

19:3-28 ET AL

LEGISLATIVE HISTORY CHECKLIST

(Legislature--provides for filling vacancies)

NJSA 19:3-28; 19:27-4 et al; 19:45-1.1

LAWS 1981

CHAPTER 429

Bill No. S-3259

Sponsor(s) Weiss

Date Introduced June 8, 1981

Committee: Assembly

Senate State Gov't Federal & Interstate Relations & Veterans Affairs

Amended during passage Yes

Senate Committee substitute enacted

Date of Passage: Assembly Jan 4, 1982

Senate Dec 17, 1981

Date of approval Jan 9, 1982

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly Yes No

Senate Yes

Fiscal Note Yes No

Veto Message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

Public hearing on similar bill in 1972-1973 Legislative session:

- 974.90 New Jersey. Legislature. Senate. Judiciary Committee
- L514 Public hearing on SCR 2005, held 4-14-73.
- 1978a Trenton, 1973

1973:

6/22/81

NOV 1981

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1-9-82

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 3259

STATE OF NEW JERSEY

ADOPTED DECEMBER 14, 1981

AN ACT providing for the filling of legislative vacancies, amending sections 19:3-28, 19:27-4, 19:27-6, 19:27-9 and 19:27-11 of the Revised Statutes and supplementing chapter 27 of Title 19 of the Revised Statutes.

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

1 1. R. S. 19:3-28 is amended to read as follows:

2 19:3-28. When a vacancy shall happen in the [representation
3 of any county in the] Senate or General Assembly of this State
4 while such Senate or General Assembly is in session, the house in
5 which such vacancy happens shall direct *by a writ [for], issued at*
6 *any session of the house within the 10 days following the occurrence*
7 *of the vacancy but no later than the next session immediately fol-*
8 *lowing the 10-day period, that a special election [to] be held for*
9 *filling the same, [unless such house shall be of the opinion that the*
10 *services of a person in the office then vacant will not be required*
11 *during the unexpired period of the legislative year] but if the*
12 *vacancy happens during the last 3 months of the second annual*
13 *session of the legislative year, the house may issue a writ as herein*
14 *provided.*

15 If such vacancy happens [during the recess of the legislature,
16 or after the annual election, and not less than 15 days before the
17 commencement of the legislative year] *subsequent to a sine die*
18 *adjournment of the Legislature, the Governor shall forthwith issue*
19 *a writ for a special election to be held to fill the vacancy, unless the*
20 *term of service of the person whose office shall have become vacant*
21 *will expire with the expiration of the legislative year in which the*
22 *vacancy happens and he shall be of opinion that the services of a*
23 *person in the office then vacant will not be required during the legis-*
24 *lative year, or the residue thereof. The failure of the Governor*
25 *to issue a writ for filling the vacancy shall not preclude the house*
26 *in which the vacancy may have happened from causing the same*
27 *to be filled, if it judge it advisable.*

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 **¶**If the board of chosen freeholders of such county shall signify
 29 in writing to the Governor, or to such house, when in session, the
 30 desire of such board that the vacancy shall be filled, such house,
 31 or the Governor, as the case may be, shall forthwith, after such
 32 signification, issue such writ for a special election to fill the
 33 vacancy.**¶**

1 2. R. S. 19:27-4 is amended to read as follows:

2 19:27-4. When any vacancy happens in the representation of
 3 this State in the United States Senate or in the House of Represen-
 4 tatives, the Governor shall issue a writ of election to fill the same
 5 unless the term of service of the person whose office shall become
 6 vacant will expire within 6 months next after the happening of the
 7 vacancy and except as hereinafter provided.

