

# 19:13-8

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2004                    **CHAPTER:** 26  
**NJSA:** 19:13-8                (Candidates disclose criminal convictions)  
**BILL NO:** S19                 (Substituted for A19)

**SPONSOR(S):** Scutari and others

**DATE INTRODUCED:** June 7, 2004

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

**SENATE:** State Government

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**            **ASSEMBLY:** June 10, 2004

**SENATE:** June 10, 2004

**DATE OF APPROVAL:** June 16, 2004

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

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

**S19**

[SPONSOR'S STATEMENT:](#) (Begins on page 8 of original bill) [Yes](#)

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

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**A19**

[SPONSOR'S STATEMENT:](#) (Begins on page 8 of original bill) [Yes](#)

Bill and Sponsors Statement identical to S19

**COMMITTEE STATEMENT:**                                    **ASSEMBLY:** [Yes](#)

Identical to Senate Statement to S19

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

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

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

Yes

For clippings see legislative history of L.2004 c.19

P.L. 2004, CHAPTER 26, *approved June 16, 2004*

Senate, No. 19

1 AN ACT requiring the disclosure of certain information by individuals  
2 seeking the office of Governor or the office of member of the  
3 Legislature and amending various sections of the statutory law.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. R.S.19:13-8 is amended to read as follows:

9 19:13-8. A candidate nominated for an office in a petition shall  
10 manifest his acceptance of such nomination by a written acceptance  
11 thereof, signed by his hand, upon or annexed to such petition, to which  
12 shall be annexed the oath of allegiance prescribed in section 41:1-1 of  
13 the Revised Statutes duly taken and subscribed by him before an  
14 officer authorized to take oaths in this State, or if the same person be  
15 named for the same office in more than one petition, annexed to one  
16 of such petitions. Such acceptance shall certify that the candidate is  
17 a resident of and a legal voter in the jurisdiction of the office for which  
18 the nomination is made. No candidate so named shall sign such  
19 acceptance if he has signed an acceptance for the primary nomination  
20 or any other petition of nomination under this chapter for such office.  
21 In addition, no candidate named in a petition for the office of member  
22 of the House of Representatives shall sign an acceptance if the  
23 candidate has signed an acceptance for the primary nomination or any  
24 other petition of nomination for the office of member of the House of  
25 Representatives in another congressional district in the same calendar  
26 year.

27 Each candidate filing an acceptance of nomination for election to  
28 the office of Governor or the office of member of the Senate or  
29 General Assembly shall annex to such petitions a statement signed by  
30 the candidate that he or she:

31 a. has not been convicted of any offense graded by Title 2C of the  
32 New Jersey Statutes as a crime of the first, second, third or fourth  
33 degree, or any offense in any other jurisdiction which, if committed in  
34 this State, would constitute such a crime; or

35 b. has been so convicted, in which case, the candidate shall disclose  
36 on the statement the crime for which convicted, the date and place of  
37 the conviction and the penalties imposed for the conviction. Such a  
38 candidate may, as an alternative, submit with the statement a copy of  
39 an official document that provides such information. If the candidate  
40 has been convicted of more than one criminal offense, such  
41 information about each conviction shall be provided. Records

**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 expunged pursuant to chapter 52 of Title 2C of the New Jersey  
2 Statutes shall not be subject to disclosure.

3 If the same person is nominated for the same office in more than  
4 one petition, the statement shall be annexed to one of such petitions.

5 (cf: P.L.1998, c.147, s.1)

6

7 2. R.S.19:13-20 is amended to read as follows:

8 19:13-20. In the event of a vacancy, howsoever caused, among  
9 candidates nominated at primaries, which vacancy shall occur not later  
10 than the 51st day before the general election, or in the event of  
11 inability to select a candidate because of a tie vote at such primary, a  
12 candidate shall be selected in the following manner:

13 a. (1) In the case of an office to be filled by the voters of the entire  
14 State, the candidate shall be selected by the State committee of the  
15 political party wherein such vacancy has occurred.

16 (2) In the case of an office to be filled by the voters of a single and  
17 entire county, the candidate shall be selected by the county committee  
18 in such county of the political party wherein such vacancy has  
19 occurred.

20 (3) In the case of an office to be filled by the voters of a portion of  
21 the State comprising all or part of two or more counties, the candidate  
22 shall be selected by those members of the county committees of the  
23 party wherein the vacancy has occurred who represent those portions  
24 of the respective counties which are comprised in the district from  
25 which the candidate is to be elected.

26 (4) In the case of an office to be filled by the voters of a portion of  
27 a single county, the candidate shall be selected by those members of  
28 the county committee of the party wherein the vacancy has occurred  
29 who represent those portions of the county which are comprised in the  
30 district from which the candidate is to be elected.

31 At any meeting held for the selection of a candidate under this  
32 subsection, a majority of the persons eligible to vote thereat shall be  
33 required to be present for the conduct of any business, and no person  
34 shall be entitled to vote at that meeting who is appointed to the State  
35 committee or county committee after the seventh day preceding the  
36 date of the meeting.

37 In the case of a meeting held to select a candidate for other than a  
38 Statewide office, the chairman of the meeting shall be chosen by  
39 majority vote of the persons present and entitled to vote thereat. The  
40 chairman so chosen may propose rules to govern the determination of  
41 credentials and the procedures under which the meeting shall be  
42 conducted, and those rules shall be adopted upon a majority vote of  
43 the persons entitled to vote upon the selection. If a majority vote is  
44 not obtained for those rules, the delegates shall determine credentials  
45 and conduct the business of the meeting under such other rules as may  
46 be adopted by a majority vote. All contested votes taken at the

1 selection meeting shall be by secret ballot.

2 b. (1) Whenever in accordance with subsection a. of this section  
3 members of two or more county committees are empowered to select  
4 a candidate to fill a vacancy, it shall be the responsibility of the  
5 chairmen of said county committees, acting jointly not later in any case  
6 than the seventh day following the occurrence of the vacancy, to give  
7 notice to each of the members of their respective committees who are  
8 so empowered of the date, time and place of the meeting at which the  
9 selection will be made, that meeting to be held at least one day  
10 following the date on which the notice is given.

11 (2) Whenever in accordance with the provisions of subsection a. of  
12 this section members of a county committee are empowered to select  
13 a candidate to fill a vacancy, it shall be the responsibility of the  
14 chairman of such county committee, not later in any case than the  
15 seventh day following the occurrence of the vacancy, to give notice to  
16 each of the members of the committee who are so empowered of the  
17 date, time and place of the meeting at which the selection will be  
18 made, that meeting to be held at least one day following the date on  
19 which the notice is given.

20 (3) A county committee chairman or chairmen who call a meeting  
21 pursuant to paragraph (1) or (2) of this subsection shall not be entitled  
22 to vote upon the selection of a candidate at such meeting unless he or  
23 they are so entitled pursuant to subsection a.

24 (4) Whenever in accordance with the provisions of subsection a. of  
25 this section the State committee of a political party is empowered to  
26 select a candidate to fill a vacancy, it shall be the responsibility of the  
27 chairman of that State committee to give notice to each of the  
28 members of the committee of the date, time and place of the meeting  
29 at which the selection will be made, that meeting to be held at least  
30 one day following the date on which the notice is given.

31 c. Whenever a selection is to be made pursuant to this section to  
32 fill a vacancy resulting from inability to select a candidate because of  
33 a tie vote at a primary election, the selection shall be made from  
34 among those who have thus received the same number of votes at the  
35 primary.

36 d. A selection made pursuant to this section shall be made not later  
37 than the 48th day preceding the date of the general election, and a  
38 statement of such selection shall be filed with the [Secretary of State]  
39 Attorney General or the appropriate county clerk, as the case may be,  
40 not later than said 48th day, and in the following manner:

41 (1) A selection made by a State committee of political party shall  
42 be certified to the [Secretary of State] Attorney General by the State  
43 chairman of the political party.

