

CHAPTER 275

AN ACT concerning the filling of vacancies from this State in the United States House of Representatives and amending various parts of the statutory law.

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

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

Vacancies in United States house of representatives; election to fill.

19:3-27. When a vacancy shall happen in the representation of this State in the United States House of Representatives, it shall be the duty of the Governor to issue a writ of election to fill such vacancy, within 10 days of the happening of the vacancy, unless the term of service for which the person whose office shall become vacant will expire less than 135 days after the happening of the vacancy.

Nothing in this Title shall be construed to prohibit the Governor from issuing a writ of election to fill such vacancy if the term of service for which the person whose office shall become vacant will expire less than 135 days after the happening of the vacancy.

2. R.S.19:14-12 is amended to read as follows:

Procedure for determining position on ballot.

19:14-12. The county clerk shall draw lots in his county to determine which columns the political parties which made nominations at the next preceding primary election shall occupy on the ballot in the county. The name of the party first drawn shall occupy the first column at the left of the ballot, and the name of the party next drawn shall occupy the second column, and so forth.

The position which the names of candidates, and bracketed groups of names of candidates nominated by petitions for all offices, shall have upon the general election ballot, shall be determined by the county clerks in their respective counties.

The manner of drawing the lots shall be as follows: paper slips with the names of each political party written thereon shall be placed in capsules of the same size, shape, color, and substance and then placed in a covered box with an aperture in the top large enough to admit a man's hand and to allow the capsules to be drawn therefrom. The box shall be well shaken and turned over to thoroughly intermingle the capsules. The county clerk or his deputy shall, at his office, draw from the box each capsule separately without knowledge on his part as to which capsule he is drawing.

The person making the drawing shall open the capsule and shall make public announcement, at the drawing of each name, the order in which name is drawn and the office for which the drawing is made.

Where there is but one person to be elected to an office, the names of the several candidates who have filed petitions for such office shall be written upon paper slips and placed in separate capsules of the same size, shape, color, and substance. The capsules shall be placed in a covered box with an aperture in the top large enough to admit a man's hand and to allow the capsules to be drawn therefrom. The box shall be turned and shaken thoroughly to mix the capsules and the capsules shall be withdrawn one at a time.

When there is more than one person to be elected to an office where petitions have designated that certain candidates shall be bracketed, the position of such bracketed names on the ballot (each bracketed group to be treated as a single name), together with individuals who have filed petitions for such office, shall be determined as above described.

Any legal voter of the county or municipality, as the case may be, shall have the privilege of witnessing the drawing.

The name or names of the candidate or bracketed group of candidates first drawn from the box shall be printed directly below the proper title of the office for which they were nominated, and the name or names of the candidate or bracketed group of candidates next drawn shall be printed next in order, and so on, until the last name or bracketed group of names shall be drawn from the box.

The arrangement of names of any bracketed group of candidates for any office for which more than one are to be elected shall be printed in the same order on the ballot as they were arranged on the petition of nomination.

The drawing for the positions which the names of candidates and bracketed groups of names of candidates, nominated by petition for office, and for the columns which the political parties which made nominations at the next preceding primary election and for the general election shall occupy upon the general election ballot, shall be held at 3 o'clock in the afternoon of the eighty-fifth day prior to the day of the general election, except that in the case of a special election to fill a vacancy in any office, the drawing for the positions which the names of candidates shall occupy upon the special election ballot shall be held as soon as practicable following the special primary election for the special election, or the nomination of candidates by the respective political parties pursuant to R.S.19:13-20, as appropriate, provided that the public shall be given sufficient notice to witness the drawing.

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

Writ 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, within 10 days of the happening of the vacancy, issue a writ of election to fill the same unless the term of service of the person whose office shall become vacant will expire less than 135 days after the happening of the vacancy and except as hereinafter provided.

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

Congressional vacancies.

19:27-6. In the case of a vacancy in the representation of this State in the United States Senate, the writ may designate the next general election day for the election, but if a special day is designated, it shall specify the cause and purpose of such election, the name of the officer in whose office the vacancy has occurred, the day on which a special primary election shall be held, which shall be not less than 70 days nor more than 76 days following the date of issuance of the writ, and the day on which the special election shall be held, which shall be not less than 64 nor more than 70 days following the day of the special primary election.

If the vacancy happens in the representation of this State in the United States Senate the election shall take place at the general election next succeeding the happening thereof, unless the vacancy shall happen within 70 days next preceding the primary election prior to the general election, in which case it shall be filled by election at the second succeeding election, unless the Governor shall deem it advisable to call a special election therefor, which he is authorized hereby to do.

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

Publication of writ.

19:27-9. The county board of each of such counties shall forthwith after the receipt of a copy of such writ cause the same to be published at least once in at least two newspapers printed and published in the county, if so many there be, not less than 45 days prior to the primary, general, or special election.

The publication of the writs shall be at the expense of the State if the election shall be held to fill a vacancy in the representation of the State in the United States Senate or in the House of Representatives.

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

C.19:27-10.1 Vacancy in house of representatives between dates preceding primary and general elections.

1. a. In the case of a vacancy in the representation of this State in the House of Representatives, the writ shall designate the next general election day or a special election day for the election, in accordance with subsection b. of this section. If a special day is designated for the election, the writ shall specify the cause and purpose of such election, the name of the officer in whose office the vacancy has occurred, and the day on which the special election shall be held.

b. (1) When a vacancy, howsoever caused, happens in the representation of this State in the House of Representatives and the unexpired term to be filled equals or exceeds 180 days after the happening of the vacancy, the writ shall designate the day on which a special primary election shall be held, which shall be not less than 70 days nor more than 76 days following the date of issuance of the writ. The writ shall also designate the day on which the special election shall be held, which shall be not less than 64 nor more than 70 days following the day of the special primary election.

(a) When the latest date on which a special primary election or special election may be held pursuant to this paragraph is not more than 45 days prior to the day on which the primary election or general election is to be held, the writ shall designate the date of such primary election or general election as the day on which the special primary election or special election shall be held.

(b) When the latest date on which a special primary election or special election may be held pursuant to this paragraph is not more than 25 days following the day on which the primary election or general election is to be held, the writ shall designate a date not less than 26 days nor more than 32 days following the primary election or general election as the day on which the special primary election or special election shall be held.

(2) When a vacancy, howsoever caused, happens in the representation of this State in the House of Representatives and the unexpired term to be filled is less than 180 days but not less than 135 days after the happening of the vacancy, the writ shall designate the general election day as the day on which the election shall be held to fill such vacancy.

In such case, each political party shall select its candidate to fill such vacancy in the same manner prescribed in R.S.19:13-20 for selecting candidates to fill vacancies arising among candidates nominated at primary elections, except that the time for making such selection and filing the statement thereof shall be within 10 days following the issuance of the writ of election.

In such case, petitions of nomination of other candidates shall be filed in the office of the Secretary of State within 10 days of the date of issuance of the writ.

The Secretary of State, on the 20th day following the date of issuance of the writ, shall certify to the clerk and county board of each county affected by the vacancy a statement of all candidates selected and nominated for the office so vacated.

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

c. The Secretary of State shall be authorized to modify any deadline or timeframe imposed by this Title if necessary to effectuate the provisions of subsection b. of this section.

7. This act shall take effect immediately.

Approved January 15, 2026.