8 When any vacancy happens in the **¶**representation of any county
 9 in the**¶** Senate or General Assembly, the house in which such
 10 vacancy happens shall direct *by* a writ **¶**of election to be**¶**, issued
 11 **¶**for filling**¶** *at any session of the house within the 10 days following*
 12 *the occurrence of the vacancy but no later than the next session*
 13 *immediately following the 10-day period, that a special election be*
 14 *held to fill* the same, **¶**unless the term of service of the person
 15 whose office shall have become vacant will expire with the expira-
 16 tion of the legislative year in which the vacancy happens and such
 17 house shall be of the opinion that the services of a person in the
 18 office then vacant will not be required during the unexpired period
 19 of the legislative year;**¶** but if *the vacancy happens during the last*
 20 *3 months of the second annual session of the legislative year, the*
 21 *house may issue a writ as herein provided. If such vacancy happens*
 22 **¶**during the recess of the Legislature, or after the general election,
 23 and not less than 15 days before the commencement of the next
 24 legislative year (or a shorter time before such commencement if
 25 the board of chosen freeholders makes the requirements herein-
 26 after mentioned)**¶** *subsequent to a sine die adjournment of the*
 27 *Legislature, the Governor shall forthwith issue a writ of election*
 28 *to fill the vacancy, unless the term of service of the person whose*
 29 *office shall have become vacant will expire with the expiration of*
 30 *the legislative year in which the vacancy happens and he shall be*
 31 *of the opinion that the services of a person in the office then vacant*
 32 *will not be required during the legislative year, or the residue*
 33 *thereof**¶**, but the**¶**. The failure of the Governor to issue a writ*
 34 *for filling the vacancy shall not preclude the house in which it may*
 35 *have happened from directing a writ of election to be issued for*
 36 *filling the same, if it judge this advisable**¶**: provided, that if the*
 37 *board of chosen freeholders of the county shall signify in writing*

38 to the Governor, in case the vacancy occurs during the recess of
 39 the Legislature, or after the general election, and before the com-
 40 mencement of the next legislative year, or to such house, when in
 41 session, the desire of such board that the vacancy shall be filled,
 42 then the Governor, or such house, as the case may be, shall forth-
 43 with, after such signification, issue such writ.】

1 3. R. S. 19:27-6 is amended to read as follows:

2 19:27-6. 【The】 *In the case of a vacancy in the representation*
 3 *of this State in the United States Senate or House of Represen-*
 4 *tatives, the writ may designate the next general election day for*
 5 *the election, but if a special day is designated, it shall specify the*
 6 *cause and purpose of such election, the name of the officer in whose*
 7 *office the vacancy has occurred, the day on which a special primary*
 8 *election shall be held, which shall be not less than 31 days, nor*
 9 *more than 40 days, following the date of such proclamation, and*
 10 *the day on which the special election shall be held, which shall be*
 11 *not less than 14 nor more than 20 days following the day of the*
 12 *special primary election. The writ shall also specify the day or*
 13 *days when the district boards shall meet for the purpose of making,*
 14 *revising or correcting the registers of voters to be used at such*
 15 *special election.*

16 If the vacancy happens in the representation of this State in the
 17 United States Senate the election shall take place at the general
 18 election next succeeding the happening thereof, unless the vacancy
 19 shall happen within 30 days next preceding the primary election
 20 prior to the general election, in which case it shall be filled by
 21 election at the second succeeding election, unless the Governor
 22 shall deem it advisable to call a special election therefor, which he
 23 is authorized hereby to do.

24 If the vacancy happens in the representation of this State in the
 25 House of Representatives in any year, not later than the fiftieth
 26 day prior to the day for holding the next primary election for the
 27 general election, the Governor shall issue a writ of election to fill
 28 such vacancy, designating in said writ the next general election day
 29 as the day on which the election shall be held to fill such vacancy.
 30 The nomination of candidates to fill such vacancy shall be made
 31 in the same manner as the nomination of other candidates at the
 32 said primary election for the general election.

1 4. (New section) In the case of a vacancy in the representation
 2 of this State in the Senate or General Assembly, the writ shall
 3 designate a special election day, the cause and purpose of the
 4 election and the name of the member in whose office the vacancy
 5 has occurred. The special election day shall be not less than 37 nor

6 more than 43 days following the date on which the writ is issued.
 7 The writ also shall specify the day or days when the district boards
 8 shall meet for the purpose of making, revising or correcting the
 9 registers of voters to be used at the special election.

