

**SENATE CONCURRENT  
RESOLUTION No. 75**

**STATE OF NEW JERSEY  
213th LEGISLATURE**

INTRODUCED FEBRUARY 21, 2008

**Sponsored by:**  
**Senator BILL BARONI**  
**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**  
**Senator Bateman**

**SYNOPSIS**

Proposes constitutional amendment to provide for suspension and temporary replacement of indicted elected official with vacancy in office declared upon conviction.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/18/2008)**

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1 A CONCURRENT RESOLUTION proposing to amend the Constitution  
2 of the State of New Jersey by the addition of a new section to  
3 Article VII thereof.

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5 BE IT RESOLVED by the Senate of the State of New Jersey (the  
6 General Assembly concurring):

7  
8 1. The following proposed amendment to the Constitution of  
9 the State of New Jersey is hereby agreed to:

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11 PROPOSED AMENDMENT

12  
13 a. Amend Article VII by adding a new Section IV to read as  
14 follows:

15 SECTION IV

16  
17 1. When a person holding elective public office in this State is  
18 indicted for a crime under the laws of this State or of the United  
19 States, or for an offense in any other jurisdiction that would be a  
20 crime if committed in New Jersey, that person shall be suspended  
21 from office without compensation until the charges are dismissed,  
22 the person is acquitted of the charges, or the person is convicted.

23 2. During the period a person is suspended under paragraph 1,  
24 the elective public office shall be filled temporarily in the following  
25 manner. If the indicted elected official is the Governor, the  
26 provisions of Article V, Section I, paragraph 7 concerning a  
27 temporary absence of the Governor shall apply. If the indicted  
28 elected official is the Lieutenant Governor, the Governor shall  
29 appoint the temporary replacement. If the indicted elected official  
30 is a Senator who is a member of the same political party as the  
31 political party of the majority of the members in the Senate, the  
32 Senate President shall appoint the temporary replacement. If the  
33 indicted elected official is a Senator who is a member of a political  
34 party that is not the same as the political party of the majority of the  
35 members in the Senate, the Minority Leader of that party shall  
36 appoint the temporary replacement. If the indicted elected official  
37 is a member of the General Assembly who is a member of the same  
38 political party as the political party of the majority of the members  
39 of the General Assembly, the Speaker of the General Assembly  
40 shall appoint the temporary replacement. If the indicted elected  
41 official is a member of the General Assembly who is a member of a  
42 political party that is not the same as the political party of the  
43 majority of the members in the General Assembly, the Minority  
44 Leader of that party shall appoint the temporary replacement. If the  
45 indicted elected official is a member of a county board of chosen  
46 freeholders, the remaining members of the board by a majority vote  
47 thereof shall appoint a temporary replacement who is a member of  
48 the same political party as the indicted freeholder. If the indicted

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1 elected official is a county executive, county clerk or sheriff, the  
2 members of the county's board of chosen freeholders by a majority  
3 vote thereof shall appoint a temporary replacement who is a  
4 member of the same political party as the indicted county executive,  
5 county clerk or sheriff, as may be appropriate. If the indicted  
6 elected official is a county surrogate, the Chief Justice of the  
7 Supreme Court shall appoint a temporary replacement who is a  
8 member of the same political party as the indicted county surrogate.  
9 In the case of an indicted elected official in a municipality that  
10 holds nonpartisan elections, the members of the governing body by  
11 a majority vote thereof shall appoint a temporary replacement. In  
12 the case of an indicted elected official in a municipality that holds  
13 partisan elections, the members of the governing body by a majority  
14 vote thereof shall appoint a temporary replacement who is a  
15 member of the same political party as is the indicted elected  
16 official. If the indicted elected official is a member of the board of  
17 a school district or any other public body, the remaining members  
18 of the board or public body, as may be appropriate, by a majority  
19 vote thereof shall appoint a temporary replacement.

20 3. If an indicted elected public official is acquitted of all  
21 charges or the charges are dismissed, the official shall be restored to  
22 office for the remainder of the term as soon as possible with full  
23 return of compensation owed and no loss of seniority. If the person  
24 is convicted, the office held by the person shall be declared vacant  
25 and shall be filled as provided by this Constitution or by law.

26  
27 2. When this proposed amendment to the Constitution is finally  
28 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it  
29 shall be submitted to the people at the next general election  
30 occurring more than three months after the final agreement and  
31 shall be published at least once in at least one newspaper of each  
32 county designated by the President of the Senate, the Speaker of the  
33 General Assembly and the Secretary of State, not less than three  
34 months prior to the general election.

35  
36 3. This proposed amendment to the Constitution shall be  
37 submitted to the people at that election in the following manner and  
38 form:

39 There shall be printed on each official ballot to be used at the  
40 general election, the following:

41 a. In every municipality in which voting machines are not used,  
42 a legend which shall immediately precede the question, as follows:

43 If you favor the proposition printed below make a cross (X), plus  
44 (+), or check (✓) in the square opposite the word "Yes." If you are  
45 opposed thereto make a cross (X), plus (+) or check (✓) in the  
46 square opposite the word "No."

