

[Second Reprint]

ASSEMBLY, No. 5886

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 25, 2025

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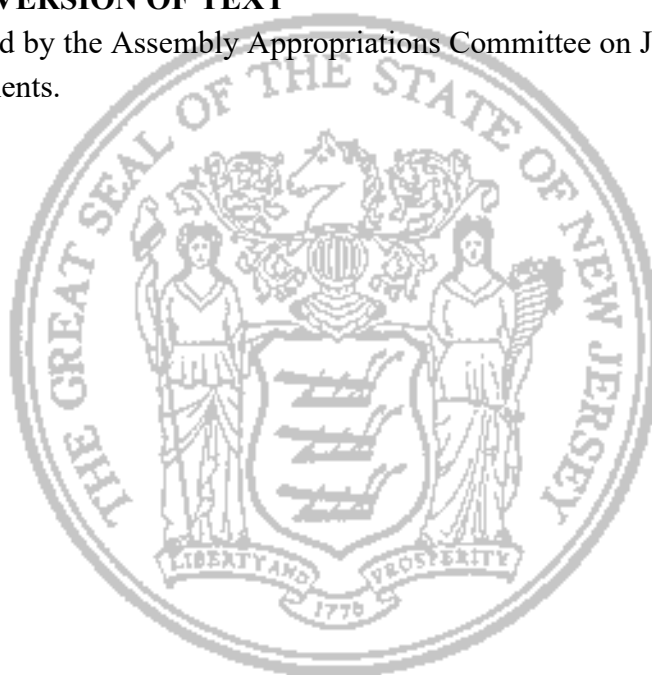
District 27 (Essex and Passaic)

SYNOPSIS

Revises process for filling vacancy from this State in United States House of Representatives.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on January 8, 2026, with amendments.



(Sponsorship Updated As Of: 1/12/2026)

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

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

7
8 1. R.S.19:3-27 is amended to read as follows:

9 19:3-27. When a vacancy shall happen in the representation of this
10 ~~State~~ State in the United States ~~house of representatives~~ House of
11 Representatives, it shall be the duty of the ~~governor~~ Governor to
12 issue a writ of election to fill such vacancy, within 10 days of the
13 ²~~occurrence~~ happening² of the vacancy, unless the term of service
14 for which the person whose office shall become vacant will expire
15 ~~within six months next~~ less than 135 days after the happening of the
16 vacancy.

17 ²Nothing in this Title shall be construed to prohibit the Governor
18 from issuing a writ of election to fill such vacancy if the term of
19 service for which the person whose office shall become vacant will
20 expire less than 135 days after the happening of the vacancy.²
21 (cf: R.S.19:3-27)

22
23 2. R.S.19:14-12 is amended to read as follows:

24 19:14-12. The county clerk shall draw lots in his county to
25 determine which columns the political parties which made
26 nominations at the next preceding primary election shall occupy on
27 the ballot in the county. The name of the party first drawn shall
28 occupy the first column at the left of the ballot, and the name of the
29 party next drawn shall occupy the second column, and so forth.

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

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

43 The person making the drawing shall open the capsule and shall
44 make public announcement at the drawing of each name, the order

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:

¹Assembly ASL committee amendments adopted January 5, 2026.

²Assembly AAP committee amendments adopted January 8, 2026.

1 in which name is drawn and the office for which the drawing is
2 made.

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

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

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

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

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

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

43 (cf: P.L.2011, c.134, s.22)

44

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

46 19:27-4. When any vacancy happens in the representation of this
47 State in the United States Senate or in the House of Representatives,
48 the Governor shall, within 10 days of the ²**[occurrence]** happening² of

1 the vacancy, issue a writ of election to fill the same unless the term of
2 service of the person whose office shall become vacant will expire
3 **【within six months next】** less than 135 days after the happening of the
4 vacancy and except as hereinafter provided.
5 (cf: P.L.1988, c.126, s.2)

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

8 19:27-6. In the case of a vacancy in the representation of this
9 State in the United States Senate **【or House of Representatives】**, the
10 writ may designate the next general election day for the election,
11 but if a special day is designated, it shall specify the cause and
12 purpose of such election, the name of the officer in whose office the
13 vacancy has occurred, the day on which a special primary election
14 shall be held, which shall be not less than 70 days nor more than 76
15 days following the date of **‘【such proclamation】** issuance of the
16 writ¹, and the day on which the special election shall be held, which
17 shall be not less than 64 nor more than 70 days following the day of
18 the special primary election. **【The writ shall also specify the day or**
19 **days when the district boards shall meet for the purpose of making,**
20 **revising or correcting the registers of voters to be used at such**
21 **special election.】**

