

19:13-20.1

LEGISLATIVE HISTORY CHECKLIST
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(Primary
elections--choosing
a candidate)

LAWS OF: 1990

CHAPTER: 56

Bill No: S272

Sponsor(s): Lynch

Date Introduced: Pre-filed

Committee: Assembly: -----

Senate: State Government

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: June 28, 1990

Senate: June 28, 1990

Date of Approval: July 6, 1990

Following statements are attached if available:

Sponsor statement: No

Committee Statement: Assembly: No

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

P.L.1990, CHAPTER 56, approved July 6, 1990

1990 Senate No. 272 (First Reprint)

1 AN ACT concerning primary elections¹, amending P.L.1988,
2 c.126,¹ and supplementing Title 19 of the Revised Statutes.

3
4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

6 1. ¹(New section)¹ If there is no candidate on the primary
7 election ballot of a political party for nomination for election to
8 a public office in the general election and no write-in candidate
9 for nomination for that office receives the minimum number of
10 write-in votes necessary for nomination at a primary election
11 pursuant to section 1 of P.L.1981, c.246 (C.19:14-2.1) and
12 R.S.19:23-8, a vacancy shall not be deemed to exist and the
13 provisions of R.S.19:13-20 shall not be applicable.

14 12. Section 7 of P.L.1988, c.126 (C.19:27-11.1) is amended to
15 read as follows:

16 7. When any vacancy happens in the Legislature otherwise than
17 by expiration of term, it shall be filled by election for the
18 unexpired term only at the next general election occurring not
19 less than 51 days after the occurrence of the vacancy, except
20 that no such vacancy shall be filled at the general election which
21 immediately precedes the expiration of the term in which the
22 vacancy occurs. In the event a vacancy eligible to be filled by
23 election hereunder occurs on or before the sixth day preceding
24 the last day for filing petitions for nomination for the primary
25 election, such petitions may be prepared and filed for nomination
26 in that primary election in the manner provided by article 3 of
27 chapter 23 of this Title. In the event the vacancy occurs after
28 that sixth day preceding the last day for filing petitions for
29 nomination for the primary election, [or if the vacancy occurs on
30 or before the sixth day preceding the last day for filing petitions
31 for nomination for the primary election but no such petition has
32 been filed with respect to a given political party, each political
33 party, or that party respectively,] a political party may select a
34 candidate for the office in question in the manner prescribed in
35 subsections a. and b. of R.S.19:13-20 for selecting candidates to
36 fill vacancies among candidates nominated at primary elections.
37 A statement of such selection under R.S.19:13-20 shall be filed
38 with the Secretary of State not later than the 48th day preceding
39 the date of the general election.

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.

Matter enclosed in superscript numerals has been adopted as follows:
Senate SSG committee amendments adopted June 25, 1990.

1 Beside the selection of candidates by each political party,
2 candidates may also be nominated by petition in a manner similar
3 to direct nomination by petition for the general election; but if
4 the candidate of any party to fill the vacancy will be chosen at a
5 primary election, such petition shall be filed with the Secretary
6 of State at least 55 days prior to the primary election; and if no
7 candidate of any party will be chosen at a primary election, such
8 petition shall be filed with the Secretary of State not later than
9 12 o'clock noon of the day on which the first selection meeting
10 by any party is held under this section to select a nominee to fill
11 the vacancy.

12 When the vacancy occurs in the Senate or General Assembly,
13 the county clerk of each county which is comprised in whole or
14 part in the Senate or General Assembly district shall forthwith
15 give notice thereof to the chairman of the county committee of
16 each political party and in counties of the first class to the
17 county board.

18 The county clerk shall print on the ballots for the territory
19 affected, in the personal choice column, the title of office and
20 leave a proper space under such title of office; and print the title
21 of office and the names of such persons as have been duly
22 nominated, in their proper columns.¹

23 (cf: P.L.1988, c.126, s.7)

24 ¹[2.] 3.¹ This act shall take effect immediately.

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ELECTIONS

28

29 ~~Prohibits use of R.S.19:13-20 for choosing a candidate if no~~
30 ~~candidates run in a primary election and no write-in candidate~~
31 ~~qualifies, and eliminates its use in certain instances for candidate~~
32 ~~selection to fill legislative vacancy.~~

[FIRST REPRINT]

SENATE, No. 272

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator LYNCH

1 AN ACT concerning primary elections¹, amending P.L.1988,
2 c.126,¹ and supplementing Title 19 of the Revised Statutes.

3

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

6 1. ¹(New section)¹ If there is no candidate on the primary
7 election ballot of a political party for nomination for election to
8 a public office in the general election and no write-in candidate
9 for nomination for that office receives the minimum number of
10 write-in votes necessary for nomination at a primary election
11 pursuant to section 1 of P.L.1981, c.246 (C.19:14-2.1) and
12 R.S.19:23-8, a vacancy shall not be deemed to exist and the
13 provisions of R.S.19:13-20 shall not be applicable.

