

ASSEMBLY, No. 4223

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 8, 2020

Sponsored by:
Assemblyman ROBERT J. KARABINCHAK
District 18 (Middlesex)

SYNOPSIS

Requires candidate for elective public office to file with nominating petition specific affirmation that candidate has not been convicted of disqualifying crimes.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning nominating petition for candidates for elective
2 public office and amending various parts of the statutory law.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. R.S.19:13-8 is amended to read as follows:

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

28 Each candidate filing an acceptance of nomination for election to
29 **【the office of Governor or the office of member of the Senate or**
30 **General Assembly】** any State, county, or municipal elective public
31 office shall annex to such petitions a statement signed by the
32 candidate that he or she:

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

38 b. has been so convicted, in which case, the candidate shall
39 disclose on the statement the crime for which convicted, the date and
40 place of the conviction and the penalties imposed for the conviction.
41 Such a candidate may, as an alternative, submit with the statement a
42 copy of an official document that provides such information. If the
43 candidate has been convicted of more than one criminal offense, such
44 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.2004, c.26, 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 a primary election for the general election,
10 which vacancy shall occur not later than the 56th day before the
11 general election, or in the event of inability to select a candidate
12 because of a tie vote at such primary, a candidate shall be selected in
13 the following manner:

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

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

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

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

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

38 Within 20 days after the meeting of each county committee that is
39 held on the first Tuesday following the primary election at which
40 committee members are elected, the municipal clerk shall certify to
41 the county clerk an official list of the duly elected county committee
42 members and an official list of the municipal committee chairs. The
43 county party chairperson shall have a continuing duty to report to the
44 county clerk any vacancies, resignations, and committee positions
45 filled pursuant to R.S.19:5-2 or 19:5-3. A report of a resignation
46 shall be accompanied by a notarized letter of resignation signed by
47 the resigning committee member or, if the resigning committee
48 member fails to provide such a letter, by a notarized letter stating that

1 the resignation has occurred signed by the chair of the relevant
2 municipal committee who shall also provide a copy thereof to the
3 resigning member. Notice of vacancies in the membership of a
4 county committee that are filled pursuant to R.S.19:5-2 or 19:5-3
5 shall be accompanied by a certificate of acceptance signed by the
6 newly selected member. The official list of the county committee
7 members and of the municipal committee chairs maintained by the
8 county clerk shall be deemed to be a government record and only
9 those county committee members listed thereon seven days prior to
10 a selection to fill a vacancy and otherwise qualified to vote on the
11 vacancy shall be entitled to vote on filling a vacancy pursuant to this
12 section.

13 In addition, every person appointed to the county committee shall
14 file with the county clerk a certificate of acceptance which shall be
15 preserved by the county clerk as a government record.

16 In the case of a meeting held to select a candidate for other than a
17 Statewide office, the chairperson of the meeting shall be chosen by
18 majority vote of the persons present and entitled to vote thereat. The
19 chairperson so chosen may propose rules to govern the determination
20 of credentials and the procedures under which the meeting shall be
21 conducted, and those rules shall be adopted upon a majority vote of
22 the persons entitled to vote upon the selection. If a majority vote is
23 not obtained for those rules, the delegates shall determine credentials
24 and conduct the business of the meeting under such other rules as
25 may be adopted by a majority vote. All contested votes taken at the
26 selection meeting, as referenced in subsections a. and b. of this
27 section, shall be by secret ballot in a location or manner that protects
28 the anonymity of the person's vote.

29 b. (1) Whenever in accordance with subsection a. of this section
30 members of two or more county committees are empowered to select
31 a candidate to fill a vacancy, it shall be the responsibility of the
32 chairpersons of said county committees, acting jointly not later in any
33 case than the seventh day following the occurrence of the vacancy,
34 to give notice to each of the members of their respective committees,
35 as certified by the county clerk, who are so empowered of the date,
36 time and place of the meeting at which the selection will be made,
37 that meeting to be held at least one day following the date on which
38 the notice is given.

39 (2) Whenever in accordance with the provisions of subsection a.
40 of this section members of a county committee are empowered to
41 select a candidate to fill a vacancy, it shall be the responsibility of
42 the chairperson of such county committee, not later in any case than
43 the seventh day following the occurrence of the vacancy, to give
44 notice to each of the members of the committee, as certified by the
45 county clerk, who are so empowered of the date, time and place of
46 the meeting at which the selection will be made, that meeting to be
47 held at least one day following the date on which the notice is given.

1 (3) A county committee chairperson or chairpersons who call a
2 meeting pursuant to paragraph (1) or (2) of this subsection shall not
3 be entitled to vote upon the selection of a candidate at such meeting
4 unless he or she or they are so entitled pursuant to subsection a.

