

SENATE, No. 407

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Senator DAWN MARIE ADDIEGO

District 8 (Burlington)

Senator PHILIP E. HAINES

District 8 (Burlington)

SYNOPSIS

Prohibits member of legislature from holding local appointive office or position; removes provision allowing current members holding more than one elective position as of February 1, 2008 to continue to do so if service continuous.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 5/13/2011)

S407 ADDIEGO, HAINES

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1 AN ACT concerning members of the Legislature holding more than
2 one elective or appointive public office simultaneously, and
3 amending R.S.19:3-5 and N.J.S.40A:9-4.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. R.S.19:3-5 is amended to read as follows:

9 19:3-5. No person shall hold at the same time more than one of
10 the following offices: elector of President and Vice-President of the
11 United States, member of the United States Senate, member of the
12 House of Representatives of the United States, member of the
13 Senate or of the General Assembly of this State, county clerk,
14 register, surrogate or sheriff.

15 No person shall hold the office of member of the Senate or the
16 General Assembly of this State and, at the same time, hold any
17 other elective public office in this State[, except that any person
18 who holds the office of member of the Senate or the General
19 Assembly and, at the same time, holds any other elective public
20 office on the effective date of P.L.2007, c.161 may continue to hold
21 that office of member of the Senate or that office of member of the
22 General Assembly, and may hold that other elective public office at
23 the same time if service in the Senate or the General Assembly and
24 the other elective office are continuous following the effective date
25 of P.L.2007, c.161].

26 No person shall be elected an elector of President and Vice-
27 President of the United States unless he shall possess the
28 qualifications of a legal voter of the State, shall be of the age of 25
29 years or upwards and shall have been a citizen of the United States
30 seven years next preceding such election.

31 No person shall be elected a member of the House of
32 Representatives, or an elector of President and Vice-President who
33 shall hold any office of trust or profit under the United States.

34 (cf: P.L.2007, c.161, s.1)
35

36 2. N.J.S.40A:9-4 is amended to read as follows:

37 40A:9-4. (1) It shall be unlawful for a person to hold
38 simultaneously an elective county office and an elective municipal
39 office.

40 (2) It shall be **[lawful]** unlawful for a member of the
41 Legislature of the State to hold simultaneously any appointive
42 office or position in county or municipal government.

43 (3) Nothing contained in this section shall be deemed to prevent
44 the incumbent of any office from abstaining from voting in any
45 matter in which the incumbent believes he or she has a conflict of

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.

1 duty or of interest, nor to prevent a challenge of a right to vote on
2 that account under the principles of the common law or any statute.

3 (4) a. (Deleted by amendment, P.L.2007, c.161).

4 b. (Deleted by amendment, P.L.2007, c.161).

5 c. For the purposes of this section the term "elective office"
6 shall mean an office to which an incumbent is elected by the vote of
7 the general electorate.

8 (5) Notwithstanding the provision of paragraph (1) of this
9 section, a person who, on the effective date of P.L.2007, c.161,
10 holds simultaneously an elective county office and an elective
11 municipal office may continue to hold the elective offices
12 simultaneously if service in those elective offices is continuous
13 following the effective date of P.L.2007, c.161.

14 (cf: P.L.2007, c.161, s.2)

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16 3. This act shall take effect on the 30th day following the day of
17 enactment.

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20 STATEMENT

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22 This bill prohibits a member of the Legislature from holding
23 simultaneously any other appointive office or position in county or
24 municipal government.

25 The bill also removes, effective immediately, the provision of
26 current law that permits a member of the Legislature who held more
27 than one elective office on February 1, 2008 to continue to hold
28 those offices if service in the Senate or General Assembly and the
29 other elective office are continuous after February 1, 2008.

30 Under the bill, a member must either resign from the Legislature
31 or remain as a member of the Legislature but resign all other
32 appointive or elective offices before the 30th day following the day
33 of enactment of the bill.