1 5. R. S. 19:27-9 is amended to read as follows:

2 19:27-9. The county board of each of such counties shall forth-
 3 with after the receipt of a copy of such writ cause the same to be
 4 published at least once a week until the time of such primary,
 5 general or special elections in at least two newspapers printed and
 6 published in the county, if so many there be.

7 **【If such election shall be held to fill a vacancy in the represen-**
 8 **tation of the county in the Senate or Assembly, such】** *The publica-*
 9 *tion of the writs shall be at the expense of the 【county; and if such*
 10 *election shall be held to fill a vacancy in the representation of the*
 11 *State in the United States Senate or in the House of Representa-*
 12 *tives, such publication shall be at the expense of the】 State.*

1 6. 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 Senate or General Assembly **【or in any county or municipal**
 4 **office, which vacancy shall occur after the last day for filing petitions**
 5 **for nominations for the primary election and prior to 37 days**
 6 **preceding the general election】**, each political party **【may】** *shall*
 7 *select a candidate for the office in question in the manner prescribed*
 8 *in R. S. 19:13-20 for selecting candidates to fill vacancies among*
 9 *caudidates noninated at primary elections, and shall do so within*
 10 *7 days of the issuance of the writ of election.*

11 A statement of such selection shall be filed with the Secretary
 12 of State **【in the case of the candidates for the Senate and General**
 13 **Assembly, or the county clerk, in the case of candidates for county**
 14 **or municipal office,】** not later than **【the thirty-fourth day preceding**
 15 **the date of the general election】** *7 days after the issuance of the*
 16 *writ of election.*

17 *In the event of any vacancy in any county or municipal office,*
 18 *which vacancy shall occur after the last day for filing petitions for*
 19 *nominations for the primary election and prior to 37 days preceding*
 20 *the general election, each political party may select a candidate*
 21 *for the office in question in the manner prescribed in R. S. 19:13-20*
 22 *for selecting candidates to fill vacancies among candidates nomi-*
 23 *nated at primary elections. A statement of such selection shall be*
 24 *filed with the county clerk not later than the thirty-fourth day*
 25 *preceding the date of the general election.*

26 Beside the selection of candidates by each political party as
 27 before provided, candidates may also be nominated by petition in

28 a similar manner as herein provided for direct nomination by
29 petition for the general election; but the petition shall be filed with
30 the county clerk or the Secretary of State, as the law may require,
31 at least 34 days prior to such general election.

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

37 When the vacancy occurs in a county office the county clerk shall
38 forthwith give notice thereof to the chairman of the county com-
39 mittee of each political party and in counties of the first class to
40 the county board, and in case the vacancy occurs in a municipal
41 office the municipal clerk shall forthwith give notice thereof to the
42 county clerk, the chairman of the county committee of each political
43 party and in counties of the first class the county board.

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

49 **【The provisions herein shall not apply to the selection of a candi-**
50 **date for the Senate or General Assembly unless a writ of election**
51 **for filling the vacancy shall have issued as provided by this Title,**
52 **prior to 34 days preceding the general election, and unless such**
53 **writ shall designate the next general election day for the election.】**

1 7. (New section) Notwithstanding the provisions in chapter 45
2 of Title 19 of the Revised Statutes to the contrary, the State shall
3 pay all expenses incurred by any of its political subdivisions in
4 connection with any special election held for the purpose of filling
5 a vacancy occurring in the Senate or General Assembly.

1 8. This act shall take effect immediately.

SENATE, No. 3259

STATE OF NEW JERSEY

INTRODUCED JUNE 8, 1981

By Senator WEISS

Referred to Committee on State Government, Federal and
Interstate Relations and Veterans Affairs

AN ACT concerning elections, providing for the filling of certain vacancies by appointment, amending sections 19:27-4, 19:27-8, 19:27-9, 19:27-11 of the Revised Statutes, and repealing R. S. 19:3-28.

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

1 1. R. S. 19:27-4 is amended to read as follows:

2 19:27-4. When any vacancy happens in the representation of
3 this State in the United States Senate or in the House of Repre-
4 sentatives, the Government shall issue a writ of election to fill the
5 same unless the term of service of the person whose office shall
6 become vacant will expire within 6 months next after the happening
7 of the vacancy and except as hereinafter provided.

