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PROPOSED BY 87 LAWS OF N. J. 1972  
12-12-72  
SENATE, No. 7

# STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1972 SESSION

By Senator BEADLESTON

AN ACT concerning elections and amending R. S. 19:13-20 and  
19:27-11 and section 1 of P. L. 1945, c. 206.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. R. S. 19:13-20 is amended to read as follows:

2 19:13-20. In the event of a vacancy, howsoever caused, among  
3 candidates nominated at primaries, which vacancy shall occur not  
4 later than 37 days before the general election, or in the event of  
5 inability to select a candidate because of a tie vote at such primary,  
6 a candidate shall be selected in the following manner: [In case of  
7 an office to be filled by the voters of the entire State or a portion  
8 thereof involving more than one county, the candidate shall be  
9 selected by the State committee of the political party wherein such  
10 vacancy has occurred; in case of an office to be filled by the voters  
11 of an entire county or a portion thereof involving more than one  
12 municipality, the candidate shall be selected by the county commit-  
13 tee of such political party within the county. When a vacancy occurs  
14 in a congressional district lying wholly within a county the county  
15 committee of the political party of such county shall select a candi-  
16 date to fill such vacancy and shall certify the name of the candidate  
17 to the chairman of the State committee, who shall certify such name  
18 to the Secretary of State, and in case of an office to be filled by the  
19 voters of less than a county (excepting in the case of a congressional  
20 district), such vacancy shall be filled by the members of the county  
21 committee representing the territory affected by the vacancy; and  
22 except that in case of a tie vote the selection shall be made from  
23 among those who have thus received the same number of votes at  
24 the primary. The selection shall be made no later than 34 days prior  
25 to the general election, and a statement of the selection shall be filed  
26 as follows: The State committee, with the Secretary of State, the  
27 county committee or subdivision thereof with the county clerk. Such

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

28 statement shall not be filed later than 34 days prior to the general  
29 election.】

30 a. (1) *In the case of an office to be filled by the voters of the*  
31 *entire State, the candidate shall be selected by the State committee*  
32 *of the political party wherein such vacancy has occurred.*

33 (2) *In the case of an office to be filled by the voters of a single*  
34 *and entire county, the candidate shall be selected by the county*  
35 *committee in such county of the political party wherein such vacancy*  
36 *has occurred.*

37 (3) *In the case of an office to be filled by the voters of a portion*  
38 *of the State comprising all or part of two or more counties, the*  
39 *candidate shall be selected by those members of the county commit-*  
40 *tees of the party wherein the vacancy has occurred who represent*  
41 *those portions of the respective counties which are comprised in the*  
42 *district from which the candidate is to be elected.*

43 (4) *In the case of an office to be filled by the voters of a portion*  
44 *of a single county, the candidate shall be selected by those members*  
45 *of the county committee of the party wherein the vacancy has*  
46 *occurred who represent those portions of the county which are com-*  
47 *prised in the district from which the candidate is to be elected.*

48 b. (1) *Whenever in accordance with subsection a. of this section*  
49 *members of two or more county committees are empowered to select*  
50 *a candidate to fill a vacancy, it shall be the responsibility of the*  
51 *chairmen of said county committees, acting jointly, to call together*  
52 *the members of their respective committees who are so empowered.*

53 (2) *Whenever in accordance with the provisions of subsection a.*  
54 *of this section members of a county committee are empowered to*  
55 *select a candidate to fill a vacancy, it shall be the responsibility of*  
56 *the chairman of such county committee to call together the members*  
57 *of the committee who are so empowered.*

58 (3) *A county committee chairman or chairmen who call a meeting*  
59 *pursuant to paragraph (1) or (2) of this subsection shall not be*  
60 *entitled to vote upon the selection of a candidate at such meeting*  
61 *unless he or they are so entitled pursuant to subsection a.*

62 c. *Whenever a selection is to be made pursuant to this section to*  
63 *fill a vacancy resulting from inability to select a candidate because*  
64 *of a tie vote at a primary election, the selection shall be made from*  
65 *among those who have thus received the same number of votes at*  
66 *the primary.*

67 d. *A selection made pursuant to this section shall be made not*  
68 *later than the thirty-fourth day preceding the date of the general*  
69 *election, and a statement of such selection shall be filed with the*  
70 *Secretary of State or the appropriate county clerk, as the case may*

71 *be, not later than said thirty-fourth day, and in the following*  
72 *manner:*

73 (1) *A selection made by a State committee of political party shall*  
74 *be certified to the Secretary of State by the State chairman of the*  
75 *political party.*

76 (2) *A selection made by a county committee of a political party,*  
77 *or a portion of the members thereof, shall be certified to the county*  
78 *clerk of the county by the county chairman of such political party;*  
79 *except that when such selection is of a candidate for the Senate or*  
80 *General Assembly or the United States House of Representatives*  
81 *the county chairman shall certify the selection to the State chairman*  
82 *of such political party, who shall certify the same to the Secretary*  
83 *of State.*

