

# 19:3-5.2

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2007                    **CHAPTER:** 161  
**NJSA:** 19:3-5.2            (Prohibits newly elected public office holders from simultaneously holding more than one elective office)  
**BILL NO:** A4326            (Substituted for S3008)

**SPONSOR(S):** Panter and Greenstein

**DATE INTRODUCED:** May 21, 2007

**COMMITTEE:**                    **ASSEMBLY:**

**SENATE:**

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**            **ASSEMBLY:** June 11, 2007

**SENATE:** June 21, 2007

**DATE OF APPROVAL:** September 4, 2007

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

**A4326**

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**S3008**

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"Corzine signs ethics bill," The Philadelphia Inquirer, 9-5-07, p.4

"Amid criticism, Corzine signs anti-corruption bills," The Press, 9-5-07, p. A7

Corzine signs ethics measure, ban on dual-office holding," Courier-Post, 9-5-07, p. \_

"Gov bans dual-office holding, inks 3 other ethics bills," Asbury Park Press, 9-5-07, p. \_\_

"Corzine bans double-dipping," Home News Tribune, 9-5-07, p. \_\_

"Corzine gives reluctant approval to stripped-down ethics bills," The Star Ledger, 9-5-07, p.19

"Corzine signs bill on ethics reform," The Record, 9-5-07, p. A03

"Trenton: Corzine signs ethics bills," The New York Times, 9-5-07, p.B4

"New law bars holding more than one office," Daily Record, 9-5-07, p. News02

P.L. 2007, CHAPTER 161, *approved September 4, 2007*  
Assembly, No. 4326

1 **AN ACT** concerning persons holding more than one elective public  
2 office simultaneously, amending and supplementing chapter 3 of  
3 Title 19 of the Revised Statutes and amending 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 Senate  
13 or of the General Assembly of this State, county clerk, register,  
14 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 other  
17 elective public office in this State, except that any person who holds  
18 the office of member of the Senate or the General Assembly and, at  
19 the same time, holds any other elective public office on the effective  
20 date of P.L. , c. (pending before the Legislature as this bill) may  
21 continue to hold that office of member of the Senate or that office of  
22 member of the General Assembly, and may hold that other elective  
23 public office at the same time if service in the Senate or the General  
24 Assembly and the other elective office are continuous following the  
25 effective date of P.L. , c. (pending before the Legislature as this  
26 bill).

27 No person shall be elected an elector of President and Vice-  
28 President of the United States unless he shall possess the  
29 qualifications of a legal voter of the State, shall be of the age of 25  
30 years or upwards and shall have been a citizen of the United States  
31 **[7]** seven years next preceding such election.

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

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

36

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

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

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

4 (3) Nothing contained in this section shall be deemed to prevent  
5 the incumbent of any office from abstaining from voting in any  
6 matter in which [he] the incumbent believes he or she has a conflict  
7 of duty or of interest, nor to prevent a challenge of a right to vote on  
8 that account under the principles of the common law or any statute.

9 (4) a. [Nothing herein contained shall be deemed to repeal or  
10 supersede any statute prohibiting the dual holding of offices or  
11 positions] (Deleted by amendment, P.L. , c. )(pending before the  
12 Legislature as this bill).

13 b. [This section shall apply to persons now holding elective  
14 offices or positions with the counties and municipalities or now  
15 serving as members of the Legislature of the State] (Deleted by  
16 amendment, P.L. , c. )(pending before the Legislature as this bill).

17 c. For the purposes of this section the term “elective office” shall  
18 mean an office to which an incumbent is elected by the vote of the  
19 general electorate.

20 (5) Notwithstanding the provision of paragraph (1) of this section,  
21 a person who, on the effective date of P.L. , c. (pending before the  
22 Legislature as this bill), holds simultaneously an elective county  
23 office and an elective municipal office may continue to hold the  
24 elective offices simultaneously if service in those elective offices is  
25 continuous following the effective date of P.L. ,  
26 c. (pending before the Legislature as this bill).

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

28

29 3. (New section) a. For elective public office other than as  
30 provided in R.S.19:3-5 or N.J.S.40A:9-4, a person elected to public  
31 office in this State shall not hold simultaneously any other elective  
32 public office.

33 b. Notwithstanding the provision of subsection a. of this section,  
34 a person who holds simultaneously more than one elective public  
35 office on the effective date of P.L. , c. (pending before the  
36 Legislature as this bill) may continue to hold the elective public  
37 offices simultaneously if service in those elective public offices is  
38 continuous following the effective date of P.L. , c. (pending  
39 before the Legislature as this bill).

