

SENATE, No. 1237

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Bars certain officials from elective office and from participation in various political activities for certain time periods.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/17/2020)

1 AN ACT concerning public office and certain political activity, and
2 amending P.L.1964, c.168 and P.L.1968, c.266, and
3 supplementing P.L.1948, c.439 (C.52:17B-1 et seq.).
4

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

8 1. Section 1 of P.L.1964, c.168 (C.2A:158-21) is amended to
9 read as follows:

10 1. a. A person who holds the position of county prosecutor,
11 assistant prosecutor or legal assistant to a prosecutor shall not be a
12 candidate for, or hold, elective public office for a period of two
13 years immediately following the termination of that person's
14 service as county prosecutor, assistant prosecutor or legal assistant
15 to a prosecutor.

16 b. No county prosecutor, assistant prosecutor or legal assistant
17 to a prosecutor, while holding any such office or position, shall (1)
18 be a candidate for election to, or hold, any elective public office or
19 any office or position with any political party or club, or (2) in
20 connection with the candidacy of any person for public office, sign
21 or authorize the use of his name in connection with political or
22 campaign literature or material, or print or publish in order to
23 distribute such political or campaign literature or material **];**
24 provided, however, that the prohibition against holding office
25 contained in this act shall not prevent any individual, holding or
26 filling any such office as of the effective date of this act, from
27 completing any term of office for which he has heretofore been
28 elected or chosen; and provided further that nothing herein
29 contained shall be construed to prohibit any such prosecutor,
30 assistant prosecutor or legal assistant from being a candidate for
31 election to, or from holding, the office or position of delegate or
32 alternate to the national convention of any political party **].**

33 (cf: P.L.1964, c.168, s.1)
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35 2. (New section) a. A person who holds the position of
36 Attorney General or First Assistant Attorney General shall not be a
37 candidate for, or hold, elective public office for a period of two
38 years immediately following the termination of that person's
39 service as Attorney General or First Assistant Attorney General.

40 b. No person who holds the position of Attorney General or
41 First Assistant Attorney General, while holding any such office or
42 position, shall (1) be a candidate for election to, or hold, any
43 elective public office or any office or position with any political
44 party or club, or (2) in connection with the candidacy of any person
45 for public office, sign or authorize the use of his name in

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 connection with political or campaign literature or material, or
2 print, publish or distribute such political or campaign literature or
3 material.

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5 3. Section 1 of P.L.1968, c.266 (C.52:9M-1) is amended to
6 read as follows:

7 1. There is hereby created a permanent State Commission of
8 Investigation. The commission shall consist of four members, to be
9 known as commissioners.

10 Two members of the commission shall be appointed by the
11 Governor. One each shall be appointed by the President of the
12 Senate and by the Speaker of the General Assembly. Each member
13 shall serve for a term of four years and until the appointment and
14 qualification of his successor. No person shall serve, in succession,
15 more than two four-year terms and any portion of an unexpired term
16 as a member of the commission. The Governor shall designate one
17 of the members to serve as chairman of the commission.

18 The members of the commission appointed by the President of
19 the Senate and the Speaker of the General Assembly and at least
20 one of the members appointed by the Governor shall be attorneys
21 admitted to the bar of this State.

22 No member or employee of the commission shall hold any other
23 public office or public employment. No member of the commission
24 shall have held any elective office or have been a candidate for any
25 elective office within the one year preceding his appointment to the
26 commission. No member of the commission, while serving as a
27 member, shall (1) be a candidate for election to, or hold, any
28 elective public office or any office or position with any political
29 party or club, or (2) in connection with the candidacy of any person
30 for public office, sign or authorize the use of his name in
31 connection with political or campaign literature or material, or
32 print, publish or distribute such political or campaign literature or
33 material. No member of the commission shall hold any elective
34 office or be a candidate for any elective office within the **【one**
35 **year】** two years subsequent to his termination of service as a
36 member of the commission.

37 Not more than two of the members shall belong to the same
38 political party.

39 Each member of the commission shall receive an annual salary
40 of \$35,000. Each member shall also be entitled to reimbursement
41 for his expenses actually and necessarily incurred in the
42 performance of his duties, including expenses of travel outside of
43 the State.

44 Vacancies on the commission shall be filled for the unexpired
45 terms in the same manner as original appointments. Vacancies on
46 the commission shall be filled by the appropriate appointing
47 authority within 120 days. If the appropriate appointing authority
48 does not fill a vacancy within that time period, the vacancy shall be

1 filled by the Chief Justice of the Supreme Court within 60 days. A
2 vacancy on the commission shall not impair the right of the
3 remaining members to exercise all the powers of the commission.

4 Any determination made by the commission shall be by majority
5 vote. "Majority vote" means the affirmative vote of at least three
6 members of the commission if there are no vacancies on the
7 commission or the affirmative vote of at least two members of the
8 commission if there is a vacancy.

9 (cf: P.L.2005, c.58, s.1)

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11 4. This act shall take effect on the 180th day following
12 enactment and shall apply to any person who holds the position of
13 Attorney General, First Assistant Attorney General, county
14 prosecutor, assistant prosecutor, legal assistant to a prosecutor, or
15 member of the State Commission of Investigation on and after that
16 effective date.

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STATEMENT

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21 This bill would prohibit certain public officials from
22 campaigning for election to public office during the term of their
23 public service and for a period of two years afterwards. The bill
24 would apply to the Attorney General and the First Assistant
25 Attorney General, all county prosecutors, assistant prosecutors and
26 legal assistants to prosecutors, as well as the four members of the
27 State Commission of Investigation.

28 Under the bill, no person who holds any of these positions could
29 (1) be a candidate for election to, or hold, any elective public office
30 or any office or position with any political party or club, or (2) in
31 connection with the candidacy of any person for public office, sign
32 or authorize the use of his name in connection with political or
33 campaign literature or material, or print, publish or distribute such
34 political or campaign literature or material. These restrictions
35 already apply to county prosecutors, assistant prosecutors, and legal
36 assistants to prosecutors and would be extended under the bill to the
37 Attorney General, the First Assistant Attorney General, and the
38 members of the State Commission of Investigation.

39 In addition, the bill provides that any such official could not be a
40 candidate for, or hold, elective public office for a period of two
41 years immediately following the termination of that person's
42 service in the position. There is a current one-year post-service ban
43 for members of the State Commission of Investigation, which
44 would be increased to two years to establish consistency amongst
45 all of the officials covered by the bill.

46 The intent of this bill is to prevent persons who are holding
47 positions of public trust from misusing those positions for political
48 gain.