

DECEMBER 28, 1955.

HON. EDWARD J. PATTEN,
Secretary of State,
State House,
Trenton 7, New Jersey.

MEMORANDUM OPINION P-28.

MY DEAR SECRETARY OF STATE:

This opinion is in response to your request for advice concerning the beginning and ending dates of terms of office of County Clerks, Surrogates and Sheriffs. We have previously in Formal Opinion, 1955—No. 44 dealt with the beginning and ending dates of the terms of office of County Clerks and Surrogates. In this opinion we shall deal with the beginning and ending dates of the term of office of Sheriff.

Article 7, Section 2, Par. 2 of the Constitution of 1947 provides that Sheriffs shall be elected at general elections; that their term of office shall be three years, but does not provide when such terms shall begin or end, R. S. 40:41-11, however, provides as follows:

“The commission of every Sheriff elected at any general election shall bear date and take effect on the Wednesday after the first Tuesday succeeding such election, and his term of office shall expire on the first Tuesday after the third succeeding general election.”

The statutes also require that the Sheriff shall post his bond on the first Tuesday following the general election, R. S. 40:41-2 as amended, R. S. 40:41-3 as amended.

In view of the specific language of the statute we advise you therefore, that the legislative intention was to have the Sheriff's office commence on the Wednesday after the first Tuesday succeeding the general election, and to have his term of office expire on the first Tuesday after the third succeeding general election.

Very truly yours,

GROVER C. RICHMAN, JR.,
Attorney General.

By: JOHN F. CRANE,
Deputy Attorney General.

JFC:lc