40

41 4. This act shall take effect on February 1, 2008.

42

43

44 STATEMENT

45

46 This bill prohibits the holding simultaneously of more than one  
47 elective public office in this State.

48 The prohibition will not apply to an elected official who

1 simultaneously holds more than one elective public office on the  
2 bill's effective date of February 1, 2008, as long as service in those  
3 particular offices is continuous following that effective date.

4 However, under the bill, the office of member of the Senate and  
5 the office of member of the General Assembly are separate offices.  
6 This means that a legislator who holds another elective public office,  
7 and by election or selection, moves from one house of the Legislature  
8 to the other house thereof, after the bill takes effect, could not both  
9 serve in the Legislature and hold that other office.

10

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12

13

14 Prohibits newly elected public office holders from simultaneously  
15 holding more than one elective office.

# ASSEMBLY, No. 4326

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MAY 21, 2007

**Sponsored by:**

**Assemblyman MICHAEL J. PANTER**

**District 12 (Mercer and Monmouth)**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Assemblymen Connors, Gordon, Greenwald, Assemblywoman Lampitt,  
Assemblyman Chivukula, Senators James, Karcher and Turner**

**SYNOPSIS**

Prohibits newly elected public office holders from simultaneously holding more than one elective office.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/22/2007)**

1 AN ACT concerning persons holding more than one elective public  
2 office simultaneously, amending and supplementing chapter 3 of  
3 Title 19 of the Revised Statutes and amending 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 who  
18 holds the office of member of the Senate or the General Assembly  
19 and, at the same time, holds any other elective public office on the  
20 effective date of P.L. , c. (pending before the Legislature as this  
21 bill) may continue to hold that office of member of the Senate or  
22 that office of member of the General Assembly, and may hold that  
23 other elective public office at the same time if service in the Senate  
24 or the General Assembly and the other elective office are  
25 continuous following the effective date of P.L. , c. (pending  
26 before the Legislature as this bill).

27 No person shall be elected an elector of President and Vice-  
28 President of the United States unless he shall possess the  
29 qualifications of a legal voter of the State, shall be of the age of 25  
30 years or upwards and shall have been a citizen of the United States  
31 **[7]** seven years next preceding such election.

32 No person shall be elected a member of the House of  
33 Representatives, or an elector of President and Vice-President who  
34 shall hold any office of trust or profit under the United States.  
35 (cf: P.L.1971, c.2, s.9)

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

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

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

44 (3) Nothing contained in this section shall be deemed to prevent  
45 the incumbent of any office from abstaining from voting in any

**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 matter in which ~~he~~ the incumbent believes he or she has a  
2 conflict of duty or of interest, nor to prevent a challenge of a right  
3 to vote on that account under the principles of the common law or  
4 any statute.

5 (4) a. ~~Nothing herein contained shall be deemed to repeal or~~  
6 ~~supersede any statute prohibiting the dual holding of offices or~~  
7 ~~positions~~ (Deleted by amendment, P.L. , c. )(pending before  
8 the Legislature as this bill).

9 b. ~~This section shall apply to persons now holding elective~~  
10 ~~offices or positions with the counties and municipalities or now~~  
11 ~~serving as members of the Legislature of the State~~ (Deleted by  
12 amendment, P.L. , c. )(pending before the Legislature as this  
13 bill).

14 c. For the purposes of this section the term “elective office”  
15 shall mean an office to which an incumbent is elected by the vote of  
16 the general electorate.

17 (5) Notwithstanding the provision of paragraph (1) of this  
18 section, a person who, on the effective date of P.L. , c. (pending  
19 before the Legislature as this bill), holds simultaneously an elective  
20 county office and an elective municipal office may continue to hold  
21 the elective offices simultaneously if service in those elective  
22 offices is continuous following the effective date of P.L. ,  
23 c. (pending before the Legislature as this bill).

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

25

26 3. (New section) a. For elective public office other than as  
27 provided in R.S.19:3-5 or N.J.S.40A:9-4, a person elected to public  
28 office in this State shall not hold simultaneously any other elective  
29 public office.