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

30 **【If the vacancy happens in the representation of this State in the**
31 **House of Representatives in any year, not later than the 70th day**
32 **prior to the day for holding the next primary election for the general**
33 **election, the Governor shall issue a writ of election to fill such**
34 **vacancy, designating in said writ the next general election day as**
35 **the day on which the election shall be held to fill such vacancy. The**
36 **nomination of candidates to fill such vacancy shall be made in the**
37 **same manner as the nomination of other candidates at the said**
38 **primary election for the general election.】**

39 (cf: P.L.2011, c.37, s.17)

40
41 5. R.S.19:27-9 is amended to read as follows:

42 19:27-9. The county board of each of such counties shall
43 forthwith after the receipt of a copy of such writ cause the same to
44 be published at least once **【a week until the time of such primary,**
45 **general or special election】** in at least two newspapers printed and
46 published in the county, if so many there be, not less than 45 days
47 prior to the primary, general, or special election.

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

5 (cf: P.L.1988, c.126, s.5)

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

9 1. **【When a vacancy, howsoever caused, happens in the**
10 **representation of this State in the House of Representatives in any year**
11 **later than the 70th day prior to the day for holding the primary election**
12 **for the general election but before the 70th day preceding the day of**
13 **the general election, and the unexpired term to be filled exceeds one**
14 **year, the Governor, in issuing a writ of election to fill such vacancy,**
15 **may designate in said writ the next general election day as the day on**
16 **which the election shall be held to fill such vacancy and that no**
17 **primary election shall be held for nomination of candidates to fill such**
18 **vacancy.】**

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

26 b. (1) When a vacancy, howsoever caused, happens in the
27 representation of this State in the House of Representatives and the
28 unexpired term to be filled equals or exceeds 180 days ¹after the
29 happening of the vacancy¹, the writ shall designate the day on which a
30 special primary election shall be held, which shall be not less than 70
31 days nor more than 76 days following the date of ¹**【such**
32 proclamation**】** issuance of the writ¹ ²**【**, except that, if a primary
33 election is to be held within 55 days following the day on which the
34 special primary election is to be held, the writ may designate the
35 special primary election to be held on the same day as the primary
36 election**】**² . The writ shall also designate the day on which the special
37 election shall be held, which shall be not less than 64 nor more than 70
38 days following the day of the special primary election.

39 ²(a) When the latest date on which a special primary election or
40 special election may be held pursuant to this paragraph is not more
41 than 45 days prior to the day on which the primary election or general
42 election is to be held, the writ shall designate the date of such primary
43 election or general election as the day on which the special primary
44 election or special election shall be held.

45 (b) When the latest date on which a special primary election or
46 special election may be held pursuant to this paragraph is not more
47 than 25 days following the day on which the primary election or

1 general election is to be held, the writ shall designate a date not less
 2 than 26 days nor more than 32 days following the primary election or
 3 general election as the day on which the special primary election or
 4 special election shall be held.²

5 (2) When a vacancy, howsoever caused, happens in the
 6 representation of this State in the House of Representatives and the
 7 unexpired term to be filled is less than 180 days² ¹after the happening
 8 of the vacancy¹, but in no case less than but not less than² 135 days
 9 ¹after the happening of the vacancy¹, the writ shall designate² a
 10 special day as the day on which the election shall be held to fill such
 11 vacancy, which shall be not less than 70 days nor more than 76 days
 12 following the date of]² ¹[such proclamation]² [issuance of the writ¹,
 13 and that no primary election shall be held for the nomination of
 14 candidates to fill such vacancy] the general election day as the day on
 15 which the election shall be held to fill such vacancy².

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

22 In such case, petitions of nomination of other candidates shall be
 23 filed in the office of the Secretary of State within 10 days of the date
 24 of ¹[such proclamation] issuance of the writ¹.

25 The Secretary of State on the ²[eleventh] 20th² day following the
 26 date of ¹[such proclamation] issuance of the writ¹ shall certify to the
 27 clerk and county board of each county affected by the vacancy, a
 28 statement of all candidates selected and nominated for the office so
 29 vacated.

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

33 ²[(3) When a vacancy, howsoever caused, happens in the
 34 representation of this State in the House of Representatives and the
 35 unexpired term to be filled is less than 135 days¹ after the happening
 36 of the vacancy¹, no writ shall be issued and no special election shall be
 37 held to fill such vacancy.]

38 c. The Secretary of State shall be authorized to modify any
 39 deadline or timeframe imposed by this Title if necessary to effectuate
 40 the provisions of subsection b. of this section.²

41 (cf: P.L.2011, c.37, s.18)

42
 43 7. This act shall take effect immediately.