44 (2) A selection made by a county committee of a political party, or  
45 a portion of the members thereof, shall be certified to the county clerk  
46 of the county by the county chairman of such political party; except

1 that when such selection is of a candidate for the Senate or General  
2 Assembly or the United States House of Representatives the county  
3 chairman shall certify the selection to the State chairman of such  
4 political party, who shall certify the same to the [Secretary of State]  
5 Attorney General.

6 (3) A selection made by members of two or more county  
7 committees of a political party acting jointly shall be certified by the  
8 chairmen of said committees, acting jointly, to the State chairman of  
9 such political party, who shall certify the same to the [Secretary of  
10 State] Attorney General.

11 e. A statement filed pursuant to subsection d. of this section shall  
12 state the residence and post office address of the person so selected,  
13 and shall certify that the person so selected is qualified under the laws  
14 of this State to be a candidate for such office, and is a member of the  
15 political party filling the vacancy. Accompanying the statement the  
16 person endorsed therein shall file a certificate stating that he is  
17 qualified under the laws of this State to be a candidate for the office  
18 mentioned in the statement, that he consents to stand as a candidate at  
19 the ensuing general election and that he is a member of the political  
20 party named in said statement, and further that he is not a member of,  
21 or identified with, any other political party or any political  
22 organization espousing the cause of candidates of any other political  
23 party, to which shall be annexed the oath of allegiance prescribed in  
24 R.S.41:1-1 duly taken and subscribed by him before an officer  
25 authorized to take oaths in this State. The person so selected shall be  
26 the candidate of the party for such office at the ensuing general  
27 election. Each candidate for the office of Governor or the office of  
28 member of the Senate or General Assembly filing a certification shall  
29 annex thereto a statement signed by the candidate that he or she:

30 (1) has not been convicted of any offense graded by Title 2C of the  
31 New Jersey Statutes as a crime of the first, second, third or fourth  
32 degree, or any offense in any other jurisdiction which, if committed in  
33 this State, would constitute such a crime; or

34 (2) has been so convicted, in which case, the candidate shall  
35 disclose on the statement the crime for which convicted, the date and  
36 place of the conviction and the penalties imposed for the conviction.  
37 Such a candidate may, as an alternative, submit with the statement a  
38 copy of an official document that provides such information. If the  
39 candidate has been convicted of more than one criminal offense, such  
40 information about each conviction shall be provided. Records  
41 expunged pursuant to chapter 52 of Title 2C of the New Jersey  
42 Statutes shall not be subject to disclosure.

43 (cf: P.L.1988, c.126, s.1)

44  
45 3. R.S.19:23-12 is amended to read as follows:

46 19:23-12. The signers to petitions for "Choice for President,"

1 delegates and alternates to national conventions, for Governor, United  
2 States Senator, member of the House of Representatives, State  
3 Senator, member of the General Assembly and any county office may  
4 name three persons in their petition as a committee on vacancies.

5 This committee shall have power in case of death or resignation or  
6 otherwise of the person indorsed as a candidate in said petition to fill  
7 such vacancy by filing with the [Secretary of State] Attorney General  
8 in the case of officers to be voted for by the voters of the entire State  
9 or a portion thereof involving more than one county thereof or any  
10 congressional district, and with the county clerk in the case of officers  
11 to be voted for by the voters of the entire county or any county  
12 election district, a certificate of nomination to fill the vacancy.

13 Such certificate shall set forth the cause of the vacancy, the name  
14 of the person nominated and that he is a member of the same political  
15 party as the candidate for whom he is substituted, the office for which  
16 he is nominated, the name of the person for whom the new nominee is  
17 to be substituted, the fact that the committee is authorized to fill  
18 vacancies and such further information as is required to be given in any  
19 original petition of nomination.

20 The certificate so made shall be executed and sworn to by the  
21 members of such committee, and shall upon being filed at least 48 days  
22 before election have the same force and effect as the original petition  
23 of nomination for the primary election for the general election and  
24 there shall be annexed thereto the oath of allegiance prescribed in R.S.  
25 41:1-1 duly taken and subscribed by the person so nominated before  
26 an officer authorized to take oaths in this State. The name of the  
27 candidate submitted shall be immediately certified to the proper  
28 municipal clerks. In addition, a person so nominated for the office of  
29 Governor or the office of member of the Senate or General Assembly  
30 shall annex to the certificate a statement signed by the candidate that  
31 he or she:

32 a. has not been convicted of any offense graded by Title 2C of the  
33 New Jersey Statutes as a crime of the first, second, third or fourth  
34 degree, or any offense in any other jurisdiction which, if committed in  
35 this State, would constitute such a crime; or

36 b. has been so convicted, in which case, the candidate shall disclose  
37 on the statement the crime for which convicted, the date and place of  
38 the conviction and the penalties imposed for the conviction. Such a  
39 candidate may, as an alternative, submit with the statement a copy of  
40 an official document that provides such information. If the candidate  
41 has been convicted of more than one criminal offense, such  
42 information about each conviction shall be provided. Records  
43 expunged pursuant to chapter 52 of Title 2C of the New Jersey  
44 Statutes shall not be subject to disclosure.

45 (cf: P.L.1985, c.92, s.17)

1 4. R.S.19:23-15 is amended to read as follows:

2 19:23-15. Accompanying the petition and attached thereto each  
3 person indorsed therein shall file a certificate, stating that he is  
4 qualified for the office mentioned in the petition; that he consents to  
5 stand as a candidate for nomination at the ensuing primary election,  
6 and that if nominated, he agrees to accept the nomination. Such  
7 acceptance shall certify that the candidate is a resident of and a legal  
8 voter in the jurisdiction of the office for which the nomination is to be  
9 made and there shall be annexed thereto the oath of allegiance  
10 prescribed in section 41:1-1 of the Revised Statutes duly taken and  
11 subscribed by the person so nominated before an officer authorized to  
12 take oaths in this State.

13 No candidate who has accepted the nomination by a direct petition  
14 of nomination for the general election shall sign an acceptance to a  
15 petition of nomination for such office for the primary election. In  
16 addition, no candidate named in a petition for the office of member of  
17 the House of Representatives shall sign an acceptance if the candidate  
18 has signed an acceptance for the primary nomination or any other  
19 petition of nomination for the office of member of the House of  
20 Representatives in another congressional district in the same calendar  
21 year.

22 Each person indorsed as a candidate for nomination for election to  
23 the office of Governor or the office of member of the Senate or  
24 General Assembly shall annex to such petitions a statement signed by  
25 the candidate that he or she:

26 a. has not been convicted of any offense graded by Title 2C of the  
27 New Jersey Statutes as a crime of the first, second, third or fourth  
28 degree, or any offense in any other jurisdiction which, if committed in  
29 this State, would constitute such a crime; or

30 b. has been so convicted, in which case, the candidate shall disclose  
31 on the statement the crime for which convicted, the date and place of  
32 the conviction and the penalties imposed for the conviction. Such a  
33 candidate may, as an alternative, submit with the statement a copy of  
34 an official document that provides such information. If the candidate  
35 has been convicted of more than one criminal offense, such  
36 information about each conviction shall be provided. Records  
37 expunged pursuant to chapter 52 of Title 2C of the New Jersey  
38 Statutes shall not be subject to disclosure.

39 If the same person is nominated for the same office in more than  
40 one petition, the statement shall be annexed to one of such petitions.  
41 (cf: P.L.1998, c.147, s.6)

42

43 5. R.S.19:23-16 is amended to read as follows:

44 19:23-16. Any person nominated at the primary by having his name  
45 written or pasted upon the primary ballot shall file a certificate stating  
46 that he is qualified for the office for which he has been nominated, that



1 he is a resident of and a legal voter in the jurisdiction of the office for  
2 which the nomination is made and that he consents to stand as a  
3 candidate at the ensuing general election to which shall be annexed  
4 the oath of allegiance prescribed in section 41:1-1 of the Revised  
5 Statutes duly taken and subscribed by the person so nominated before  
6 an officer authorized to take oaths in this State.