47 b. In every municipality the following question:

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		CONSTITUTIONAL AMENDMENT PROVIDING FOR SUSPENSION AND TEMPORARY REPLACEMENT OF INDICTED ELECTED OFFICIAL WITH VACANCY IN OFFICE DECLARED UPON CONVICTION
	YES	Shall the amendment to Article VII of the Constitution of the State of New Jersey that adds a new Section IV thereto, agreed to by the Legislature, to suspend from office any elected official who is indicted for a crime, and to provide for a temporary replacement and the return to office upon acquittal or the declaration of a vacancy upon conviction, be approved?

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	NO	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>This constitutional amendment provides that when a person holding elective public office is indicted for a crime under the laws of this State or the United States, or for an offense in any other jurisdiction that would be a crime if committed in New Jersey, that person will be suspended from office without compensation until the charges are dismissed, the person is acquitted, or the person is convicted. During the period such a person is suspended, if that person is the Governor, the Lieutenant Governor, followed by the Senate President and then by the Speaker of the General Assembly, would serve as Acting Governor, as provided for currently in the Constitution. A temporary replacement would be appointed by the Governor, in the case of the Lieutenant Governor; by the Chief Justice of the State Supreme Court, in the case of a county surrogate; by the Senate President or Senate Minority Leader, in the case of a member of the Senate; by the General Assembly Speaker or Minority Leader, in the case of a member of the General Assembly; by a majority vote of a county board of chosen freeholders in the case of a member of such a board, county executive, county clerk or county sheriff; by a majority vote of a municipal governing body, in the case of a mayor or council member; or by a majority vote of a school board or any other public body, in the case of a member of such a school board or public body. If an indicted elected public official is acquitted or the charges are dismissed, the official would be restored to office as soon as possible with full return of compensation owed and no loss of seniority. If the person is convicted, the office that person held would be declared vacant and would be filled as provided by the Constitution or statutory law.</p>
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STATEMENT

This constitutional amendment provides that when a person holding elective public office in this State is indicted for a crime under the laws of this State or the United States, or for an offense in any other jurisdiction that would be a crime if committed in New Jersey, that person would be suspended from office without compensation until the charges are dismissed, the person is acquitted of such charges, or the person is convicted.

During the period such a person is suspended, the public office would be filled temporarily in the following manner. If the indicted elected official is the Governor, the Lieutenant Governor, followed by the Senate President and then by the Speaker of the General Assembly, would serve as Acting Governor, as provided for currently by the Constitution. If the indicted elected official is the Lieutenant Governor, the Governor would appoint the temporary replacement. If the indicted elected official is a Senator who is a member of the same political party as the majority of the members in the Senate, the Senate President would appoint the temporary replacement. If the indicted elected official is a Senator who is a member of a political party that is not the same as the majority of the members in the Senate, the Minority Leader of that party would appoint the temporary replacement. If the indicted elected official is a General Assembly member who is a member of the same political party as the majority of the members of the General Assembly, the General Assembly Speaker would appoint the temporary replacement. If the indicted elected official is an Assembly member who is a member of a political party that is not the same as the majority of the members in the General Assembly, the Minority Leader of that party would appoint the temporary replacement. If the indicted elected official is a member of a county board of chosen freeholders, the remaining members of the board by a majority vote thereof would appoint a temporary replacement who is a member of the same political party as the indicted freeholder. If the indicted elected official is a county executive, county clerk or sheriff, the members of the county's board of chosen freeholders by a majority vote thereof would appoint a temporary replacement who is a member of the same political party as the indicted county executive, county clerk or sheriff, as may be appropriate. If the indicted elected official is a county surrogate, the Chief Justice of the Supreme Court would appoint a temporary replacement who is a member of the same political party as the indicted county surrogate. In the case of an indicted elected official in a municipality that holds nonpartisan elections, the members of the governing body by a majority vote thereof would appoint a temporary replacement. In the case of an indicted elected official in a municipality that holds partisan elections, the members of the governing body by a majority vote

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1   thereof would appoint a temporary replacement who is a member of  
2   the same political party as the indicted elected official. If the  
3   indicted elected official is a member of the board of a school  
4   district or any other public body, the remaining members of the  
5   board or public body, as may be appropriate, would appoint a  
6   temporary replacement.

7       If an indicted elected public official is acquitted of all charges or  
8   all charges are dismissed, the official would be restored to office as  
9   soon as possible with full return of compensation owed and no loss  
10  of seniority. If the person is convicted, the office held by the  
11  person would be declared vacant and would be filled as provided by  
12  the Constitution or statutory law.