

[First Reprint]
SENATE, No. 998

STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1996

By Senators SINAGRA, BUBBA, Schluter, Kosco
and Scott

1 AN ACT prohibiting the simultaneous holding of more than one of
2 certain public offices, amending R.S.19:3-5 and N.J.S.40A:9-4 and
3 supplementing Title 19 of the Revised Statutes.

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

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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 the
10 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 [Senate
13 or of the General Assembly] Legislature of this State, [county clerk,
14 register, surrogate or sheriff] an elective office of a county,
15 municipality or school district, or member of the board of education
16 of a Type I school district.

17 No person shall be elected an elector of President and
18 Vice-President of the United States unless he shall possess the
19 qualifications of a legal voter of the State, shall be of the age of 25
20 years or upwards and shall have been a citizen of the United States 7
21 years next preceding such election.

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

25 ¹Nothing in this section shall prohibit a person from serving as:

26 a. a member of a local board of education and of a regional board
27 of education at the same time; or

28 b. a local board of education representative on a receiving district
29 board of education at the same time.¹

30 (cf: P.L.1971, c.2, s.9)

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SSG committee amendments adopted January 23, 1997.

1 2. (New section) Any person who, on the effective date of this act,
2 holds more than one of the offices listed in R.S.19:3-5 may continue
3 to hold those offices and be reelected or, in the case of a member of
4 the board of education of a Type I school district, reappointed thereto
5 as long as service in the offices is continuous. In the case of the office
6 of member of the Legislature, a member of one House of the
7 Legislature who is elected to, or selected under the provisions of
8 section 8 of P.L.1988, c.126 (C.19:27-11.2) to fill a vacancy in the
9 membership of, the other House shall be deemed to have been
10 reelected to, and the person's service upon assuming membership in
11 that other House shall be deemed to be continuous in, the office of
12 member of the Legislature for the purposes of this section.

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

15 40A:9-4. (1) [It shall be lawful for a person to hold simultaneously
16 an elective county office and an elective municipal office.

17 (2)] It shall be lawful for a member of the Legislature of the State
18 to hold simultaneously any [elective or] appointive office or position
19 in county or municipal government.

20 [(3)](2) Nothing contained in this section shall be deemed to
21 prevent the incumbent of any office from abstaining from voting in any
22 matter in which he believes he has a conflict of duty or of interest, nor
23 to prevent a challenge of a right to vote on that account under the
24 principles of the common law or any statute.

25 [(4) a.](3) Nothing herein contained shall be deemed to repeal or
26 supersede any statute prohibiting the dual holding of offices or
27 positions.

28 [b. This section shall apply to persons now holding elective offices
29 or positions with the counties and municipalities or now serving as
30 members of the Legislature of the State.

31 c. For the purposes of this section the term "elective office" shall
32 mean an office to which an incumbent is elected by the vote of the
33 general electorate.]

34 (cf: N.J.S.40A:9-4)

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36 4. This act shall take effect immediately.

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41 Prohibits any person from simultaneously holding two or more State,
42 county, municipal or school district elective offices, or one such office
43 and membership on the board of education of a Type I school district.