14 ¹2. Section 7 of P.L.1988, c.126 (C.19:27-11.1) is amended to
15 read as follows:

16 7. When any vacancy happens in the Legislature otherwise than
17 by expiration of term, it shall be filled by election for the
18 unexpired term only at the next general election occurring not
19 less than 51 days after the occurrence of the vacancy, except
20 that no such vacancy shall be filled at the general election which
21 immediately precedes the expiration of the term in which the
22 vacancy occurs. In the event a vacancy eligible to be filled by
23 election hereunder occurs on or before the sixth day preceding
24 the last day for filing petitions for nomination for the primary
25 election, such petitions may be prepared and filed for nomination
26 in that primary election in the manner provided by article 3 of
27 chapter 23 of this Title. In the event the vacancy occurs after
28 that sixth day preceding the last day for filing petitions for
29 nomination for the primary election, [or if the vacancy occurs on
30 or before the sixth day preceding the last day for filing petitions
31 for nomination for the primary election but no such petition has
32 been filed with respect to a given political party, each political
33 party, or that party respectively,] a political party may select a
34 candidate for the office in question in the manner prescribed in
35 subsections a. and b. of R.S.19:13-20 for selecting candidates to
36 fill vacancies among candidates nominated at primary elections.
37 A statement of such selection under R.S.19:13-20 shall be filed
38 with the Secretary of State not later than the 48th day preceding
39 the date of the general election.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SSG committee amendments adopted June 25, 1990.

1 Beside the selection of candidates by each political party,
2 candidates may also be nominated by petition in a manner similar
3 to direct nomination by petition for the general election; but if
4 the candidate of any party to fill the vacancy will be chosen at a
5 primary election, such petition shall be filed with the Secretary
6 of State at least 55 days prior to the primary election; and if no
7 candidate of any party will be chosen at a primary election, such
8 petition shall be filed with the Secretary of State not later than
9 12 o'clock noon of the day on which the first selection meeting
10 by any party is held under this section to select a nominee to fill
11 the vacancy.

12 When the vacancy occurs in the Senate or General Assembly,
13 the county clerk of each county which is comprised in whole or
14 part in the Senate or General Assembly district shall forthwith
15 give notice thereof to the chairman of the county committee of
16 each political party and in counties of the first class to the
17 county board.

18 The county clerk shall print on the ballots for the territory
19 affected, in the personal choice column, the title of office and
20 leave a proper space under such title of office; and print the title
21 of office and the names of such persons as have been duly
22 nominated, in their proper columns.¹

23 (cf: P.L.1988, c.126, s.7)

24 ¹[2.] 3.¹ This act shall take effect immediately.

25

26

27

ELECTIONS

28

29 Prohibits use of R.S.19:13-20 for choosing a candidate if no
30 candidates run in a primary election and no write-in candidate
31 qualifies, and eliminates its use in certain instances for candidate
32 selection to fill legislative vacancy.

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator LYNCH

1 AN ACT concerning primary elections and supplementing Title 19
2 of the Revised Statutes.

3
4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

6 1. If there is no candidate on the primary election ballot of a
7 political party for nomination for election to a public office in
8 the general election and no write-in candidate for nomination for
9 that office receives the minimum number of write-in votes
10 necessary for nomination at a primary election pursuant to
11 section 1 of P.L.1981, c.246 (C.19:14-2.1) and R.S.19:23-8, a
12 vacancy shall not be deemed to exist and the provisions of
13 R.S.19:13-20 shall not be applicable.

14 2. This act shall take effect immediately.

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17 STATEMENT

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19 This bill provides that if there is no candidate on the primary
20 election ballot of a political party for nomination for election to
21 a public office in the general election and no write-in candidate
22 for nomination to that office receives the minimum number of
23 write-in votes necessary for nomination at a primary election, a
24 vacancy shall not be deemed to exist and the provisions of
25 R.S.19:13-20 shall not be applicable. R.S.19:13-20 establishes
26 the procedure for the filling of vacancies among primary election
27 nominees.