5 (4) Whenever in accordance with the provisions of subsection a.
6 of this section the State committee of a political party is empowered
7 to select a candidate to fill a vacancy, it shall be the responsibility of
8 the chairperson of that State committee to give notice to each of the
9 members of the committee of the date, time and place of the meeting
10 at which the selection will be made, that meeting to be held at least
11 one day following the date on which the notice is given.

12 c. Whenever a selection is to be made pursuant to this section to
13 fill a vacancy resulting from inability to select a candidate because
14 of a tie vote at a primary election for the general election, the
15 selection shall be made from among those who have thus received
16 the same number of votes at the primary.

17 d. A selection made pursuant to this section shall be made not
18 later than the 54th day preceding the date of the general election, and
19 a statement of such selection shall be filed with the Secretary of State
20 or the appropriate county clerk, as the case may be, not later than that
21 day, and in the following manner:

22 (1) A selection made by a State committee of a political party
23 shall be certified to the Secretary of State by the State chairperson of
24 the political party.

25 (2) A selection made by a county committee of a political party,
26 or a portion of the members thereof, shall be certified to the county
27 clerk of the county by the county chairperson of such political party;
28 except that when such selection is of a candidate for the Senate or
29 General Assembly or the United States House of Representatives the
30 county chairperson shall certify the selection to the State chairperson
31 of such political party, who shall certify the same to the Secretary of
32 State.

33 (3) A selection made by members of two or more county
34 committees of a political party acting jointly shall be certified by the
35 chairpersons of said committees, acting jointly, to the State
36 chairperson of such political party, who shall certify the same to the
37 Secretary of State.

38 e. A statement filed pursuant to subsection d. of this section shall
39 state the residence and post office address of the person so selected,
40 and shall certify that the person so selected is qualified under the laws
41 of this State to be a candidate for such office, and is a member of the
42 political party filling the vacancy. Accompanying the statement, the
43 person endorsed therein shall file a certificate stating that he or she
44 is qualified under the laws of this State to be a candidate for the office
45 mentioned in the statement, that he or she consents to stand as a
46 candidate at the ensuing general election and that he or she is a
47 member of the political party named in said statement, and further
48 that he or she is not a member of, or identified with, any other

1 political party or any political organization espousing the cause of
2 candidates of any other political party, to which shall be annexed the
3 oath of allegiance prescribed in R.S.41:1-1 duly taken and subscribed
4 by him or her before an officer authorized to take oaths in this State.
5 The person so selected shall be the candidate of the party for such
6 office at the ensuing general election. Each candidate for [the office
7 of Governor or the office of member of the Senate or General
8 Assembly] any State, county, or municipal elective public office
9 filing a certification shall annex thereto a statement signed by the
10 candidate that he or she:

11 (1) has not been convicted of any offense graded by Title 2C of
12 the New Jersey Statutes as a crime of the first, second, third or fourth
13 degree, or any offense in any other jurisdiction which, if committed
14 in this State, would constitute such a crime and that the person has
15 not been convicted of a disqualifying crime; or

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

25 (cf: P.L.2011, c.37, s.4)

26

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

28 19:23-12. The signers to petitions for "Choice for President,"
29 delegates and alternates to national conventions, for Governor,
30 United States Senator, member of the House of Representatives, State
31 Senator, member of the General Assembly and any county office may
32 name three persons in their petition as a committee on vacancies.

33 This committee shall have power in case of death or resignation
34 or otherwise of the person indorsed as a candidate in said petition to
35 fill such vacancy by filing with the Secretary of State in the case of
36 officers to be voted for by the voters of the entire State or a portion
37 thereof involving more than one county thereof or any congressional
38 district, and with the county clerk in the case of officers to be voted
39 for by the voters of the entire county or any county election district,
40 a certificate of nomination to fill the vacancy.

41 Such certificate shall set forth the cause of the vacancy, the name
42 of the person nominated and that he is a member of the same political
43 party as the candidate for whom he is substituted, the office for which
44 he is nominated, the name of the person for whom the new nominee
45 is to be substituted, the fact that the committee is authorized to fill
46 vacancies and such further information as is required to be given in
47 any original petition of nomination, including a statement that the

1 person nominated is qualified under the laws of this State to be a
2 candidate for such office.

3 The certificate so made shall be executed and sworn to by the
4 members of such committee, and shall upon being filed at least 55
5 days before election have the same force and effect as the original
6 petition of nomination for the primary election for the general
7 election and there shall be annexed thereto the oath of allegiance
8 prescribed in R.S.41:1-1 duly taken and subscribed by the person so
9 nominated before an officer authorized to take oaths in this State.
10 The name of the candidate submitted shall be immediately certified
11 to the proper municipal clerks. In addition, a person so nominated
12 for **the office of Governor or the office of member of the Senate or**
13 **General Assembly** any State, county, or municipal elective public
14 office shall annex to the certificate a statement signed by the
15 candidate that he or she:

16 a. has not been convicted of any offense graded by Title 2C of the
17 New Jersey Statutes as a crime of the first, second, third or fourth
18 degree, or any offense in any other jurisdiction which, if committed
19 in this State, would constitute such a crime and that the person has
20 not been convicted of a disqualifying crime; or

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

30 (cf: P.L.2011, c.37, s.7)

31

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

33 19:23-15. Accompanying the petition and attached thereto each
34 person indorsed therein shall file a certificate, stating that he is
35 qualified for the office mentioned in the petition; that he consents to
36 stand as a candidate for nomination at the ensuing primary election,
37 and that if nominated, he agrees to accept the nomination. Such
38 acceptance shall certify that the candidate is a resident of and a legal
39 voter in the jurisdiction of the office for which the nomination is to
40 be made and that the candidate is qualified under the laws of this
41 State to be a candidate for the office mentioned in the petition and
42 there shall be annexed thereto the oath of allegiance prescribed in
43 section 41:1-1 of the Revised Statutes duly taken and subscribed by
44 the person so nominated before an officer authorized to take oaths in
45 this State.

46 No candidate who has accepted the nomination by a direct petition
47 of nomination for the general election shall sign an acceptance to a
48 petition of nomination for such office for the primary election. In

1 addition, no candidate named in a petition for the office of member
2 of the House of Representatives shall sign an acceptance if the
3 candidate has signed an acceptance for the primary nomination or any
4 other petition of nomination for the office of member of the House
5 of Representatives in another congressional district in the same
6 calendar year.

7 Each person indorsed as a candidate for nomination for election to
8 **【the office of Governor or the office of member of the Senate or**
9 **General Assembly】** any State, county, or municipal elective public
10 office shall annex to such petitions a statement signed by the
11 candidate that he or she:

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

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

26 If the same person is nominated for the same office in more than
27 one petition, the statement shall be annexed to one of such petitions.
28 (cf: P.L.2004, c.26, s.4)

29
30 5. R.S.19:23-16 is amended to read as follows:

31 19:23-16. Any person nominated at the primary by having his
32 name written or pasted upon the primary ballot shall file a certificate
33 stating that he is qualified for the office for which he has been
34 nominated, that he is a resident of and a legal voter in the jurisdiction
35 of the office for which the nomination is made and that the candidate
36 is qualified under the laws of this State to be a candidate for such
37 office and that he consents to stand as a candidate at the ensuing
38 general election to which shall be annexed the oath of allegiance
39 prescribed in section 41:1-1 of the Revised Statutes duly taken and
40 subscribed by the person so nominated before an officer authorized
41 to take oaths in this State.

42 In addition, a person so nominated for **【the office of Governor or**
43 **the office of member of the Senate or General Assembly】** any State,
44 county, or municipal elective public office shall annex to the
45 certificate a statement signed by the candidate that he or she:

46 a. has not been convicted of any offense graded by Title 2C of the
47 New Jersey Statutes as a crime of the first, second, third or fourth
48 degree, or any offense in any other jurisdiction which, if committed

1 in this State, would constitute such a crime and that the person has
2 not been convicted of a disqualifying crime; or

3 b. has been so convicted, in which case, the candidate shall
4 disclose on the statement the crime for which convicted, the date and
5 place of the conviction and the penalties imposed for the conviction.
6 Such a candidate may, as an alternative, submit with the statement a
7 copy of an official document that provides such information. If the
8 candidate has been convicted of more than one criminal offense, such
9 information about each conviction shall be provided. Records
10 expunged pursuant to chapter 52 of Title 2C of the New Jersey
11 Statutes shall not be subject to disclosure.

12 Such acceptance shall be filed within seven days after the holding
13 of the primary with the county clerk in the case of county and
14 municipal offices and with the Attorney General for all other offices.
15 (cf: P.L.2004, c.26, s.5)

16
17 6. This act shall take effect immediately.

18
19
20 STATEMENT

21
22 This bill would require any candidate for State, county, or
23 municipal elective public office to file with their nominating petition
24 a specific affirmation that they are qualified to hold office, have not
25 been convicted of any crime, and specifically have not been
26 convicted of any disqualifying crime.

27 Under current law, a candidate for Governor or Lieutenant
28 Governor or the State Senate or General Assembly is required to
29 annex to their nominating petition a statement signed by the
30 candidate that they:

31 (1) have not been convicted of any offense graded by Title 2C of
32 the 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
34 in this State, would constitute such a crime; or

35 (2) have been so convicted, in which case, the candidate is
36 required to disclose on the statement the crime for which convicted,
37 the date and place of the conviction and the penalties imposed for the
38 conviction.

39 Records expunged pursuant to chapter 52 of Title 2C of the New
40 Jersey Statutes are not subject to disclosure.

41 Under current law, candidates for school board are also required
42 to file with their nominating petition a specific affirmation that they
43 are qualified for such office and have not been convicted of any
44 disqualifying crime. This bill would expand that requirement to
45 include any candidate for State, county, or municipal elective public
46 office.