

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.  
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5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
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8 1. R.S.19:3-5 is amended to read as follows:

9 19:3-5. No person shall hold at the same time more than one of  
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)  
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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)

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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).

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

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44 STATEMENT

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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.

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