

SENATE, No. 2732

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JULY 28, 2020

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

SYNOPSIS

Bars certain public officials from holding elective office and participating in political activities for certain time periods.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning public office and certain political activity, and
2 amending P.L.1964, c.168 and P.L.1968, c.266, and
3 supplementing P.L.1948, c.439 (C.52:17B-1 et seq.).
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. Section 1 of P.L.1964, c.168 (C.2A:158-21) is amended to
9 read as follows:

10 1. a. A person who holds the position of county prosecutor,
11 assistant prosecutor or legal assistant to a prosecutor shall not be a
12 candidate for, or hold, elective public office for a period of three
13 years immediately following the termination of that person's service
14 as county prosecutor, assistant prosecutor or legal assistant to a
15 prosecutor.

16 b. No county prosecutor, assistant prosecutor or legal assistant
17 to a prosecutor, while holding any such office or position, shall (1)
18 be a candidate for election to, or hold, any elective public office or
19 any office or position with any political party or club, or (2) in
20 connection with the candidacy of any person for public office, sign
21 or authorize the use of his name in connection with political or
22 campaign literature or material, or print or publish in order to
23 distribute such political or campaign literature or material**;**
24 provided, however, that the prohibition against holding office
25 contained in this act shall not prevent any individual, holding or
26 filling any such office as of the effective date of this act, from
27 completing any term of office for which he has heretofore been
28 elected or chosen; and provided further that nothing herein contained
29 shall be construed to prohibit any such prosecutor, assistant
30 prosecutor or legal assistant from being a candidate for election to,
31 or from holding, the office or position of delegate or alternate to the
32 national convention of any political party**].**

33 (cf: P.L.1964, c.168, s.1)
34

35 2. (New section) a. A person who holds the position of Attorney
36 General or First Assistant Attorney General shall not be a candidate
37 for, or hold, elective public office for a period of three years
38 immediately following the termination of that person's service as
39 Attorney General or First Assistant Attorney General.

40 b. No person who holds the position of Attorney General or First
41 Assistant Attorney General, while holding any such office or
42 position, shall (1) be a candidate for election to, or hold, any elective
43 public office or any office or position with any political party or club,
44 or (2) in connection with the candidacy of any person for public
45 office, sign or authorize the use of his name in connection with

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 political or campaign literature or material, or print, publish or
2 distribute such political or campaign literature or material.

3

4 3. Section 1 of P.L.1968, c.266 (C.52:9M-1) is amended to read
5 as follows:

6 1. There is hereby created a permanent State Commission of
7 Investigation. The commission shall consist of four members, to be
8 known as commissioners.

9 Two members of the commission shall be appointed by the
10 Governor. One each shall be appointed by the President of the Senate
11 and by the Speaker of the General Assembly. Each member shall
12 serve for a term of four years and until the appointment and
13 qualification of his successor. No person shall serve, in succession,
14 more than two four-year terms and any portion of an unexpired term
15 as a member of the commission. The Governor shall designate one
16 of the members to serve as chairman of the commission.

17 The members of the commission appointed by the President of the
18 Senate and the Speaker of the General Assembly and at least one of
19 the members appointed by the Governor shall be attorneys admitted
20 to the bar of this State.

21 No member or employee of the commission shall hold any other
22 public office or public employment. No member of the commission
23 shall have held any elective office or have been a candidate for any
24 elective office within the one year preceding his appointment to the
25 commission. No member of the commission, while serving as a
26 member, shall (1) be a candidate for election to, or hold, any elective
27 public office or any office or position with any political party or club,
28 or (2) in connection with the candidacy of any person for public
29 office, sign or authorize the use of his name in connection with
30 political or campaign literature or material, or print, publish or
31 distribute such political or campaign literature or material. No
32 member of the commission shall hold any elective office or be a
33 candidate for any elective office within the **【one year】** three years
34 subsequent to his termination of service as a member of the
35 commission.

36 Not more than two of the members shall belong to the same
37 political party.

38 Each member of the commission shall receive an annual salary of
39 \$35,000. Each member shall also be entitled to reimbursement for
40 his expenses actually and necessarily incurred in the performance of
41 his duties, including expenses of travel outside of the State.

42 Vacancies on the commission shall be filled for the unexpired
43 terms in the same manner as original appointments. Vacancies on
44 the commission shall be filled by the appropriate appointing authority
45 within 120 days. If the appropriate appointing authority does not fill
46 a vacancy within that time period, the vacancy shall be filled by the
47 Chief Justice of the Supreme Court within 60 days. A vacancy on

1 the commission shall not impair the right of the remaining members
2 to exercise all the powers of the commission.

3 Any determination made by the commission shall be by majority
4 vote. "Majority vote" means the affirmative vote of at least three
5 members of the commission if there are no vacancies on the
6 commission or the affirmative vote of at least two members of the
7 commission if there is a vacancy.

8 (cf: P.L.2005, c.58, s.1)

9
10 4. This act shall take effect on the 180th day following enactment
11 and shall apply to any person who holds the position of Attorney
12 General, First Assistant Attorney General, county prosecutor,
13 assistant prosecutor, legal assistant to a prosecutor, or member of the
14 State Commission of Investigation on and after that effective date.

15 16 17 STATEMENT

18
19 This bill would prohibit certain public officials from campaigning
20 for election to public office during the term of their public service
21 and for a period of three years afterwards. The bill would apply to
22 the Attorney General and the First Assistant Attorney General, all
23 county prosecutors, assistant prosecutors and legal assistants to
24 prosecutors, as well as the four members of the State Commission of
25 Investigation.

26 Under the bill, no person who holds any of these positions could
27 (1) be a candidate for election to, or hold, any elective public office
28 or any office or position with any political party or club, or (2) in
29 connection with the candidacy of any person for public office, sign
30 or authorize the use of his name in connection with political or
31 campaign literature or material, or print, publish or distribute such
32 political or campaign literature or material. These restrictions
33 already apply to county prosecutors, assistant prosecutors, and legal
34 assistants to prosecutors and would be extended under the bill to the
35 Attorney General, the First Assistant Attorney General, and the
36 members of the State Commission of Investigation.

37 In addition, the bill provides that any such official could not be a
38 candidate for, or hold, elective public office for a period of three
39 years immediately following the termination of that person's service
40 in the position. There is a current one-year post-service ban for
41 members of the State Commission of Investigation, which would be
42 increased to three years to establish consistency amongst all of the
43 officials covered by the bill.

44 The intent of this bill is to prevent persons who are holding
45 positions of public trust from misusing those positions for political
46 gain.