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30 ELECTIONS

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32 Prohibits use of R.S.19:13-20 for choosing a candidate if no
33 candidates run in a primary election and no write-in candidate
34 qualifies.

SENATE STATE GOVERNMENT AND FEDERAL
AND INTERSTATE RELATIONS COMMITTEE

STATEMENT TO

SENATE, No. 272

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 25, 1990

The Senate State Government and Federal and Interstate Relations Committee reports favorably and with committee amendments Senate, No. 272.

This bill provides that if there is no candidate on a primary election ballot of a political party for nomination for election to a public office in a general election and no write-in candidate for nomination to that office receives the minimum number of write-in votes necessary for nomination at a primary election, a vacancy shall not be deemed to exist and the provisions of R.S.19:13-20 (which establishes a procedure for filling vacancies among primary election nominees) shall not be applicable.

The bill also eliminates the use of the procedure under R.S.19:13-20 in selecting a candidate to fill a legislative vacancy at a general election if that vacancy occurs on or before the sixth day preceding the last day for filing petitions for nomination for the primary election (such a selection in these circumstances would be made at the primary election).

This bill was pre-filed for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

COMMITTEE AMENDMENTS

The committee amended the bill to eliminate the use of R.S.19:13-20 for candidate selection to fill a legislative vacancy at a general election if that vacancy occurs on or before the sixth day preceding the last day for filing petitions for nomination for the primary election.

AMENDMENTS

to

SENATE, No. 272
(Sponsored by Senator Lynch)

ADOPTED
JUN 25 1990

REPLACE TITLE TO READ:

AN ACT concerning primary elections¹, amending P.L.1988, c. 126,¹ and supplementing Title 19 of the Revised Statutes.

REPLACE SECTION 1 TO READ:

1. ¹(New section)¹ If there is no candidate on the primary election ballot of a political party for nomination for election to a public office in the general election and no write-in candidate for nomination for that office receives the minimum number of write-in votes necessary for nomination at a primary election pursuant to section 1 of P.L.1981, c.246 (C.19:14-2.1) and R.S.19:23-8, a vacancy shall not be deemed to exist and the provisions of R.S.19:13-20 shall not be applicable.

INSERT NEW SECTION 2 TO READ:

¹2. Section 7 of P.L.1988, c.126 (C.19:27-11.1) is amended to read as follows:

7. When any vacancy happens in the Legislature otherwise than by expiration of term, it 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 such vacancy shall be filled at the general election which immediately precedes the expiration of the term in which the vacancy occurs. In the event a vacancy eligible to be filled by election hereunder occurs on or before the sixth day preceding the last day for filing petitions for nomination for the primary election, such petitions may be prepared and filed for nomination in that primary election in the manner provided by article 3 of chapter 23 of this Title. In the event the vacancy occurs after that sixth day preceding the last day for filing petitions for nomination for the primary election, [or if the vacancy occurs on or before the sixth day preceding the last day for filing petitions for

nomination for the primary election but no such petition has been filed with respect to a given political party, each political party, or that party respectively,] a political party may select a candidate for the office in question in the manner prescribed in subsections a. and b. of R.S. 19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections. A statement of such selection under R.S. 19:13-20 shall be filed with the Secretary of State not later than the 48th day preceding the date of the general election. ¹

RENUMBER SECTION 2 AS SECTION 3

REPLACE SYNOPSIS TO READ:

Prohibits use of R.S.19:13-20 for choosing a candidate if no candidates run in a primary election and no write-in candidate qualifies, and eliminates its use in certain instances for candidate selection to fill legislative vacancy.

Beside the selection of candidates by each political party, candidates may also be nominated by petition in a manner similar to direct nomination by petition for the general election; but if the candidate of any party to fill the vacancy will be chosen at a primary election, such petition shall be filed with the Secretary of State at least 55 days prior to the primary election; and if no candidate of any party will be chosen at a primary election, such petition shall be filed with the Secretary of State not later than 12 o'clock noon of the day on which the first selection meeting by any party is held under this section to select a nominee to fill the vacancy.

When the vacancy occurs in the Senate or General Assembly, the county clerk of each county which is comprised in whole or part in the Senate or General Assembly district shall forthwith give notice thereof to the chairman of the county committee of each political party and in counties of the first class to the county board.

The county clerk shall print on the ballots for the territory affected, in the personal choice column, the title of office and leave a proper space under such title of office; and print the title of office and the names of such persons as have been duly nominated, in their proper columns.¹

(cf: P.L.1988, c.126, s.7)