84 (3) *A selection made by members of two or more county commit-*  
85 *tees of a political party acting jointly shall be certified by the chair-*  
86 *men of said committees, acting jointly, to the State chairman of such*  
87 *political party, who shall certify the same to the Secretary of State.*

88 e. **[It]** *A statement filed pursuant to subsection d. of this section*  
89 *shall state the residence and post office address of the person so*  
90 *selected, and shall certify that the person so selected is qualified*  
91 *under the laws of this State to be a candidate for such office, and is*  
92 *a member of the political party filling the vacancy. Accompanying*  
93 *the statement the person endorsed therein shall file a certificate*  
94 *stating that he is qualified under the laws of this State to be a candi-*  
95 *date for the office mentioned in the statement, that he consents to*  
96 *stand as a candidate at the ensuing general election and that he is a*  
97 *member of the political party named in said statement, and further*  
98 *that he is not a member of, or identified with, any other political*  
99 *party or any political organization espousing the cause of candi-*  
100 *dates of any other political party, that he has not voted in a primary*  
101 *election of any other political party in the last two primary elec-*  
102 *tions, or contributed to the campaign funds of any other political*  
103 *party within one year prior to the last primary election, to which*  
104 *shall be annexed the oath of allegiance prescribed in R. S. 41:1-1*  
105 *duly taken and subscribed by him before an officer authorized to take*  
106 *oaths in this State. The person so selected shall be the candidate*  
107 *of the party for such office at the ensuing general election.*

1 2. Section 1 of P. L. 1945, c. 206 (C. 19:27-10.1) is amended to  
2 read as follows:

3 1. When a vacancy, howsoever caused, happens in the representa-  
4 tion of this State in the House of Representatives in any year later  
5 than the fiftieth day prior to the day for holding the primary elec-  
6 tion for the general election but before the fiftieth day preceding

7 the day of the general election, and the unexpired term to be filled  
8 exceeds 1 year, the Governor, in issuing a writ of election to fill such  
9 vacancy, may designate in said writ the next general election day  
10 as the day on which the election shall be held to fill such vacancy  
11 and that no primary election shall be held for nomination of candi-  
12 dates to fill such vacancy.

13 In such case, [the State committee of each political party shall  
14-15 select the candidate of such political party to file such vacancy if  
16 the congressional district lies in more than one county and the  
17 county committee of each political party of such county shall select  
18 the candidate of such political party to fill such vacancy if the con-  
19 gressional district lies wholly within such county. Such election shall  
20 be made within 10 days of the date of the proclamation and a state-  
21 ment of the selection filed within said 10 days with the Secretary of  
22 State] *each political party shall select its candidate to fill such*  
23 *vacancy in the same manner prescribed in R. S. 19:13-20 for selec-*  
24 *ting candidates to fill vacancies arising among candidates nomin-*  
25 *ated at primary elections, except that the time for making such*  
26 *selection and filing the statement thereof shall be within 10 days*  
27 *following the issuance of the writ of election.*

28 In such case, petitions of nominations of other candidates shall  
29 be filed in the office of the Secretary of State within 10 days of the  
30 date of such proclamation.

31 The Secretary of State on the eleventh day following the date  
32 of such proclamation shall certify to the clerk and county board of  
33 each county affected by the vacancy, a statement of all candidates  
34 selected and nominated for the office so vacated.

35 The election to fill such vacancy shall in all other respects be con-  
36 ducted as though it were being conducted to fill the office upon the  
37 expiration of the term of the incumbent.

1 3. R. S. 19:27-11 is amended to read as follows:

2 19:27-11. In the event of any vacancy, howsoever occurring, [in  
3 the representation of any county] in the Senate or General Assem-  
4 bly or in any county or municipal office, which vacancy shall occur  
5 after the last day for filing petitions for nominations for the pri-  
6 mary election and prior to 37 days preceding the general election,  
7 [the members of the county committee of each political party  
8 representing the territory affected by such vacancy are hereby  
9 authorized to select a candidate for the office in question and within  
10 34 days prior to the general election to file a statement of such selec-  
11 tion duly certified to, with the county clerk, and the person so  
12 selected shall be the candidate of the party at the ensuing general  
13 election] *each political party may select a candidate for the office*

14 *in question in the manner prescribed in R. S. 19:13-20 for selecting*  
15 *candidates to fill vacancies among candidates nominated at primary*  
16 *elections. A statement of such selection shall be filed with the*  
17 *Secretary of State in the case of the candidates for the Senate and*  
18 *General Assembly, or the county clerk, in the case of candidates for*  
19 *county or municipal office, not later than the thirty-fourth day*  
20 *preceding the date of the general election.*

21 Beside the selection of candidates by [the respective committees  
22 of] each political party as before provided, candidates may also be  
23 nominated by petition in a similar manner as herein provided for  
24 direct nomination by petition for the general election; but the  
25 petition shall be filed with the county clerk *or the Secretary of*  
26 *State, as the law may require, at least 34 days prior to such general*  
27 *election.*

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

33 When the vacancy occurs [in the representation of any county  
34 in the Senate or General Assembly or] in a county office the county  
35 clerk shall forthwith give notice thereof to the chairman of the  
36 county committee of each political party and in counties of the first  
37 class to the county board, and in case the vacancy occurs in a mu-  
38 nicipal office the municipal clerk shall forthwith give notice thereof  
39 to the county clerk, the chairman of the county committee of each  
40 political party and in counties of the first class the county board.