8 **【**When any vacancy happens in the representation of any county
9 in the Senate or General Assembly, the House in which such vacancy
10 happens shall direct a writ of election to be issued for filling the
11 same, unless the term of service of the person whose office shall
12 have become vacant will expire with the expiration of the legisla-
13 tive year in which the vacancy happens and such House shall be
14 of the opinion that the services of a person in the office then vacant
15 will not be required during the unexpired period of the legislative
16 year; but if such vacancy happens during the recess of the Legisla-
17 ture, or after the general election, and not less than 15 days before
18 the commencement of the next legislative year (or a shorter time
19 before such commencement if the board of chosen freeholders
20 makes the requirements hereinafter mentioned), the Governor
21 shall forthwith issue a writ of election to fill the vacancy, unless
22 the term of service of the person whose office shall have become
23 vacant will expire with the expiration of the legislative year in
24 which the vacancy happens and he shall be of the opinion that the
25 services of a person in the office then vacant will not be required

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

26 during the legislative year, or the residue thereof; but the failure
 27 of the Governor to issue a writ for filling the vacancy shall not
 28 preclude the House in which it may have happened from directing
 29 a writ of election to be issued for filling the same, if it judge this
 30 advisable; provided, that if the board of chosen freeholders of
 31 the county shall signify in writing to the Governor, in case the
 32 vacancy occurs during the recess of the Legislature, or after the
 33 general election, and before the commencement of the next legisla-
 34 tive year, or to such House, when in session, the desire of such
 35 board that the vacancy shall be filled, then the Governor, or such
 36 House, as the case may be, shall forthwith, after such signification,
 37 issue such writ.】

38 *When any vacancy happens in the Legislature, it shall be filled*
 39 *by election for the unexpired term only at the next general election*
 40 *occurring not less than 37 days after the occurrence of the vacancy,*
 41 *except that no vacancy shall be filled at the general election which*
 42 *immediately precedes the expiration of the term in which the*
 43 *vacancy occurs. For the interim period pending the election and*
 44 *qualification of a successor to fill the vacancy, or for the remainder*
 45 *of the term in the case of a vacancy occurring which cannot be filled*
 46 *pursuant to the terms of this section at a general election, the*
 47 *vacancy shall be filled within 45 days by the appointment of a*
 48 *member of the same political party as the person he succeeds. The*
 49 *appointee shall be selected in the same manner prescribed in subsec-*
 50 *tions a. and b. of R. S. 19:13-20 for selecting candidates to fill*
 51 *vacancies among candidates nominated at primary elections. In*
 52 *the event that the vacant office was held by a person not affiliated*
 53 *with a political party, the vacancy shall be filled within 45 days by*
 54 *appointment by the Governor. The name of the appointee selected*
 55 *shall forthwith be certified to the Secretary of State.*

1 2. R. S. 19:27-8 is amended to read as follows:

2 19:27-8. In case such vacancy happens in the representation of
 3 【any county in the Senate or Assembly, the Secretary of State
 4 shall make, or cause to be made, copies of such writ, certify the
 5 same to be true and correct under his hand, and cause the copies
 6 thus certified to be delivered to the county clerk and to the county
 7 board of the county, and in case such vacancy happens in the
 8 representation of】 this State in the United States Senate, 【he】
 9 *the Secretary of State shall cause as many copies of such writ to*
 10 *be made as there are counties in the State, and in case such vacancy*
 11 *happens in the representation of this State in the House of Repre-*
 12 *sentatives, he shall cause as many copies of such writ to be made*
 13 *as there shall be counties in the vacant congressional district,*

14 certify each of the same to be true under his hand and cause them
15 to be delivered to the county clerk and county board of each of such
16 counties.

1 3. R. S. 19:27-9 is amended to read as follows:

2 19:27-9. The county board of each of such counties shall forth-
3 with after the receipt of a copy of such writ cause the same to be
4 published at least once a week until the time of such primary,
5 general or special elections in at least two newspapers printed
6 and published in the county, if so many there be.