7 In addition, a person so nominated for the office of Governor or the  
8 office of member of the Senate or General Assembly shall annex to the  
9 certificate a statement signed by the candidate that he or she:

10 a. has not been convicted of any offense graded by Title 2C of the  
11 New Jersey Statutes as a crime of the first, second, third or fourth  
12 degree, or any offense in any other jurisdiction which, if committed in  
13 this State, would constitute such a crime; or

14 b. has been so convicted, in which case, the candidate shall disclose  
15 on the statement the crime for which convicted, the date and place of  
16 the conviction and the penalties imposed for the conviction. Such a  
17 candidate may, as an alternative, submit with the statement a copy of  
18 an official document that provides such information. If the candidate  
19 has been convicted of more than one criminal offense, such  
20 information about each conviction shall be provided. Records  
21 expunged pursuant to chapter 52 of Title 2C of the New Jersey  
22 Statutes shall not be subject to disclosure.

23 Such acceptance shall be filed within seven days after the holding  
24 of the primary with the county clerk in the case of county and  
25 municipal offices and with the [Secretary of State] Attorney General  
26 for all other offices.

27 (cf: P.L.1949, c.24, s. 11)

28  
29 6. This act shall take effect immediately.

30  
31  
32 STATEMENT

33  
34 The purpose of this bill is to require any candidate for election to  
35 the office of Governor or to the office of Senate or General Assembly  
36 to disclose, at the time of acceptance of a nomination, whether he or  
37 she has been convicted of a criminal offense.

38 Specifically, the bill requires from each such candidate a statement  
39 signed by the candidate that he or she has either not been convicted of  
40 a criminal offense graded by Title 2C of the New Jersey Statutes as a  
41 crime of the first, second, third or fourth degree, or of a similar  
42 offense in any other jurisdiction, or that the candidate has been so  
43 convicted. In that case, the candidate must disclose on the statement  
44 the offense for which convicted, the date and place of the conviction  
45 and the penalties imposed for the conviction. Such a candidate may,  
46 as an alternative, submit with the statement a copy of an official  
47 document that provides such information. If the candidate has been

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8

1 convicted of more than one criminal offense, information about each  
2 conviction must be provided. Records that have been expunged would  
3 not be subject to disclosure.

4

5

6

7

8 Requires candidates seeking office of Governor or member of  
9 Legislature to disclose prior conviction for criminal offense.

# SENATE, No. 19

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED JUNE 7, 2004

**Sponsored by:**

**Senator NICHOLAS SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Assemblyman JEFF VAN DREW**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblyman JERRY GREEN**

**District 22 (Middlesex, Somerset and Union)**

**Assemblyman DOUGLAS H. FISHER**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblyman WILLIAM D. PAYNE**

**District 29 (Essex and Union)**

**Co-Sponsored by:**

**Assemblymen Scalera, Mayer, McKeon, Stack, Assemblywoman Cruz-Perez, Assemblymen Chivukula, R.Smith, Conners, Panter, Morgan, Gordon, Vas, Greenwald, Assemblywoman Quigley, Assemblymen Eagler and Johnson**

**SYNOPSIS**

Requires candidates seeking office of Governor or member of Legislature to disclose prior conviction for criminal offense.

**CURRENT VERSION OF TEXT**

As introduced.

(Sponsorship Updated As Of: 6/11/2004)

S19 SCUTARI

2

1 AN ACT requiring the disclosure of certain information by individuals  
2 seeking the office of Governor or the office of member of the  
3 Legislature and amending various sections of the statutory law.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. R.S.19:13-8 is amended to read as follows:

9 19:13-8. A candidate nominated for an office in a petition shall  
10 manifest his acceptance of such nomination by a written acceptance  
11 thereof, signed by his hand, upon or annexed to such petition, to which  
12 shall be annexed the oath of allegiance prescribed in section 41:1-1 of  
13 the Revised Statutes duly taken and subscribed by him before an  
14 officer authorized to take oaths in this State, or if the same person be  
15 named for the same office in more than one petition, annexed to one  
16 of such petitions. Such acceptance shall certify that the candidate is  
17 a resident of and a legal voter in the jurisdiction of the office for which  
18 the nomination is made. No candidate so named shall sign such  
19 acceptance if he has signed an acceptance for the primary nomination  
20 or any other petition of nomination under this chapter for such office.  
21 In addition, no candidate named in a petition for the office of member  
22 of the House of Representatives shall sign an acceptance if the  
23 candidate has signed an acceptance for the primary nomination or any  
24 other petition of nomination for the office of member of the House of  
25 Representatives in another congressional district in the same calendar  
26 year.

27 Each candidate filing an acceptance of nomination for election to  
28 the office of Governor or the office of member of the Senate or  
29 General Assembly shall annex to such petitions a statement signed by  
30 the candidate that he or she:

31 a. has not been convicted of any offense graded by Title 2C of the  
32 New Jersey Statutes as a crime of the first, second, third or fourth  
33 degree, or any offense in any other jurisdiction which, if committed in  
34 this State, would constitute such a crime; or

35 b. has been so convicted, in which case, the candidate shall disclose  
36 on the statement the crime for which convicted, the date and place of  
37 the conviction and the penalties imposed for the conviction. Such a  
38 candidate may, as an alternative, submit with the statement a copy of  
39 an official document that provides such information. If the candidate  
40 has been convicted of more than one criminal offense, such  
41 information about each conviction shall be provided. Records  
42 expunged pursuant to chapter 52 of Title 2C of the New Jersey  
43 Statutes shall not be subject to disclosure.

**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.**

**S19 SCUTARI**

1     If the same person is nominated for the same office in more than  
2 one petition, the statement shall be annexed to one of such petitions.  
3 (cf: P.L.1998, c.147, s.1)

4  
5     2. R.S.19:13-20 is amended to read as follows:

6     19:13-20. In the event of a vacancy, howsoever caused, among  
7 candidates nominated at primaries, which vacancy shall occur not later  
8 than the 51st day before the general election, or in the event of  
9 inability to select a candidate because of a tie vote at such primary, a  
10 candidate shall be selected in the following manner:

11     a. (1) In the case of an office to be filled by the voters of the entire  
12 State, the candidate shall be selected by the State committee of the  
13 political party wherein such vacancy has occurred.

14     (2) In the case of an office to be filled by the voters of a single and  
15 entire county, the candidate shall be selected by the county committee  
16 in such county of the political party wherein such vacancy has  
17 occurred.

18     (3) In the case of an office to be filled by the voters of a portion of  
19 the State comprising all or part of two or more counties, the candidate  
20 shall be selected by those members of the county committees of the  
21 party wherein the vacancy has occurred who represent those portions  
22 of the respective counties which are comprised in the district from  
23 which the candidate is to be elected.

24     (4) In the case of an office to be filled by the voters of a portion of  
25 a single county, the candidate shall be selected by those members of  
26 the county committee of the party wherein the vacancy has occurred  
27 who represent those portions of the county which are comprised in the  
28 district from which the candidate is to be elected.

29     At any meeting held for the selection of a candidate under this  
30 subsection, a majority of the persons eligible to vote thereat shall be  
31 required to be present for the conduct of any business, and no person  
32 shall be entitled to vote at that meeting who is appointed to the State  
33 committee or county committee after the seventh day preceding the  
34 date of the meeting.

35     In the case of a meeting held to select a candidate for other than a  
36 Statewide office, the chairman of the meeting shall be chosen by  
37 majority vote of the persons present and entitled to vote thereat. The  
38 chairman so chosen may propose rules to govern the determination of  
39 credentials and the procedures under which the meeting shall be  
40 conducted, and those rules shall be adopted upon a majority vote of  
41 the persons entitled to vote upon the selection. If a majority vote is  
42 not obtained for those rules, the delegates shall determine credentials  
43 and conduct the business of the meeting under such other rules as may  
44 be adopted by a majority vote. All contested votes taken at the  
45 selection meeting shall be by secret ballot.

46     b. (1) Whenever in accordance with subsection a. of this section

S19 SCUTARI

1 members of two or more county committees are empowered to select  
2 a candidate to fill a vacancy, it shall be the responsibility of the  
3 chairmen of said county committees, acting jointly not later in any case  
4 than the seventh day following the occurrence of the vacancy, to give  
5 notice to each of the members of their respective committees who are  
6 so empowered of the date, time and place of the meeting at which the  
7 selection will be made, that meeting to be held at least one day  
8 following the date on which the notice is given.