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

46 The provisions herein shall not apply to the selection of a candi-  
47 date [in the representation of any county in] for the Senate or  
48 General Assembly unless a writ of election for filling the vacancy  
49 shall have issued as provided by this Title, prior to 34 days pre-  
50 ceeding the general election, and unless such writ shall designate the  
51 next general election day for the election.

1 4. This act shall take effect immediately.

STATE OF NEW JERSEY  
LEGISLATIVE COUNCIL  
OFFICE OF THE CLERK  
TREASURY AND GENERAL SERVICES  
ASSEMBLY BUILDING  
TREASURY AND GENERAL SERVICES  
ASSEMBLY BUILDING  
TREASURY AND GENERAL SERVICES  
ASSEMBLY BUILDING

**SENATE JUDICIARY COMMITTEE**

**STATEMENT TO  
SENATE, No. 7**

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**STATE OF NEW JERSEY**

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DATED: FEBRUARY 10, 1972

The present provisions of R. S. 19:13-20 state that if a political party has a vacancy among its candidates for office the State Committee will choose the candidate if the district involves more than one county. This includes some State Senatorial and Assembly Districts and some Congressional Districts. If the vacancy involves an office wholly within one county, then the members of the county committee who represent the people who vote to fill that office will choose a candidate.

The same system for choosing candidates is used if there is:

- (a) a vacancy in the candidates chosen at a primary
- (b) a tie in the vote at a primary
- (c) a special election caused by a vacancy in the office and the vacancy occurred too late to hold a primary election (R. S. 19:27-10.1 and 19:27-11).

This bill would amend these sections so that the county committee members who represent the people who vote to fill the office involved will choose the candidate if there is a vacancy, a tie or a special election called too late for a primary, even if the office involves more than one county.

Presently, if the vacancy involves a candidate for Congress and the district is within one county, the full county committee chooses the candidate, even if the district covers only part of the county.

This bill would amend the law so that the members of the county committee who represent the voters within the Congressional District would choose the candidate. It would provide the procedure for the county chairmen to call together the required members of their committees in order to select a candidate. The chairmen would be entitled to vote only if they represented part of the affected territory.

This bill would also change the person with whom the statement of selection for Senate and General Assembly seats is filed from the county clerk to the Secretary of State. It would change R. S. 19:27-11 to

conform it to the present possibility that more than one county might be represented by a single Senate or Assembly seat.

There is also a provision in the bill requiring the county clerk of each county which is part of a Senate or Assembly district to notify the chairman of the county committee of each political party when the office becomes vacant.

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It is possible that more than one county might be represented by a single Senate or Assembly seat. There is also a provision in the bill requiring the county clerk of each county which is part of a Senate or Assembly district to notify the chairman of the county committee of each political party when the office becomes vacant.

FROM THE OFFICE OF THE GOVERNOR

DECEMBER 12, 1972

FOR RELEASE:  
IMMEDIATE

Two bills dealing with the State's motor bus carriers were among four signed into law today by Governor William T. Cahill.

Senate bill 1020, sponsored by Senator Garrett W. Hagedorn (R., Bergen), permits the Commuter Operating Agency to extend its subsidies to the purchase or rehabilitation of additional capital equipment. It was formerly limited to the purchase of buses. The change will allow the agency to assist bus companies in revamping and replacing outmoded and inefficient terminal facilities and in providing such improvements as bus shelters and park-and-ride facilities.

Because of its programs of assisting the bus companies with the purchase of new buses, the agency has frequently been credited with helping keep several of the State's larger transportation companies in operation during a time when providing mass transportation is considered critical.

Senate bill 276, also sponsored by Senator Hagedorn, requires the autobus companies to just about double their personal liability insurance. Previously, for passenger vehicles with a capacity exceeding 30, the companies were required to have liability insurance ranging from \$10,000 for a single individual to \$300,000 for all persons. That range has been increased under the new law to \$25,000 to \$600,000. Similar changes are listed for other types of equipment.

Also signed were:

Senate bill 7, sponsored by Senator Alfred N. Beadleston (R., Monmouth) which prescribes methods for filling vacancies among candidates nominated at primaries for State and county offices. Principally, it corrects for the change from the former system where legislative districts were limited to the counties.

Assembly bill 859, sponsored by Assemblyman Robert E. Littell (R., Sussex) provides conservation officers with authority to seize equipment used in violation of fish and game statutes.

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