30 b. Notwithstanding the provision of subsection a. of this  
31 section, a person who holds simultaneously more than one elective  
32 public office on the effective date of P.L. , c. (pending before the  
33 Legislature as this bill) may continue to hold the elective public  
34 offices simultaneously if service in those elective public offices is  
35 continuous following the effective date of P.L. , c. (pending  
36 before the Legislature as this bill).

37

38 4. This act shall take effect on February 1, 2008.

39

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41

#### STATEMENT

42

43 This bill prohibits the holding simultaneously of more than one  
44 elective public office in this State.

45 The prohibition will not apply to an elected official who  
46 simultaneously holds more than one elective public office on the  
47 bill’s effective date of February 1, 2008, as long as service in those  
48 particular offices is continuous following that effective date.



**A4326 PANTER, GREENSTEIN**

4

1       However, under the bill, the office of member of the Senate and  
2 the office of member of the General Assembly are separate offices.  
3 This means that a legislator who holds another elective public  
4 office, and by election or selection, moves from one house of the  
5 Legislature to the other house thereof, after the bill takes effect,  
6 could not both serve in the Legislature and hold that other office.

# SENATE, No. 3008

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 18, 2007

**Sponsored by:**

**Senator SHARPE JAMES**

**District 29 (Essex and Union)**

**Senator ELLEN KARCHER**

**District 12 (Mercer and Monmouth)**

**Co-Sponsored by:**

**Senator Turner**

**SYNOPSIS**

Prohibits newly elected public office holders from simultaneously holding more than one elective office.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/22/2007)**

S3008 JAMES, KARCHER

2

1 AN ACT concerning persons holding more than one elective public  
2 office simultaneously, amending and supplementing chapter 3 of  
3 Title 19 of the Revised Statutes and amending N.J.S.40A:9-4.

4  
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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  
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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 who  
18 holds the office of member of the Senate or the General Assembly  
19 and, at the same time, holds any other elective public office on the  
20 effective date of P.L. , c. (pending before the Legislature as this  
21 bill) may continue to hold that office of member of the Senate or  
22 that office of member of the General Assembly, and may hold that  
23 other elective public office at the same time if service in the Senate  
24 or the General Assembly and the other elective office are  
25 continuous following the effective date of P.L. , c. (pending  
26 before the Legislature as this bill).

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28 President of the United States unless he shall possess the  
29 qualifications of a legal voter of the State, shall be of the age of 25  
30 years or upwards and shall have been a citizen of the United States  
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32 No person shall be elected a member of the House of  
33 Representatives, or an elector of President and Vice-President who  
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2 conflict of duty or of interest, nor to prevent a challenge of a right  
3 to vote on that account under the principles of the common law or  
4 any statute.

5 (4) a. ~~Nothing herein contained shall be deemed to repeal or~~  
6 ~~supersede any statute prohibiting the dual holding of offices or~~  
7 ~~positions~~ (Deleted by amendment, P.L. , c. )(pending before  
8 the Legislature as this bill).

9 b. ~~This section shall apply to persons now holding elective~~  
10 ~~offices or positions with the counties and municipalities or now~~  
11 ~~serving as members of the Legislature of the State~~ (Deleted by  
12 amendment, P.L. , c. )(pending before the Legislature as this  
13 bill).

14 c. For the purposes of this section the term “elective office”  
15 shall mean an office to which an incumbent is elected by the vote of  
16 the general electorate.

17 (5) Notwithstanding the provision of paragraph (1) of this  
18 section, a person who, on the effective date of P.L. , c. (pending  
19 before the Legislature as this bill), holds simultaneously an elective  
20 county office and an elective municipal office may continue to hold  
21 the elective offices simultaneously if service in those elective  
22 offices is continuous following the effective date of  
23 P.L. , c. (pending before the Legislature as this bill).

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

25

26 3. (New section) a. For elective public office other than as  
27 provided in R.S.19:3-5 or N.J.S.40A:9-4, a person elected to public  
28 office in this State shall not hold simultaneously any other elective  
29 public office.

30 b. Notwithstanding the provision of subsection a. of this  
31 section, a person who holds simultaneously more than one elective  
32 public office on the effective date of P.L. , c. (pending before  
33 the Legislature as this bill) may continue to hold the elective public  
34 offices simultaneously if service in those elective public offices is  
35 continuous following the effective date of P.L. , c. (pending  
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38 4. This act shall take effect on February 1, 2008.

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#### STATEMENT

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43 This bill prohibits the holding simultaneously of more than one  
44 elective public office in this State.

