fill the vacancy, or for the
remainder of the term in the case of a vacancy occurring which
24 cannot be filled pursuant to the terms of this paragraph at a
general election, the vacancy shall be filled within 35 days by
26 the members of the county committee of the political party of
which the incumbent was the nominee from the municipalities or

28
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.

districts or units thereof which comprise the legislative district. [Each house shall direct a writ of election to fill any vacancy in its membership; but if the vacancy shall occur during a recess of the Legislature, the writ may be issued by the Governor, as may be provided by law.]

2
4
6 2. When this proposed amendment to the Constitution is finally agreed to, pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring more than three months after such final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate and the Speaker of the General Assembly and the Secretary of State, not less than three months prior to the general election.

12
14
16 3. This proposed amendment to the Constitution shall be submitted to the people at that election in the following manner and form:

18 There shall be printed on each official ballot to be used at the general election, the following:

20 a. In every municipality in which voting machines are not used, a legend which shall immediately precede the question, as follows:

22
24 If you favor the proposition printed below make a cross (X), plus (+) or check (✓) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+), or check (✓) in the square opposite the word "No."

26 b. In every municipality the following question:

2

FILLING VACANCIES IN THE LEGISLATURE

4

YES.

Shall the amendment of Article IV, Section IV, paragraph I of the Constitution of the State of New Jersey, as agreed to by the Legislature, requiring that a vacancy in the Legislature be filled within 35 days by appointment by the members of the county committee of the political party of which the incumbent was the nominee from the municipalities or districts or units thereof which comprise the legislative district and providing that the appointee shall serve until the election of a successor to fill the vacancy at the next general election occurring not less than 51 days after the occurrence of the vacancy, or until the end of the unexpired term of office if the next general election so occurring immediately precedes the expiration of the term, be adopted?

6

8

10

12

14

16

18

20

22

24

INTERPRETIVE STATEMENT

26

NO.

This amendment would require that a vacancy in the Legislature be filled within 35 days by appointment by the members of the county committee of the political party of which the incumbent was the nominee from the municipalities or districts or units thereof which comprise the legislative district and providing that the appointee shall serve until the election of a successor to fill the vacancy at the next general election occurring not less than 51 days after the occurrence of the vacancy, or until the end of the unexpired term of office if the next general election so occurring immediately precedes the expiration of the term.

28

30

32

34

36

38

40

STATEMENT

2

4 This concurrent resolution proposes an amendment to the
State Constitution to revise its provisions regarding the filling
of vacancies in the membership of the Legislature.

6

8 The Constitution currently requires that any vacancy
occasioned by death, resignation or otherwise shall be filled by
election, with no requirement that election be held at a general
election. Under the resolution, a vacancy-filling election may
10 be held only at the time of the next general election occurring
at least 51 days following the occurrence of the vacancy, and if
12 that is the general election which immediately precedes the end
of the term, the vacancy will not be filled by election at all.
14 That portion of a term not filled by election (that is, during the
interim period between the occurrence of the vacancy and
16 either the general election at which it is filled or the expiration
of the term, as appropriate) will be filled through appointment
18 by those members of the county committee of the vacating
incumbent's political party who represent portions of the
20 legislative districts in which the vacancy has occurred.

22

ELECTIONS

24

Legislature

26

Amends the Constitution to establish a procedure for the filling
of legislative vacancies.