9 (2) Whenever in accordance with the provisions of subsection a. of  
10 this section members of a county committee are empowered to select  
11 a candidate to fill a vacancy, it shall be the responsibility of the  
12 chairman of such county committee, not later in any case than the  
13 seventh day following the occurrence of the vacancy, to give notice to  
14 each of the members of the committee who are so empowered of the  
15 date, time and place of the meeting at which the selection will be  
16 made, that meeting to be held at least one day following the date on  
17 which the notice is given.

18 (3) A county committee chairman or chairmen who call a meeting  
19 pursuant to paragraph (1) or (2) of this subsection shall not be entitled  
20 to vote upon the selection of a candidate at such meeting unless he or  
21 they are so entitled pursuant to subsection a.

22 (4) Whenever in accordance with the provisions of subsection a. of  
23 this section the State committee of a political party is empowered to  
24 select a candidate to fill a vacancy, it shall be the responsibility of the  
25 chairman of that State committee to give notice to each of the  
26 members of the committee of the date, time and place of the meeting  
27 at which the selection will be made, that meeting to be held at least  
28 one day following the date on which the notice is given.

29 c. Whenever a selection is to be made pursuant to this section to  
30 fill a vacancy resulting from inability to select a candidate because of  
31 a tie vote at a primary election, the selection shall be made from  
32 among those who have thus received the same number of votes at the  
33 primary.

34 d. A selection made pursuant to this section shall be made not later  
35 than the 48th day preceding the date of the general election, and a  
36 statement of such selection shall be filed with the [Secretary of State]  
37 Attorney General or the appropriate county clerk, as the case may be,  
38 not later than said 48th day, and in the following manner:

39 (1) A selection made by a State committee of political party shall  
40 be certified to the [Secretary of State] Attorney General by the State  
41 chairman of the political party.

42 (2) A selection made by a county committee of a political party, or  
43 a portion of the members thereof, shall be certified to the county clerk  
44 of the county by the county chairman of such political party; except  
45 that when such selection is of a candidate for the Senate or General  
46 Assembly or the United States House of Representatives the county

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1 chairman shall certify the selection to the State chairman of such  
2 political party, who shall certify the same to the [Secretary of State]  
3 Attorney General.

4 (3) A selection made by members of two or more county  
5 committees of a political party acting jointly shall be certified by the  
6 chairmen of said committees, acting jointly, to the State chairman of  
7 such political party, who shall certify the same to the [Secretary of  
8 State] Attorney General.

9 e. A statement filed pursuant to subsection d. of this section shall  
10 state the residence and post office address of the person so selected,  
11 and shall certify that the person so selected is qualified under the laws  
12 of this State to be a candidate for such office, and is a member of the  
13 political party filling the vacancy. Accompanying the statement the  
14 person endorsed therein shall file a certificate stating that he is  
15 qualified under the laws of this State to be a candidate for the office  
16 mentioned in the statement, that he consents to stand as a candidate at  
17 the ensuing general election and that he is a member of the political  
18 party named in said statement, and further that he is not a member of,  
19 or identified with, any other political party or any political  
20 organization espousing the cause of candidates of any other political  
21 party, to which shall be annexed the oath of allegiance prescribed in  
22 R.S.41:1-1 duly taken and subscribed by him before an officer  
23 authorized to take oaths in this State. The person so selected shall be  
24 the candidate of the party for such office at the ensuing general  
25 election. Each candidate for the office of Governor or the office of  
26 member of the Senate or General Assembly filing a certification shall  
27 annex thereto a statement signed by the candidate that he or she:

28 (1) has not been convicted of any offense graded by Title 2C of the  
29 New Jersey Statutes as a crime of the first, second, third or fourth  
30 degree, or any offense in any other jurisdiction which, if committed in  
31 this State, would constitute such a crime; or

32 (2) has been so convicted, in which case, the candidate shall  
33 disclose on the statement the crime for which convicted, the date and  
34 place of the conviction and the penalties imposed for the conviction.  
35 Such a candidate may, as an alternative, submit with the statement a  
36 copy of an official document that provides such information. If the  
37 candidate has been convicted of more than one criminal offense, such  
38 information about each conviction shall be provided. Records  
39 expunged pursuant to chapter 52 of Title 2C of the New Jersey  
40 Statutes shall not be subject to disclosure.

41 (cf: P.L.1988, c.126, s.1)

42

43 3. R.S.19:23-12 is amended to read as follows:

44 19:23-12. The signers to petitions for "Choice for President,"  
45 delegates and alternates to national conventions, for Governor, United  
46 States Senator, member of the House of Representatives, State

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6

1 Senator, member of the General Assembly and any county office may  
2 name three persons in their petition as a committee on vacancies.

3 This committee shall have power in case of death or resignation or  
4 otherwise of the person indorsed as a candidate in said petition to fill  
5 such vacancy by filing with the [Secretary of State] Attorney General  
6 in the case of officers to be voted for by the voters of the entire State  
7 or a portion thereof involving more than one county thereof or any  
8 congressional district, and with the county clerk in the case of officers  
9 to be voted for by the voters of the entire county or any county  
10 election district, a certificate of nomination to fill the vacancy.

11 Such certificate shall set forth the cause of the vacancy, the name  
12 of the person nominated and that he is a member of the same political  
13 party as the candidate for whom he is substituted, the office for which  
14 he is nominated, the name of the person for whom the new nominee is  
15 to be substituted, the fact that the committee is authorized to fill  
16 vacancies and such further information as is required to be given in any  
17 original petition of nomination.

18 The certificate so made shall be executed and sworn to by the  
19 members of such committee, and shall upon being filed at least 48 days  
20 before election have the same force and effect as the original petition  
21 of nomination for the primary election for the general election and  
22 there shall be annexed thereto the oath of allegiance prescribed in R.S.  
23 41:1-1 duly taken and subscribed by the person so nominated before  
24 an officer authorized to take oaths in this State. The name of the  
25 candidate submitted shall be immediately certified to the proper  
26 municipal clerks. In addition, a person so nominated for the office of  
27 Governor or the office of member of the Senate or General Assembly  
28 shall annex to the certificate a statement signed by the candidate that  
29 he or she:

30 a. has not been convicted of any offense graded by Title 2C of the  
31 New Jersey Statutes as a crime of the first, second, third or fourth  
32 degree, or any offense in any other jurisdiction which, if committed in  
33 this State, would constitute such a crime; or

34 b. has been so convicted, in which case, the candidate shall disclose  
35 on the statement the crime for which convicted, the date and place of  
36 the conviction and the penalties imposed for the conviction. Such a  
37 candidate may, as an alternative, submit with the statement a copy of  
38 an official document that provides such information. If the candidate  
39 has been convicted of more than one criminal offense, such  
40 information about each conviction shall be provided. Records  
41 expunged pursuant to chapter 52 of Title 2C of the New Jersey  
42 Statutes shall not be subject to disclosure.

43 (cf: P.L.1985, c.92, s.17)

44

45 4. R.S.19:23-15 is amended to read as follows:

46 19:23-15. Accompanying the petition and attached thereto each



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1 person indorsed therein shall file a certificate, stating that he is  
2 qualified for the office mentioned in the petition; that he consents to  
3 stand as a candidate for nomination at the ensuing primary election,  
4 and that if nominated, he agrees to accept the nomination. Such  
5 acceptance shall certify that the candidate is a resident of and a legal  
6 voter in the jurisdiction of the office for which the nomination is to be  
7 made and there shall be annexed thereto the oath of allegiance  
8 prescribed in section 41:1-1 of the Revised Statutes duly taken and  
9 subscribed by the person so nominated before an officer authorized to  
10 take oaths in this State.

11 No candidate who has accepted the nomination by a direct petition  
12 of nomination for the general election shall sign an acceptance to a  
13 petition of nomination for such office for the primary election. In  
14 addition, no candidate named in a petition for the office of member of  
15 the House of Representatives shall sign an acceptance if the candidate  
16 has signed an acceptance for the primary nomination or any other  
17 petition of nomination for the office of member of the House of  
18 Representatives in another congressional district in the same calendar  
19 year.