7 If such election shall be held to fill a vacancy in the representa-
8 tion of the [county in the Senate or Assembly, such publication
9 shall be at the expense of the county; and if such election shall be
10 held to fill a vacancy in the representation of the] State in the
11 United States Senate or in the House of Representatives, such
12 publication shall be at the expense of the State.

1 4. 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 Senate or General Assembly or in any county or municipal
4 office, which vacancy shall occur after the last day for filing peti-
5 tions for nominations for the primary election and prior to 37 days
6 preceding the general election, each political party may select a
7 candidate for the office in question in the manner prescribed in
8 R. S. 19:13-20 for selecting candidates to fill vacancies among
9 candidates nominated at primary elections. A statement of such
10 selection shall be filed with the Secretary of State in the case of
11 the candidates for the Senate and General Assembly, or the county
12 clerk, in the case of candidates for county or municipal office, not
13 later than the thirty-fourth day preceding the date of the general
14 election.

15 Beside the selection of candidates by each political party as
16 before provided, candidates may also be nominated by petition in
17 a similar manner as herein provided for direct nomination by
18 petition for the general election; but the petition shall be filed with
19 the county clerk or the Secretary of State, as the law may require,
20 at least 34 days prior to such general election.

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

26 When the vacancy occurs in a county office the county clerk shall
27 forthwith give notice thereof to the chairman of the county com-

28 mittee of each political party and in counties of the first class to
 29 the county board, and in case the vacancy occurs in a municipal
 30 office the municipal clerk shall forthwith give notice thereof to the
 31 county clerk, the chairman of the county committee of each political
 32 party and in counties of the first class to the county board.

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

38 **【The provisions herein shall not apply to the selection of a candi-**
 39 **date for the Senate or General Assembly unless a writ of election**
 40 **for filling the vacancy shall have issued as provided by this Title,**
 41 **prior to 34 days preceding the general election, and unless such**
 42 **writ shall designate the next general election day for the election.】**

1 5. R. S. 19:3-28 is repealed.

1 6. This act shall take effect immediately but shall remain in-
 2 operative until an amendment of Article IV, Section IV, paragraph
 3 1, now pending before the Legislature as Senate Concurrent Resolu-
 4 tion No. 3025, is approved and becomes part of the State
 5 Constitution.

STATEMENT

The purpose of this bill is to provide for the filling of a vacancy in the Legislature within 45 days by an appointment made by the members of the appropriate party's county committee or committees from the legislative district with the vacancy or, in the case of an independent, by the Governor. The appointee shall serve until the election of a successor to fill the vacancy at the next general election occurring not less than 37 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. Such a procedure will insure full representation to every legislative district at all times and will do away with the holding of costly special elections.

This bill is a companion bill to Senate Concurrent Resolution No. 3025, a constitutional amendment now pending before the Legislature.

SENATE STATE GOVERNMENT, FEDERAL AND
INTERSTATE RELATIONS AND VETERANS AFFAIRS
COMMITTEE

STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 3259

STATE OF NEW JERSEY

DATED: DECEMBER 14, 1981

This bill would amend the procedure for the filling of vacancies in the Legislature by requiring the House in which a vacancy has occurred to direct that a writ of election be issued for filling that vacancy by a special election, except when a vacancy occurs in the last 3 months of the second annual session of a legislative year. Candidates to fill the vacancy would be selected by the county committees of the political parties or by direct petition.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JANUARY 11, 1982

DAVE DE MAIO

BOB DOMO

Governor Brendan Byrne today signed the following bills:

S-3259, sponsored by Senator Laurence S. Weiss (D-Middlesex), requiring the Senate and Assembly to fill any legislative vacancies by a special election 37 to 43 days after a respective house has issued a writ--the writ to be issued within ten days after the vacancy is created. The requirement applies at all times except during the last three months of the second legislative year. During that period, the affected house would have the discretion--as they now do--of filling a vacant seat.

Under the bill, the State would pick up the costs of any special election.

S-1232, sponsored by Senator James P. Vreeland Jr. (R-Morris), allowing members of certain closely related professions to form professional corporations. Under current law, only members of professions rendering the same service may incorporate.

