

# ASSEMBLY, No. 5165

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 11, 2019

**Sponsored by:**

**Assemblyman MICHAEL PATRICK CARROLL**  
**District 25 (Morris and Somerset)**

**SYNOPSIS**

Declares elective public office vacant when office holder changes political party while in office.

**CURRENT VERSION OF TEXT**

As introduced.



A5165 CARROLL

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1 AN ACT concerning vacancy in elective public office, and  
2 supplementing chapter 3 of Title 19 of the Revised Statutes.

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

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7 1. When a person who has been elected to public office, or  
8 appointed to fill a vacancy in an elective public office ceases,  
9 during the term of that office, to be a member of the political party  
10 of which that person was a member at the time of election or  
11 appointment, such change in political party shall be deemed to  
12 make vacant the office to which that official was elected or  
13 appointed. The vacancy shall take effect upon declaration of the  
14 change in political party, and the elected or appointed official, as  
15 appropriate, shall immediately relinquish the office and the vacancy  
16 shall be filled as provided by law.

17 The provisions of this section shall only apply to elective public  
18 offices with political party designations set forth on election ballots.

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20 2. This act shall take effect immediately.

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STATEMENT

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25 Under this bill, when an elected official, or a person appointed to  
26 fill a vacancy in an elective public office, changes political party  
27 while in office, that office will be deemed vacant. The vacancy will  
28 take effect upon declaration of the change in political party, and the  
29 official must immediately relinquish the office. The vacancy in that  
30 office will be filled as current law provides.

31 The provisions of the bill only apply to elective public offices  
32 with political party designations set forth on election ballots.