20 Each person indorsed as a candidate for nomination for election to  
21 the office of Governor or the office of member of the Senate or  
22 General Assembly shall annex to such petitions a statement signed by  
23 the candidate that he or she:

24 a. has not been convicted of any offense graded by Title 2C of the  
25 New Jersey Statutes as a crime of the first, second, third or fourth  
26 degree, or any offense in any other jurisdiction which, if committed in  
27 this State, would constitute such a crime; or

28 b. has been so convicted, in which case, the candidate shall disclose  
29 on the statement the crime for which convicted, the date and place of  
30 the conviction and the penalties imposed for the conviction. Such a  
31 candidate may, as an alternative, submit with the statement a copy of  
32 an official document that provides such information. If the candidate  
33 has been convicted of more than one criminal offense, such  
34 information about each conviction shall be provided. Records  
35 expunged pursuant to chapter 52 of Title 2C of the New Jersey  
36 Statutes shall not be subject to disclosure.

37 If the same person is nominated for the same office in more than  
38 one petition, the statement shall be annexed to one of such petitions.

39 (cf: P.L.1998, c.147, s.6)

40

41 5. R.S.19:23-16 is amended to read as follows:

42 19:23-16. Any person nominated at the primary by having his name  
43 written or pasted upon the primary ballot shall file a certificate stating  
44 that he is qualified for the office for which he has been nominated, that  
45 he is a resident of and a legal voter in the jurisdiction of the office for  
46 which the nomination is made and that he consents to stand as a

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1 candidate at the ensuing general election to which shall be annexed  
2 the oath of allegiance prescribed in section 41:1-1 of the Revised  
3 Statutes duly taken and subscribed by the person so nominated before  
4 an officer authorized to take oaths in this State.

5 In addition, a person so nominated for the office of Governor or the  
6 office of member of the Senate or General Assembly shall annex to the  
7 certificate a statement signed by the candidate that he or she:

8 a. has not been convicted of any offense graded by Title 2C of the  
9 New Jersey Statutes as a crime of the first, second, third or fourth  
10 degree, or any offense in any other jurisdiction which, if committed in  
11 this State, would constitute such a crime; or

12 b. has been so convicted, in which case, the candidate shall disclose  
13 on the statement the crime for which convicted, the date and place of  
14 the conviction and the penalties imposed for the conviction. Such a  
15 candidate may, as an alternative, submit with the statement a copy of  
16 an official document that provides such information. If the candidate  
17 has been convicted of more than one criminal offense, such  
18 information about each conviction shall be provided. Records  
19 expunged pursuant to chapter 52 of Title 2C of the New Jersey  
20 Statutes shall not be subject to disclosure.

21 Such acceptance shall be filed within seven days after the holding  
22 of the primary with the county clerk in the case of county and  
23 municipal offices and with the [Secretary of State] Attorney General  
24 for all other offices.

25 (cf: P.L.1949, c.24, s. 11)

26  
27 6. This act shall take effect immediately.

28  
29 STATEMENT

30  
31 The purpose of this bill is to require any candidate for election to  
32 the office of Governor or to the office of Senate or General Assembly  
33 to disclose, at the time of acceptance of a nomination, whether he or  
34 she has been convicted of a criminal offense.

35 Specifically, the bill requires from each such candidate a statement  
36 signed by the candidate that he or she has either not been convicted of  
37 a criminal offense graded by Title 2C of the New Jersey Statutes as a  
38 crime of the first, second, third or fourth degree, or of a similar  
39 offense in any other jurisdiction, or that the candidate has been so  
40 convicted. In that case, the candidate must disclose on the statement  
41 the offense for which convicted, the date and place of the conviction  
42 and the penalties imposed for the conviction. Such a candidate may,  
43 as an alternative, submit with the statement a copy of an official  
44 document that provides such information. If the candidate has been  
45 convicted of more than one criminal offense, information about each  
46 conviction must be provided. Records that have been expunged would  
47 not be subject to disclosure.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

**SENATE, No. 19**

**STATE OF NEW JERSEY**

DATED: JUNE 3, 2004

The Senate State Government Committee reports favorably Senate, No. 19.

The purpose of this bill is to require any candidate for election to the office of Governor or to the office of Senate or General Assembly to disclose, at the time of acceptance of a nomination, whether he or she has been convicted of a criminal offense.

Specifically, the bill requires from each such candidate a statement signed by the candidate that he or she has either not been convicted of a criminal offense graded by Title 2C of the New Jersey Statutes as a crime of the first, second, third or fourth degree, or of a similar offense in any other jurisdiction, or that the candidate has been so convicted. In that case, the candidate must disclose on the statement the offense for which convicted, the date and place of the conviction and the penalties imposed for the conviction. Such a candidate may, as an alternative, submit with the statement a copy of an official document that provides such information. If the candidate has been convicted of more than one criminal offense, information about each conviction must be provided. Records that have been expunged would not be subject to disclosure.

This bill is identical to Assembly, No. 19 of 2004.

**ASSEMBLY, No. 19**

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**STATE OF NEW JERSEY**

**211th LEGISLATURE**

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INTRODUCED MAY 27, 2004

**Sponsored by:**

**Assemblyman JEFF VAN DREW**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblyman JERRY GREEN**

**District 22 (Middlesex, Somerset and Union)**

**Assemblyman DOUGLAS H. FISHER**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblyman WILLIAM D. PAYNE**

**District 29 (Essex and Union)**

**Co-Sponsored by:**

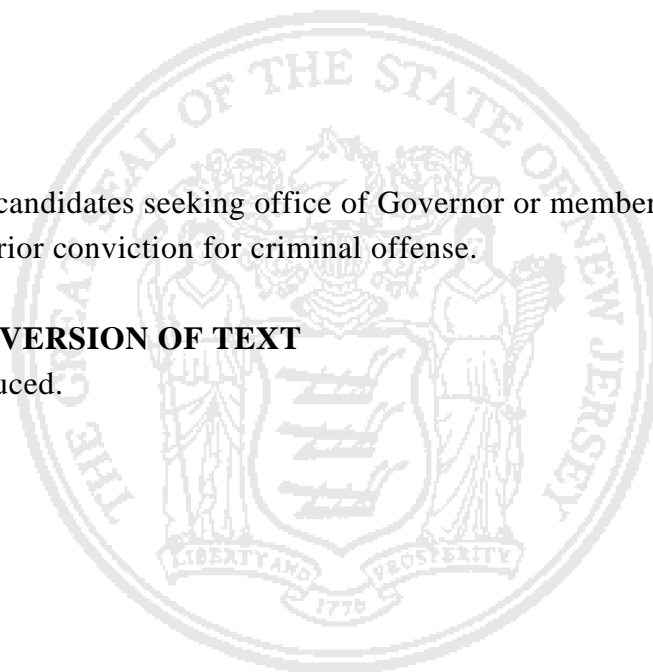
**Assemblymen Scalera, Mayer, McKeon, Stack, Assemblywoman Cruz-Perez, Assemblymen Chivukula, R.Smith, Connors, Panter, Morgan, Gordon, Vas, Greenwald, Assemblywoman Quigley, Assemblymen Eagler and Johnson**

**SYNOPSIS**

Requires candidates seeking office of Governor or member of Legislature to disclose prior conviction for criminal offense.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/11/2004)**

A19 VAN DREW, GREEN

2

1 AN ACT requiring the disclosure of certain information by individuals  
2 seeking the office of Governor or the office of member of the  
3 Legislature and amending various sections of the statutory law.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. R.S.19:13-8 is amended to read as follows:

9 19:13-8. A candidate nominated for an office in a petition shall  
10 manifest his acceptance of such nomination by a written acceptance  
11 thereof, signed by his hand, upon or annexed to such petition, to which  
12 shall be annexed the oath of allegiance prescribed in section 41:1-1 of  
13 the Revised Statutes duly taken and subscribed by him before an  
14 officer authorized to take oaths in this State, or if the same person be  
15 named for the same office in more than one petition, annexed to one  
16 of such petitions. Such acceptance shall certify that the candidate is  
17 a resident of and a legal voter in the jurisdiction of the office for which  
18 the nomination is made. No candidate so named shall sign such  
19 acceptance if he has signed an acceptance for the primary nomination  
20 or any other petition of nomination under this chapter for such office.  
21 In addition, no candidate named in a petition for the office of member  
22 of the House of Representatives shall sign an acceptance if the  
23 candidate has signed an acceptance for the primary nomination or any  
24 other petition of nomination for the office of member of the House of  
25 Representatives in another congressional district in the same calendar  
26 year.

