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LEGISLATIVE HISTORY CHECKLIST

(Candidates-Two offices--  
Prohibits certain)

WASA 19:3-5.1

LAWS OF 1979

CHAPTER 467

Bill No. S3383

Sponsor(s) Merlino

Date Introduced August 2, 1979

Committee: Assembly State Gov't, Federal & Interstate Relations & Veterans Affairs

Senate State Government, Federal & Interstate Relations & Veterans Affairs

Amended during passage XXX No

Date of Passage: Assembly January 7, 1980

Senate November 13, 1979

Date of approval February 27, 1980

Following statements are attached if available:

Sponsor statement Yes XX (Below)

Committee Statement: Assembly XXX No

Senate Yes XX

Fiscal Note XXX No

Veto message XXX No

Message on signing XXX No

Following were printed:

Reports XXX No

Hearings XXX No

Sponsor's statement:

This bill would prohibit a person from running for more than one office to be filled at the same general election if he could not legally hold such offices together after election.

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SENATE, No. 3383

STATE OF NEW JERSEY

INTRODUCED AUGUST 2, 1979

By Senator MERLINO

Referred to Committee on State Government, Federal and  
Interstate Relations and Veterans Affairs

AN ACT concerning dual candidacy for public office in certain cases  
and supplementing chapter 3 of Title 19 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. No person may accept a nomination by petition in the manner  
2 provided by R. S. 19:13-8 or consent to the acceptance of a nomi-  
3 nation in a petition for a primary election in the manner provided  
4 by R. S. 19:23-7, for more than one office to be filled at the same  
5 general election, the simultaneous holding of which would be pro-  
6 hibited by the Constitution of the State of New Jersey or R. S.  
7 19:3-5.

1 2. This act shall take effect immediately.

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STATEMENT

This bill would prohibit a person from running for more than  
one office to be filled at the same general election if he could not  
legally hold such offices together after election.

SENATE STATE GOVERNMENT, FEDERAL AND  
INTERSTATE RELATIONS AND VETERANS AFFAIRS  
COMMITTEE

STATEMENT TO  
SENATE, No. 3383

STATE OF NEW JERSEY

DATED: SEPTEMBER 10, 1979

This bill supplements the election laws (Title 19) to prohibit any person from accepting petitions for nominations for more than one office in the same general election if the holding of both offices simultaneously is already prohibited by State Law or the New Jersey State Constitution.

The bill prohibits the acceptance of either a direct nomination by petition pursuant to R. S. 19:13-8 or the acceptance of petitions of nomination from a political party for a primary election if the acceptance of such petitions would mean that the person would be running for two offices which he could not hold simultaneously if elected to both.

New Jersey law (R. S. 19:3-5) prohibits the holding of more than one of the following offices at the same time:

- Elector of President and Vice President of the United States.
- Member of the United States Senate.
- Member of the United States House of Representatives.
- Member of the Senate of the State of New Jersey.
- Member of the General Assembly of the State of New Jersey.
- County Clerk.
- Register.
- Surrogate.
- Sheriff.

Article IV, Section 5, paragraph 1 of the New Jersey State Constitution provides that, "No member of the Senate or General Assembly, during the term for which he shall have been elected, shall be nominated, elected or appointed to any State civil office or position, of profit, which shall have been created by law, . . ."

Paragraph 3 of the same section provides that, "If any member of the Legislature shall become a member of Congress or shall accept any Federal or State office or position, of profit, his seat shall thereupon become vacant." Further, pursuant to paragraph 4, "No member of Congress, no person holding any Federal or State office or position, of

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profit, and no judge of any court shall be entitled to a seat in the Legislature.”

In addition to Legislative nominations the bill will affect Gubernatorial nominations. With respect to the distribution of the powers of Government, Article III of the Constitution provides that, “No person or persons belonging to or constituting one branch shall exercise any of the powers properly belonging to either of the others, except as expressly provided in this Constitution.” Pursuant to Article V, Section I, Paragraph 3. “No member of Congress or person holding any office or position, of profit, under this State or the United States shall be Governor.”