This bill would specifically allow, for example, architects, land surveyors and land planners or physicians, dentists and surgeons to form professional corporations.

S-3348, sponsored by Senator Carmén Orechio (D-Essex), permitting an individual who interrupts his service as a teacher to enroll in the U.S. Peace Corps to continue his membership in the Teachers' Pension and Annuity Fund (TPAF), provided that the person returns to teaching service within five years and has not withdrawn his accumulated deductions. The teacher would be required to buy back the pension time lost in his Peace Corps service.

Under the bill, if the teacher has withdrawn his contributions to the TPAF, he can buy back his Peace Corps time if he also buys back the time he previously served in a TPAF-covered position.

S-3163, sponsored by Senator Steven P. Perskie (D-Atlantic), allowing all Superior Court judges to administer oaths of office to other appointees to superior court. Currently, only Supreme Court justices may administer the oath of office to superior court appointees.

~~SECRET~~

5 ~~eligibility for parole except that the juvenile shall be entitled to~~
6 ~~earn credit for good conduct as reductions against the period of his~~
7 ~~confinement as provided in R. S. 30:4-140.~~

A2 - 1948

SPONSORS' STATEMENT

The purpose of this bill is as follows:

1. Sections 1, 4, 5, 6, 7, 8, 9 and 10, implement Article II, paragraph 1, and Article IV, Section III, of the new Constitution.

2. Section 2 implements Article II, paragraphs 1 and 2 of the new Constitution so far as it relates to the election of public officers and the submission of public questions at general and other elections.

3. Section 3 implements Article II, paragraphs 6 and 7 of the new Constitution, and sections 13 to 21, inclusive, implement Article II, paragraph 7 of the new Constitution in the following manner:

a. Section 3 repeats the constitutional deprivation of the right of suffrage for an idiot or insane person and states also in subparagraphs (2) and (3) the law defining the crimes, on conviction of which deprivation of the right of suffrage is or may be imposed as it existed at the time of the adoption of the new Constitution, the obsolete crime of polygamy and the obsolete definition of petty larceny being modernized in subparagraph (3) to conform with the present statutes.

b. Subparagraphs (4) and (5) are inserted to accomplish the following purpose, namely:

Under R. S. 19:34-46 disfranchisement as a voter may be imposed as an additional penalty upon persons convicted of violation of the provisions of Title 19, Elections.

Originally R. S. 19:32-19, 19:34-6, 19:34-7, 19:34-11, 19:34-12, 19:34-13, 19:34-15 and 19:34-28 (by operation of R. S. 19:34-31) provided for the imposition of criminal penalties for certain violations of the Title.

By P. L. 1940, chapter 199, these penalties were changed to civil penalties. This act was declared wholly unconstitutional by the Supreme Court in *Wilentz vs. Galvin*, 125 N. J. L. 455, but notwithstanding this decision, the sections have been carried on the statute books without restoration to their original form.

Sections 13 to 20, both inclusive, of this bill restore these sections to their proper language and thereby bring them in line with the provisions of R. S. 19:34-46.

Subparagraph (4) of section 3 of this bill carries over the disqualification to persons previously convicted, upon whom this additional penalty has been imposed and subparagraph (5) applies the disqualification to persons hereafter convicted and similarly punished.

Sections 12 and 21 of this bill restore the language of R. S. 19:32-18 and 19:34-38 by eliminating therefrom the changes made by the 1940 act.

4. Section 11 of this bill is intended to so clarify the language of R. S. 19:27-4, which relates to the issuance of writs of election, as to bring it in accord with the provisions of Article IV, Sections II, III and IV, paragraph 1 of the new Constitution.

A number of unimportant corrections have been made in the sections amended also.

This bill was drafted by the Law Revision and Bill Drafting Commission under the direction of the Senate and General Assembly Committees on Law Revision.

cepted by such member in the manner provided by law.

In all counties of the first class the county board shall appoint some suitable person clerk of such board, and may also appoint not more than two assistant clerks, and one clerk-stenographer, all of whom shall be appointed from the competitive class of civil service. All persons holding positions as clerk, assistant clerks and clerk-stenographer of the county board and who held such positions on April eighteenth, one thousand nine hundred and thirty, shall continue to hold same and shall be classified in the competitive class of civil service.