27 Each candidate filing an acceptance of nomination for election to  
28 the office of Governor or the office of member of the Senate or  
29 General Assembly shall annex to such petitions a statement signed by  
30 the candidate that he or she:

31 a. has not been convicted of any offense graded by Title 2C of the  
32 New Jersey Statutes as a crime of the first, second, third or fourth  
33 degree, or any offense in any other jurisdiction which, if committed in  
34 this State, would constitute such a crime; or

35 b. has been so convicted, in which case, the candidate shall disclose  
36 on the statement the crime for which convicted, the date and place of  
37 the conviction and the penalties imposed for the conviction. Such a  
38 candidate may, as an alternative, submit with the statement a copy of  
39 an official document that provides such information. If the candidate  
40 has been convicted of more than one criminal offense, such  
41 information about each conviction shall be provided. Records  
42 expunged pursuant to chapter 52 of Title 2C of the New Jersey  
43 Statutes shall not be subject to disclosure.

**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     If the same person is nominated for the same office in more than  
2 one petition, the statement shall be annexed to one of such petitions.  
3 (cf: P.L.1998, c.147, s.1)

4  
5     2. R.S.19:13-20 is amended to read as follows:

6     19:13-20. In the event of a vacancy, howsoever caused, among  
7 candidates nominated at primaries, which vacancy shall occur not later  
8 than the 51st day before the general election, or in the event of  
9 inability to select a candidate because of a tie vote at such primary, a  
10 candidate shall be selected in the following manner:

11     a. (1) In the case of an office to be filled by the voters of the entire  
12 State, the candidate shall be selected by the State committee of the  
13 political party wherein such vacancy has occurred.

14     (2) In the case of an office to be filled by the voters of a single and  
15 entire county, the candidate shall be selected by the county committee  
16 in such county of the political party wherein such vacancy has  
17 occurred.

18     (3) In the case of an office to be filled by the voters of a portion of  
19 the State comprising all or part of two or more counties, the candidate  
20 shall be selected by those members of the county committees of the  
21 party wherein the vacancy has occurred who represent those portions  
22 of the respective counties which are comprised in the district from  
23 which the candidate is to be elected.

24     (4) In the case of an office to be filled by the voters of a portion of  
25 a single county, the candidate shall be selected by those members of  
26 the county committee of the party wherein the vacancy has occurred  
27 who represent those portions of the county which are comprised in the  
28 district from which the candidate is to be elected.

29     At any meeting held for the selection of a candidate under this  
30 subsection, a majority of the persons eligible to vote thereat shall be  
31 required to be present for the conduct of any business, and no person  
32 shall be entitled to vote at that meeting who is appointed to the State  
33 committee or county committee after the seventh day preceding the  
34 date of the meeting.

35     In the case of a meeting held to select a candidate for other than a  
36 Statewide office, the chairman of the meeting shall be chosen by  
37 majority vote of the persons present and entitled to vote thereat. The  
38 chairman so chosen may propose rules to govern the determination of  
39 credentials and the procedures under which the meeting shall be  
40 conducted, and those rules shall be adopted upon a majority vote of  
41 the persons entitled to vote upon the selection. If a majority vote is  
42 not obtained for those rules, the delegates shall determine credentials  
43 and conduct the business of the meeting under such other rules as may  
44 be adopted by a majority vote. All contested votes taken at the  
45 selection meeting shall be by secret ballot.

46     b. (1) Whenever in accordance with subsection a. of this section

1 members of two or more county committees are empowered to select  
2 a candidate to fill a vacancy, it shall be the responsibility of the  
3 chairmen of said county committees, acting jointly not later in any case  
4 than the seventh day following the occurrence of the vacancy, to give  
5 notice to each of the members of their respective committees who are  
6 so empowered of the date, time and place of the meeting at which the  
7 selection will be made, that meeting to be held at least one day  
8 following the date on which the notice is given.

9 (2) Whenever in accordance with the provisions of subsection a. of  
10 this section members of a county committee are empowered to select  
11 a candidate to fill a vacancy, it shall be the responsibility of the  
12 chairman of such county committee, not later in any case than the  
13 seventh day following the occurrence of the vacancy, to give notice to  
14 each of the members of the committee who are so empowered of the  
15 date, time and place of the meeting at which the selection will be  
16 made, that meeting to be held at least one day following the date on  
17 which the notice is given.

18 (3) A county committee chairman or chairmen who call a meeting  
19 pursuant to paragraph (1) or (2) of this subsection shall not be entitled  
20 to vote upon the selection of a candidate at such meeting unless he or  
21 they are so entitled pursuant to subsection a.

22 (4) Whenever in accordance with the provisions of subsection a. of  
23 this section the State committee of a political party is empowered to  
24 select a candidate to fill a vacancy, it shall be the responsibility of the  
25 chairman of that State committee to give notice to each of the  
26 members of the committee of the date, time and place of the meeting  
27 at which the selection will be made, that meeting to be held at least  
28 one day following the date on which the notice is given.

29 c. Whenever a selection is to be made pursuant to this section to  
30 fill a vacancy resulting from inability to select a candidate because of  
31 a tie vote at a primary election, the selection shall be made from  
32 among those who have thus received the same number of votes at the  
33 primary.

34 d. A selection made pursuant to this section shall be made not later  
35 than the 48th day preceding the date of the general election, and a  
36 statement of such selection shall be filed with the [Secretary of State]  
37 Attorney General or the appropriate county clerk, as the case may be,  
38 not later than said 48th day, and in the following manner:

39 (1) A selection made by a State committee of political party shall  
40 be certified to the [Secretary of State] Attorney General by the State  
41 chairman of the political party.

42 (2) A selection made by a county committee of a political party, or  
43 a portion of the members thereof, shall be certified to the county clerk  
44 of the county by the county chairman of such political party; except  
45 that when such selection is of a candidate for the Senate or General  
46 Assembly or the United States House of Representatives the county

1 chairman shall certify the selection to the State chairman of such  
2 political party, who shall certify the same to the [Secretary of State]  
3 Attorney General.

4 (3) A selection made by members of two or more county  
5 committees of a political party acting jointly shall be certified by the  
6 chairmen of said committees, acting jointly, to the State chairman of  
7 such political party, who shall certify the same to the [Secretary of  
8 State] Attorney General.

9 e. A statement filed pursuant to subsection d. of this section shall  
10 state the residence and post office address of the person so selected,  
11 and shall certify that the person so selected is qualified under the laws  
12 of this State to be a candidate for such office, and is a member of the  
13 political party filling the vacancy. Accompanying the statement the  
14 person endorsed therein shall file a certificate stating that he is  
15 qualified under the laws of this State to be a candidate for the office  
16 mentioned in the statement, that he consents to stand as a candidate at  
17 the ensuing general election and that he is a member of the political  
18 party named in said statement, and further that he is not a member of,  
19 or identified with, any other political party or any political  
20 organization espousing the cause of candidates of any other political  
21 party, to which shall be annexed the oath of allegiance prescribed in  
22 R.S.41:1-1 duly taken and subscribed by him before an officer  
23 authorized to take oaths in this State. The person so selected shall be  
24 the candidate of the party for such office at the ensuing general  
25 election. Each candidate for the office of Governor or the office of  
26 member of the Senate or General Assembly filing a certification shall  
27 annex thereto a statement signed by the candidate that he or she:

28 (1) has not been convicted of any offense graded by Title 2C of the  
29 New Jersey Statutes as a crime of the first, second, third or fourth  
30 degree, or any offense in any other jurisdiction which, if committed in  
31 this State, would constitute such a crime; or

32 (2) has been so convicted, in which case, the candidate shall  
33 disclose on the statement the crime for which convicted, the date and  
34 place of the conviction and the penalties imposed for the conviction.  
35 Such a candidate may, as an alternative, submit with the statement a  
36 copy of an official document that provides such information. If the  
37 candidate has been convicted of more than one criminal offense, such  
38 information about each conviction shall be provided. Records  
39 expunged pursuant to chapter 52 of Title 2C of the New Jersey  
40 Statutes shall not be subject to disclosure.