The bill, when it becomes law, will preclude the acceptance of nominations by an individual to run for legislative office and for the office of the Governor in the same general election.

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FEBRUARY 27, 1980

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This bill sets forth the requirements which will apply if the contractor agrees to the withholding of cash payments and is intended to ease the cash flow problems experienced by contractors on large projects.

Under the bill, local governments would make partial payments to the contractor withholding 2% of each partial payment pending the completion of the project. A contract could also provide for partial payments for materials at the site or stored at a secured location suitable for use in the execution of the contract.

The bill takes effect in 30 days and is applicable only to contracts entered into after the effective date.

S-3272, sponsored by Senator Angelo Errichetti (D-Camden) which repeals a statute setting the annual salary of the Secretary of State at \$10,000. This statute has been superceded by the 1977 law setting the annual salary of the Secretary of State at \$49,000.

S-3307, sponsored by Senator Francis X. Herbert (D-Bergen), which provides ratification for the proposed sale of a .29 acre parcel of land (the Dumont Armory) which has been declared surplus by the New Jersey Department of Defense.

The State House Commission authorized the sale of the property at its December 5, 1979 meeting. Enactment of the bill will not direct that the property be sold to the highest bidder; it merely permits the state to dispose of the property by sale.

S-3383, sponsored by Senator Joseph P. Merlino (D-Mercer) which supplements the state election laws to prohibit one person from running for more than one office at the same general election if he cannot hold the offices jointly under the law.

New Jersey law prohibits the holding of more than one of the following offices at the same time: Elector of President and Vice-President of the United States; United States Senator; United States Congressman; New Jersey State Senator; New Jersey State Assemblyman; County Clerk; Registrar; Surrogate, or Sheriff.

In addition, the State Constitution prohibits: a member of the Legislature

-more-

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ing nominated, elected or appointed to a State Civil Service office or position of profit; a member of the Legislature from becoming a member of Congress or accepting any Federal or State office or position of profit; a member of Congress or a Federal or State official or judge from becoming a member of the Legislature; the Governor from being a member of Congress or holding any office or position of profit in the State or Federal government.

A-1642, sponsored by Assemblyman Walter J. Kavanaugh (R-Somerset), which permits a fraternal organization or lodge to file an application within 30 days of enactment for a property tax exemption for the year 1972 in which the exemption was lost for failure to file a timely application.

A-3114, sponsored by Assemblyman Chuck Hardwick (R-Union), which will permit the Commissioner of the Department of Corrections to order a phased restriction of admissions of new inmates to any county penal facility which is in willful and continuous violation of the minimum standards promulgated by the Department for such a facility.

A-3139, sponsored by Assemblyman Richard Van Wagner (D-Monmouth), which amends the Municipal and County Utilities Authorities Law to enable a county governing body in its discretion to expand the membership of the county utilities authority from five to nine members. The purpose of the bill is to permit a county governing body to provide for wider county representation on the utilities authority board.

A-3154, sponsored by Assemblyman Emil Olszowy (R-Passaic), which appropriates \$2,800,000 from the 1976 Clean Waters Fund to provide a 100% grant to the Borough of Haledon for the repair and maintenance of the Haledon Reservoir Dam.

The Governor signed the bill with a line item veto, reducing the appropriation from \$2,800,000 to \$125,000. A copy of the Governor's message is attached.

A-3276, sponsored by Assemblyman Joseph D. Patero (D-Somerset), which appropriates to the Department of Environmental Protection from the Clean Waters Fund \$3,100,000 for the following water quality planning and water supply construction and rehabilitation projects:

Areawide Water Quality Planning	\$ 750,000
Delaware and Raritan Canal Rehabilitation & Improvement	\$2,200,000
Manasquan River Reservoir Engineering & Design	\$ 150,000