Section
amended.

6. Section 19:13-5 of the Revised Statutes is amended to read as follows:

Petitions,
signatures.

19:13-5. The petition shall be signed by legally qualified voters of this State residing within the district or political division in and for which the officer or officers nominated are to be elected, equal in number to at least two per centum (2%) of the entire vote cast for members of the General Assembly at the last preceding general election, held for the election of all of the members of the General Assembly, in the State, county, district or other political division in and for which the nominations are made; except that when the nomination is for an office to be filled by the voters of the entire State eight hundred signatures in the aggregate for each candidate nominated in the petition shall be sufficient; and except that no more than one hundred signatures shall be required to any petition for any officers to be elected save only such as are to be voted for by the voters of the State at large.

In case of a first general election to be held in a newly established election district, county, city or other political division, the number of fifty signatures to a petition shall be sufficient to nominate a candidate to be voted for only in such election district, county, city or other political division.

7. Section 19:23-7 of the Revised Statutes is amended to read as follows:

Section
amended.

19:23-7. Each such petition shall set forth that the signers thereof are qualified voters of the State, congressional district, county, municipality, ward or election district, as the case may be, in which they reside and for which they desire to nominate candidates; that they are members of a political party (naming the same), and that at the last general election preceding the execution of the petition they voted for a majority of the candidates of such political party, and that they intend to affiliate with that political party at the ensuing election; that they indorse the person or persons named in their petition as candidate or candidates for nomination for the office or offices therein named, and that they request that the name of the person or persons therein mentioned be printed upon the official primary ballots of their political party as the candidate or candidates for such nomination. The petition shall further state the residence and post-office address of each person so indorsed, and shall certify that the person or persons so indorsed is or are legally qualified under the laws of this State to be nominated, and is or are a member or members of the political party named in the petition.

Contents of
petitions.

Accompanying the petition each person indorsed therein shall file a certificate, stating that he is qualified for the office mentioned in the petition, that he is a member of the political party named therein; that he consents to stand as a candidate for nomination at the ensuing primary election of such political party, and that, if nominated, he consents to accept the nomination.

8. Section 19:23-8 of the Revised Statutes is amended to read as follows:

Section
amended.

19:23-8. The petitions for candidates to be voted for by the voters of a political party throughout the entire State shall in the aggregate be signed by at least one thousand such voters; in the case of candidates to be voted for by the

Number of
signers to
petitions.

voters of a political party throughout a congressional district by at least two hundred of such voters; in the case of candidates to be voted for by the voters of a political party throughout a county by at least one hundred of such voters; in the case of candidates to be voted for by the voters of a political party throughout a municipality having a population in excess of fourteen thousand as ascertained by the last Federal census by at least fifty of such voters; in the case of candidates to be voted for by the voters of a political party throughout all other municipalities or any ward of any municipality by at least twenty-five of such voters; in the case of a candidate to be voted for by the voters of a political party within a single election district by at least ten of such voters.

In municipalities containing but one election district the petitions in the aggregate need not be signed by more than ten of such voters, and the number of signers to any such petition in any case need not exceed five per centum (5%) in number of the total vote cast at the last preceding general election, held for the election of all of the members of the General Assembly, in such municipality, ward or election district, as the case may be.

Section amended.

9. Section 19:27-4 of the Revised Statutes is amended to read as follows:

Filling vacancies, writs of election.

19:27-4. When any vacancy happens in the representation of this State in the United States Senate or in the House of Representatives, the Governor shall issue a writ of election to fill the same unless the term of service of the person whose office shall become vacant will expire within six months next after the happening of the vacancy and except as hereinafter provided.