41 (cf: P.L.1988, c.126, s.1)

42

43 3. R.S.19:23-12 is amended to read as follows:

44 19:23-12. The signers to petitions for "Choice for President,"  
45 delegates and alternates to national conventions, for Governor, United  
46 States Senator, member of the House of Representatives, State



1 Senator, member of the General Assembly and any county office may  
2 name three persons in their petition as a committee on vacancies.

3 This committee shall have power in case of death or resignation or  
4 otherwise of the person indorsed as a candidate in said petition to fill  
5 such vacancy by filing with the [Secretary of State] Attorney General  
6 in the case of officers to be voted for by the voters of the entire State  
7 or a portion thereof involving more than one county thereof or any  
8 congressional district, and with the county clerk in the case of officers  
9 to be voted for by the voters of the entire county or any county  
10 election district, a certificate of nomination to fill the vacancy.

11 Such certificate shall set forth the cause of the vacancy, the name  
12 of the person nominated and that he is a member of the same political  
13 party as the candidate for whom he is substituted, the office for which  
14 he is nominated, the name of the person for whom the new nominee is  
15 to be substituted, the fact that the committee is authorized to fill  
16 vacancies and such further information as is required to be given in any  
17 original petition of nomination.

18 The certificate so made shall be executed and sworn to by the  
19 members of such committee, and shall upon being filed at least 48 days  
20 before election have the same force and effect as the original petition  
21 of nomination for the primary election for the general election and  
22 there shall be annexed thereto the oath of allegiance prescribed in  
23 R.S.41:1-1 duly taken and subscribed by the person so nominated  
24 before an officer authorized to take oaths in this State. The name of  
25 the candidate submitted shall be immediately certified to the proper  
26 municipal clerks. In addition, a person so nominated for the office of  
27 Governor or the office of member of the Senate or General Assembly  
28 shall annex to the certificate a statement signed by the candidate that  
29 he or she:

30 a. has not been convicted of any offense graded by Title 2C of the  
31 New Jersey Statutes as a crime of the first, second, third or fourth  
32 degree, or any offense in any other jurisdiction which, if committed in  
33 this State, would constitute such a crime; or

34 b. has been so convicted, in which case, the candidate shall disclose  
35 on the statement the crime for which convicted, the date and place of  
36 the conviction and the penalties imposed for the conviction. Such a  
37 candidate may, as an alternative, submit with the statement a copy of  
38 an official document that provides such information. If the candidate  
39 has been convicted of more than one criminal offense, such  
40 information about each conviction shall be provided. Records  
41 expunged pursuant to chapter 52 of Title 2C of the New Jersey  
42 Statutes shall not be subject to disclosure.

43 (cf: P.L.1985, c.92, s.17)

44

45 4. R.S.19:23-15 is amended to read as follows:

46 19:23-15. Accompanying the petition and attached thereto each

1 person indorsed therein shall file a certificate, stating that he is  
2 qualified for the office mentioned in the petition; that he consents to  
3 stand as a candidate for nomination at the ensuing primary election,  
4 and that if nominated, he agrees to accept the nomination. Such  
5 acceptance shall certify that the candidate is a resident of and a legal  
6 voter in the jurisdiction of the office for which the nomination is to be  
7 made and there shall be annexed thereto the oath of allegiance  
8 prescribed in section 41:1-1 of the Revised Statutes duly taken and  
9 subscribed by the person so nominated before an officer authorized to  
10 take oaths in this State.

11 No candidate who has accepted the nomination by a direct petition  
12 of nomination for the general election shall sign an acceptance to a  
13 petition of nomination for such office for the primary election. In  
14 addition, no candidate named in a petition for the office of member of  
15 the House of Representatives shall sign an acceptance if the candidate  
16 has signed an acceptance for the primary nomination or any other  
17 petition of nomination for the office of member of the House of  
18 Representatives in another congressional district in the same calendar  
19 year.

20 Each person indorsed as a candidate for nomination for election to  
21 the office of Governor or the office of member of the Senate or  
22 General Assembly shall annex to such petitions a statement signed by  
23 the candidate that he or she:

24 a. has not been convicted of any offense graded by Title 2C of the  
25 New Jersey Statutes as a crime of the first, second, third or fourth  
26 degree, or any offense in any other jurisdiction which, if committed in  
27 this State, would constitute such a crime; or

28 b. has been so convicted, in which case, the candidate shall disclose  
29 on the statement the crime for which convicted, the date and place of  
30 the conviction and the penalties imposed for the conviction. Such a  
31 candidate may, as an alternative, submit with the statement a copy of  
32 an official document that provides such information. If the candidate  
33 has been convicted of more than one criminal offense, such  
34 information about each conviction shall be provided. Records  
35 expunged pursuant to chapter 52 of Title 2C of the New Jersey  
36 Statutes shall not be subject to disclosure.

37 If the same person is nominated for the same office in more than  
38 one petition, the statement shall be annexed to one of such petitions.

39 (cf: P.L.1998, c.147, s.6)

40

41 5. R.S.19:23-16 is amended to read as follows:

42 19:23-16. Any person nominated at the primary by having his name  
43 written or pasted upon the primary ballot shall file a certificate stating  
44 that he is qualified for the office for which he has been nominated, that  
45 he is a resident of and a legal voter in the jurisdiction of the office for  
46 which the nomination is made and that he consents to stand as a

1 candidate at the ensuing general election to which shall be annexed  
2 the oath of allegiance prescribed in section 41:1-1 of the Revised  
3 Statutes duly taken and subscribed by the person so nominated before  
4 an officer authorized to take oaths in this State.

5 In addition, a person so nominated for the office of Governor or the  
6 office of member of the Senate or General Assembly shall annex to the  
7 certificate a statement signed by the candidate that he or she:

8 a. has not been convicted of any offense graded by Title 2C of the  
9 New Jersey Statutes as a crime of the first, second, third or fourth  
10 degree, or any offense in any other jurisdiction which, if committed in  
11 this State, would constitute such a crime; or

12 b. has been so convicted, in which case, the candidate shall disclose  
13 on the statement the crime for which convicted, the date and place of  
14 the conviction and the penalties imposed for the conviction. Such a  
15 candidate may, as an alternative, submit with the statement a copy of  
16 an official document that provides such information. If the candidate  
17 has been convicted of more than one criminal offense, such  
18 information about each conviction shall be provided. Records  
19 expunged pursuant to chapter 52 of Title 2C of the New Jersey  
20 Statutes shall not be subject to disclosure.

21 Such acceptance shall be filed within seven days after the holding  
22 of the primary with the county clerk in the case of county and  
23 municipal offices and with the [Secretary of State] Attorney General  
24 for all other offices.

25 (cf: P.L.1949, c.24, s.11)

26

27 6. This act shall take effect immediately.

28

29

#### STATEMENT

30

31 The purpose of this bill is to require any candidate for election to  
32 the office of Governor or to the office of Senate or General Assembly  
33 to disclose, at the time of acceptance of a nomination, whether he or  
34 she has been convicted of a criminal offense.

35 Specifically, the bill requires from each such candidate a statement  
36 signed by the candidate that he or she has either not been convicted of  
37 a criminal offense graded by Title 2C of the New Jersey Statutes as a  
38 crime of the first, second, third or fourth degree, or of a similar  
39 offense in any other jurisdiction, or that the candidate has been so  
40 convicted. In that case, the candidate must disclose on the statement  
41 the offense for which convicted, the date and place of the conviction  
42 and the penalties imposed for the conviction. Such a candidate may,  
43 as an alternative, submit with the statement a copy of an official  
44 document that provides such information. If the candidate has been  
45 convicted of more than one criminal offense, information about each  
46 conviction must be provided. Records that have been expunged would  
47 not be subject to disclosure.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 19**

**STATE OF NEW JERSEY**

DATED: JUNE 3, 2004

The Assembly State Government Committee reports favorably Assembly, No. 19.