45 The prohibition will not apply to an elected official who  
46 simultaneously holds more than one elective public office on the  
47 bill’s effective date of February 1, 2008, as long as service in those  
48 particular offices is continuous following that effective date.

**S3008 JAMES, KARCHER**

4

1       However, under the bill, the office of member of the Senate and  
2 the office of member of the General Assembly are separate offices.  
3 This means that a legislator who holds another elective public  
4 office, and by election or selection, moves from one house of the  
5 Legislature to the other house thereof, after the bill takes effect,  
6 could not both serve in the Legislature and hold that other office.

**PRESS RELEASE**

**GOVERNOR CORZINE SIGNS ETHICS LEGISLATION**

By **Governors Press...** - September 4, 2007 - 3:03pm  
Governor Jon S. Corzine,  
Release Date: Sep 4 2007

MARLBORO – Governor Jon S. Corzine signed a package of bills today designed to further improve the ethical climate in New Jersey by eliminating dual office holding for elected officials and – for the first time – creating a specific crime to target individuals who use public resources for unauthorized purposes and increase penalties for those found guilty of public corruption. The Governor also signed legislation requiring the Office of Legislative Services to post all legislators’ voting records online.

“I am committed to giving the people of our state the kind of open, transparent and accountable government they deserve, and these bills go a long way towards accomplishing that goal,” Governor Corzine said. “These reforms will only further demonstrate our commitment to ensuring that government serves only the public trust, and I want to thank the Legislature, and Senator Karcher in particular, for their efforts on this issue.”

“We’ve made enormous progress in banning pay-to-play, removing taxpayer funded pensions from convicted officials and imposing mandatory criminal sentences on corrupt politicians,” added Senator Ellen Karcher (D-Mercer/Monmouth), who sponsored three of the bills in the Senate. “Together these bills will further chip away at New Jersey’s image of a haven for the corrupt.”

"Today is a historic day in our efforts to restore the public's trust in its elected officials," said Assemblyman Panter (D-Mercer/Monmouth), who authored the ban on dual office holding in the Assembly. "We will no longer accept business as usual to dominate Trenton. Instead, we're taking major steps towards real transparency in New Jersey."

The ethics bills signed today are:

· A-4326/ S-3008, sponsored in the Assembly by Assemblymembers Panter (D-Mercer/Monmouth) and Greenstein (D-Mercer/Middlesex), and in the Senate by Senators

James (D-Essex), Karcher (D-Mercer/Monmouth) and Turner (D-Mercer): Prohibits newly elected public office holders from simultaneously holding more than one elective office.

- S-1192/A-2465, sponsored in the Senate by Senators Adler (D-Camden) and Karcher (D-Mercer/Monmouth), and in the Assembly by Assemblymembers Cohen (D-Union), O'Toole (R-Bergen/Essex/Passaic), Panter (D-Mercer, Monmouth), and Greenstein (D-Mercer, Middlesex): Creates the crime of Corruption of Public Resources, which makes it illegal to knowingly misuse taxpayer dollars and other public resources. Violations could result in up to 20 years in prison, a fine of \$200,000, or both.

- S-1318/A-3005, the "Public Corruption Profiteering Penalty Act," sponsored in the Senate by Senators Karcher (D-Mercer/Monmouth) and Madden (D-Camden, Gloucester), and in the Assembly by Assemblymembers O'Toole (R-Bergen/Essex/Passaic), Handlin (R-Middlesex/Monmouth), Panter (D-Mercer, Monmouth), Greenstein (D-Mercer, Middlesex), and Van Drew (D-Cape May, Atlantic, Cumberland): Authorizes courts to assess extra fines in corruption cases that involve any aspect of award or payment of local, county or State contracts. Penalties could be as high as \$500,000, or three times the value of the property stolen.

- S-1662/A-3252, sponsored in the Senate by Senators Martin (R-Morris/Passaic) and Weinberg (D-Bergen) and in the Assembly by Assemblymembers Vainieri Huttle (D-Bergen), Conners (D-Burlington, Camden), Hackett (D-Essex), and Gordon (D-Bergen): Requires the Office of Legislative Services to make available online the complete voting records of state legislators. The data must be updated daily and remain posted on the site for two legislative sessions.

Governor Corzine also signed the following joint resolution today:

**SJR-16/AJR-76** (Martin, Weinberg/ Bodine, Chatzidakis, Manzo) – Designates third full week of September in each year as "Mitochondrial Disease Awareness Week."