When any vacancy happens in the representation of any county in the Senate or General Assembly, the House in which such vacancy happens shall direct a writ of election to be issued for filling the same, unless the term of service of the person whose office shall have become vacant will expire

with the expiration of the legislative year in which the vacancy happens and such House shall be of the opinion that the services of a person in the office then vacant will not be required during the unexpired period of the legislative year; but if such vacancy happens during the recess of the Legislature, or after the general election, and not less than fifteen days before the commencement of the next legislative year (or a shorter time before such commencement if the board of chosen freeholders makes the requirements hereinafter mentioned), the Governor shall forthwith issue a writ of election to fill the vacancy, unless the term of service of the person whose office shall have become vacant will expire with the expiration of the legislative year in which the vacancy happens and he shall be of the opinion that the services of a person in the office then vacant will not be required during the legislative year, or the residue thereof; but the failure of the Governor to issue a writ for filling the vacancy shall not preclude the House in which it may have happened from directing a writ of election to be issued for filling the same, if it judge this advisable; *provided*, that if the board of chosen freeholders of the county shall signify in writing to the Governor, in case the vacancy occurs during the recess of the Legislature, or after the general election, and before the commencement of the next legislative year, or to such House, when in session, the desire of such board that the vacancy shall be filled, then the Governor, or such House, as the case may be, shall forthwith, after such signification, issue such writ.

Proviso.

10. Section 19:32-18 of the Revised Statutes is amended to read as follows:

Section amended.

19:32-18. Any person affected by the action of the superintendent shall during the week immediately preceding the election and on the election day have the right to make application to a judge of the court of common pleas of the county for the purpose of obtaining an order entitling him to vote

Application to vote.

in the district in which he actually resides. The burden of proof shall be upon the applicant.

A judge of the court of common pleas, if satisfied that the applicant is entitled under the law to vote at such election and after determining the election district in which the person actually resides may issue an order directing the district board of that district to permit such person to vote. If the order is directed to a district board in municipalities having permanent registration, the district board shall certify and return the order to the commissioner at the close of the election, who thereupon shall restore the permanent registration forms of such person to the active file. Before the issuance of such order, the superintendent shall be heard personally, or by his chief deputy or assistants, as to the reasons why he has issued an order denying such person the right to vote. The superintendent or any one representing him shall have full power to cross-examine any witness.

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cedings.

The judge of the court of common pleas making such order shall cause a full record of the proceedings of the application to be taken stenographically, transcribed and filed in the office of the county clerk of the county, which record shall be an open and public record. All costs and expense of such proceedings shall be paid by the county.

Any person whose name shall appear on the Peremptory Order List and who shall not apply for and be granted an order to vote, during the week immediately preceding the election or on the election day immediately following the publication of his name as heretofore provided, shall not be permitted to vote by court order or otherwise until he shall have first reregistered.

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ended.

11. Section 19:32-19 of the Revised Statutes is amended to read as follows:

enalty for
obedience
order.

19:32-19. Any member of a district board who, after the receipt of an order from the superintendent denying any person the right to vote, unless the order of the superintendent has been revoked by a judge of the court of common pleas of

the county, as herein above provided, allows such person to vote, shall be guilty of a misdemeanor, shall forfeit his right to such office and be subject to imprisonment for a term not exceeding three years, or the payment of a fine of one thousand dollars (\$1,000.00), or both.

12. Section 19:34-6 of the Revised Statutes is amended to read as follows:

Section
amended.

19:34-6. If a person shall on election day tamper, deface or interfere with any polling booth or obstruct the entrance to any polling place, or obstruct or interfere with any voter, or loiter, or do any electioneering within any polling place or within one hundred feet thereof, he shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding one year, or both.

Penalty for
interfering.

13. Section 19:34-7 of the Revised Statutes is amended to read as follows:

Section
amended.

19:34-7. No person shall within the polling room mark his ballot in a place other than in the polling booth or show his ballot, nor shall anyone request such person to show his ballot during the preparation thereof, nor shall any other person inspect such ballot during the preparation thereof or after it is prepared for voting in such a way as to reveal the contents, nor shall any person within the polling place or within a hundred feet thereof, loiter, electioneer, or solicit any voter.

Violation
of ballot
regulation.

No voter, at any election where official ballots are used, shall knowingly vote or offer to vote any ballot except an official ballot as by this Title required.

No person shall on any pretext carry any official ballot from the polling room on any election day except such persons as may by this Title be authorized to do so.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding one year, or both.