This bill requires any candidate for election to the office of Governor or the office of member of the Senate or General Assembly to disclose, at the time of acceptance of a nomination, whether he or she has been convicted of a criminal offense.

Specifically, the bill requires from each such candidate a statement signed by the candidate that he or she has or has not been convicted of a criminal offense graded by Title 2C of the New Jersey Statutes as a crime of the first, second, third or fourth degree, or of a similar offense in any other jurisdiction. If the candidate has been so convicted, the candidate must disclose on the statement the offense, the date and place of the conviction and the penalties imposed for the conviction. Alternatively, a candidate may submit with the statement a copy of an official document that provides such information. If the candidate has been convicted of more than one criminal offense, information about each conviction must be provided. Records that have been expunged would not be subject to disclosure.

This bill is the same as Senate, No. 19 of 2004.

## Office of the Governor

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RELEASE: June 16, 2004

### McGreevey Signs Landmark Ethics Reform Legislation

#### *Bills Provide A More Accountable and Transparent Government*

(TRENTON) – Governor James E. McGreevey today signed into law the strongest ethics and campaign finance reform package in the history of New Jersey – and one of the strongest in the nation.

“Today is a good day for government and a victory for our citizens,” said Governor McGreevey. “From the stronger penalties, to the increased disclosure, to the end of the influence of campaign contributions on no-bid contracts, this reform package provides a more accountable and more transparent government for all. I want to congratulate the citizens, the State Legislature, and the numerous advocacy groups who helped make these reforms a reality.”

The legislation is the most comprehensive ethics and campaign finance reform initiative the State has embarked upon in more than 30 years and makes New Jersey only the fourth state in the entire country to enact a “pay-to-play” ban.

"The numerous positive achievements in this legislation clearly demonstrate how Democrats have seized the initiative on ethics reform," said Senate Majority Leader Bernard F. Kenny Jr. (D-Hudson). "As the Majority Party, Democrats have acted to put us in the right direction after years of inaction by the Republicans. The reforms enacted today are long overdue, but they mark the beginning - not the end - of our commitment to eliminate any perception that those who give the most to political campaigns get favored treatment in the form of lucrative State contracts."

Among the reforms the package are: prohibiting anyone who receives a no-bid contract from making certain political contributions; strengthening legislative ethics; enhancing reporting of legislators' financial disclosure requirements, hidden financial interests, and

conflicts of interests; increasing penalties for ethics and campaign finance violations and for illegally soliciting campaign contributions; and expanding the definition of lobbyist and legislative agent, ensuring that all parties who seeks to influence government are properly disclosed.

One of the main components of the ethics reform package is S-2/A-2, which prohibits state, county or local government officials from awarding no-bid contracts to their campaign contributors and prohibits no-bid contract holders from contributing to officials holding office at the government level in which the contract is in effect.

“This has been a long and winding journey, but today New Jersey sets an unprecedented standard for disclosure and transparency, and takes significant steps to reduce the influence of money in politics,” said Governor McGreevey. “We should be proud of the example New Jersey has set for the rest of the nation, but we must also continue to work together to uphold the highest standards of ethical conduct.”

The ethics reform package signed into law today includes:

- **S-2** -- Prohibits campaign contributions by certain business entities performing State, county and local contracts, as well as prohibits certain contributions by county committee of political party.
- **S-4** -- Extends certain financial disclosure requirements to lobbying conducted through advertisements and direct mail to general public.
- **A-5** -- Change the minimum contribution that needs to be reported to the Election Law Enforcement Commission (ELEC) from \$400 to \$300 and requires the reporting of all cash campaign contributions.
- **A-6** -- Requires professional campaign fundraisers to register and file quarterly reports with ELEC.
- **A-7** -- Expands campaign communications require identification to include telephone calls featuring recorded messages made in regard to candidates and public questions. The message or call would clearly state the name of business or address of the committee, group or person that financed the communication.

"Just as voters have a right to know who is sending them campaign literature, New Jerseyans should see who is behind commercials or advertisements calling for action on a specific bill or regulation under consideration," said Assemblywoman Linda Greenstein (D-Mercer/Middlesex). "Issue ads are nothing more than thinly-veiled political campaign commercials, and all money spent on them should be publicly disclosed."

- **S-8** -- Prohibits the solicitation or making of political contributions on state property by state officeholders or their representatives.

- **A-9** -- Requires Election Law Enforcement Commission (ELEC) to assess its Internet site and recommend improvements for the site's format and content. ELEC) would evaluate the presentation, accessibility, convenience, and usefulness of its Web site and recommend upgrades.
- **S-10** -- Requires certain campaign and organizational treasurers to be trained by ELEC. It also requires ELEC to make the training program available over its Internet site within one year of the bill's enactment.
- **A-11** -- Increases the maximum fines for violating campaign contribution and expenditure limit, reporting requirements and payment restrictions. The bill doubles the maximum fines that may be imposed for a variety of violations.
- **A-12** -- Requires certain election committees/ joint candidates committees to file a report with ELEC within 48 hours of making certain expenditures in excess of \$800 during certain periods of an election cycle.
- **A-14** -- Blocks legislators, Governor and department heads from lobbying activities for one year after leaving office.

"The strong link between government service and private lobbying creates - at a minimum - an appearance of impropriety in the eyes of the public," said Assemblyman Michael J. Panter (D-Monmouth/Mercer). "It also creates the very real possibility that the judgment of an elected or appointed official could be affected by their own financial concerns rather than the public's best interest. The signing of this bill today represents a new era in New Jersey politics, and a step in the right direction toward good government."

- **A-15** – Prohibits employment or assignment of relatives of certain employees of the Executive Branch, independent authorities, and interstate agencies to specific positions. Expands upon last year's nepotism ban by extending the definition of immediate family and including certain Executive Branch departments and commissions.
- **S-16** – Bans any member of the Legislature from acting on legislation in which they or their family member has a personal interest. The bill eliminates the option of filing a personal interest statement and instead prohibits the member from acting on legislation that they have a personal interest.
- **S-17**-- Changes memberships of Executive Commission on Ethical Standards and Joint Legislative Committee on Ethical Standards. The changes equalize the number of public and governmental official members.
- **S-18** -- Increases monetary penalties for violations of "New Jersey Conflicts of Interest Law." The bill increases the fine for civil violations of the conflict of interest laws to between \$500 and \$10,000 for State officers and employees or

members of the Legislature.

- **S-19**-- Requires candidates seeking office of Governor or legislator to disclose prior conviction for criminal offense. Candidates would be required to file a form setting out whether they have been convicted of an indictable crime.

"As legislators, we often consider measures that would require members of the public to undergo criminal background checks or disclose criminal histories prior to consideration for employment," said Assemblyman Jeff Van Drew (D-Cape May). "However, current state law fails to require state elected officials to disclose similar backgrounds. This is more than a statutory anomaly. It is an error in need of immediate correction."

- **S-22** -- Expands the definition of lobbyist and legislative agent to include those who influence the governmental process and actions in the Executive Branch, agency, or instrumentality.
- **A-23** -- Requires ELEC to conduct random audits of records kept by legislative agents. Currently, ELEC has the authority to conduct such audits, but this bill would require them to do so.
- **A-24** -- Directs ELEC to collect \$100 annual fee from legislative agents. The fee would be deposited in the general fund to be appropriated to ELEC. The fee would offset the costs of ELEC's new responsibilities.
- **A-25** -- Prohibits legislative agents from accepting contingency fees to influence legislation or regulations. This bill amends the existing law by eliminating the ability of a legislative agent to enter into a contingency fee agreement with a client. The legislative agent's reimbursement could not be dependent upon the whether or not he or she was successful in trying to influence legislation or regulation.

State of New Jersey Governor's Office

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