

NEW JERSEY CONSTITUTIONAL CONVENTION

COMMITTEE ON STRUCTURE OF THE LEGISLATURE

MINORITY REPORT: Geoffrey Gaulkin, Delegate from Hudson County

The First Report of the Committee on Structure of the Legislature, limited as it is to a description of the formal action taken by the Committee, does not represent in my judgment, a full or satisfactory expression of the sentiments of the Committee. At best, the First Report offers little aid or guidance to the Convention; at worst it is misleading.

The value of the First Report is limited not only by the fact that all proposals referred to this Committee regarding the structure of the legislature were unicameral proposals. More important is the fact that the vote taken by the Committee on each proposal was largely determined not by the legislative structure set forth in such proposal, but rather by the provisions therein regarding the constituencies, i.e., single-member or multi-member districts. The difficulties were compounded by the action of the Committee in voting upon the referred proposals on a simple yes-or-no basis, without isolating particular aspects of each proposal for discussion or vote.

As the result of these distorting influences, the Committee has found that it can report affirmatively only 1 of the 16 proposals referred to it. That proposal is, of course, for a unicameral legislature, and specifically provides for the election of legislators from single-member districts within the respective counties, with each county guaranteed at least one legislator. It is perfectly obvious that the affirmative vote on this proposal, Proposal #8, was only partly attributable to sentiment in favor of unicameralism; conversely, it is equally clear that the negative dispositions of the remaining 15 proposals were only partly attributable to sentiment against unicameralism.

Consequently this Minority Report is submitted both in order to articulate a position which is not reflected in the formal action taken by the Committee; and, more specifically, to record qualified support of certain of the proposals upon which the Committee has voted negatively.

My own basic predisposition is for a unicameral legislature. I believe that no matter what decisions are to be made by this Convention regarding apportionment, districting, maintaining of county lines and the like, those decisions can be fitted into a unicameral plan as easily as-----and perhaps more easily than-----into a bicameral plan. All other things being equal, therefore, I can separate the concept of a unicameral legislature from the other issues facing the Convention; and on that basis I support unicameralism.

Nevertheless, I am still very much concerned about the basis of representation in any legislature, be it unicameral or bicameral. I am strongly in favor of the single-member district and to the extent possible, the honoring of county lines and the provision to each county of at least one legislator. By the same token, I am entirely opposed to the establishment of any legislature in which legislators elected from multi-member districts predominate in number or, through a bicameral structure, in legislative power.

For the reasons thus stated I favor without qualification Proposal #8 which has been acted upon favorably by this Committee. I also believe, however, that many of the remaining unicameral proposals referred to this Committee contain much of value. Although I cannot endorse any of them without qualification, I believe they very much merit consideration by the entire Convention, particularly if, as is commonly discussed, some compromise between the single-member district and multi-member district positions is to be worked

out by the Convention. I would much prefer to see such a compromise worked out in the framework of a unicameral legislature rather than in a bicameral legislature which allocates one house entirely to single-member constituencies and the other house entirely to multi-member constituencies.

Therefore, by this Minority Report I note my own support, qualified as stated above of Proposals ## 17, 21, 26, 38, 42, and 46.

Of particular interest, and I believe of significant promise, is Proposal #26, introduced by Mr. Rittenhouse of Hunterdon County, which, as I understand it, could provide for a unicameral legislature in which one legislator represents and is elected at-large from each of the 21 counties, and the remainder are elected from single-member sub-districts within the counties. This proposal seems to offer an extraordinarily attractive means of combining single-member and multi-member districts, honoring county lines, assuring a legislator to each county, and maintaining, to the maximum permissible extent, the tradition of the New Jersey State Senate that each county, regardless of its population, shall elect a single individual at-large to represent that county, with a voice equal to every other representative of an entire county. I think that the many delegates who are interested in those goals should give Proposal #26 their most serious consideration.

STATE OF NEW JERSEY
CONSTITUTIONAL CONVENTION OF 1966
COMMITTEE ON ORGANIZATION AND OPERATION

June 2, 1966

To the President of the Constitutional Convention:

The Committee on Organization and Operation, by unanimous vote of its members, reports the following proposals, which have been referred to it by the Apportionment, Structure, Scope and Rules Committees, and recommends that they be scheduled for presentation to the Convention and floor debate in the order in which they are listed below:

1. Proposal No. 46 (Goldberg), providing for a unicameral legislature. (This proposal received 8 affirmative and 23 negative votes in the Apportionment Committee.)
2. The following minority report of the Apportionment Committee -
"The Legislature shall be unicameral with the members elected from single-member districts within the counties and with each county allotted at least 1 member."
(This proposal received 14 affirmative and 15 negative votes in the Apportionment Committee.)
3. Proposal No. 36 (Sarcone, Lance, Beadleston), providing for a bicameral legislature, with the following proposed amendments by Delegate Beadleston -
 - a. On page 2, section 2, paragraph 4, lines 18 and 19, delete "by June 1 of the year following the year in which the decennial census of population is taken" and substitute therefor "within 1 month of the receipt of official population statistics from the United States Bureau of the Census, or February 1 of the year following the year in which the census is taken, whichever date is later".

- b. On page 4, section 3, paragraph 4, lines 11 and 12, delete "by June 1 of the year following the year in which the decennial census of population is taken" and substitute therefor "within 1 month of the receipt of official population statistics from the United States Bureau of the Census, or February 1 of the year following the year in which the census is taken, whichever date is later".

(This proposal, in original form, received 14 affirmative and 16 negative votes in the Apportionment Committee.)

- 4. Proposal No. 45 (Goldberg, Crabiel, Keegan), providing for a bicameral legislature. (This proposal received 15 affirmative and 15 negative votes in the Apportionment Committee.)
- 5. Proposal No. 36 (Sarcone, Lance, Beadleston), providing for a bicameral legislature, with
 - a. the proposed amendments by Delegate Beadleston as listed in 3, above, and
 - b. proposed further amendments by Delegate Sarcone deleting therefrom all references to Senate subdistricts and thereby providing for the at-large election of the senators from the Senate districts and retaining the election of the assemblymen from the single-member Assembly subdistricts.
- 6. Proposal No. 45 (Goldberg, Crabiel, Keegan), providing for a bicameral legislature, with proposed amendments by Delegate Crabiel providing that
 - a. the General Assembly shall be composed of members apportioned among the several counties according to the number of their inhabitants and according to the Method of Equal Proportions,
 - b. the total number of members shall be no larger than the number necessary to constitutionally guarantee each county at least 1 member, and

- c. the members of the General Assembly shall be elected at-large from the counties, except that in any county allotted 8 per cent or more of the total number of members, one-half of the members in counties allotted an even number of members, and one-half of the members plus .5 in counties allotted an odd number of members, shall be elected at-large from the county, and the remainder shall be elected from single-member, equal-population subdistricts within the county.

- *7. Proposal No. 1 (Musto)
General resolution: unicameral legislature
(Structure: disapproved.)
- 8. Proposal No. 2 (Caulfield)
Specific bicameral plan
(Apportionment: disapproved by voice vote)
- 9. Proposal No. 3 (Skevin et al)
General resolution: whole counties and municipalities
(Apportionment: approved, 31 to 0.)
- 10. Proposal No. 4 (Peer et al)
General resolution: 3-year Assembly terms
(Structure: disapproved)
- 11. Proposal No. 5 (Dietz)
Specific bicameral plan
(Apportionment: disapproved by voice vote.)
- 12. Proposal No. 6 (Sarccone)
General resolution: self-executing formula
or non-legislative apportionment and districting
(Apportionment: disapproved, 15 to 16; Scope:
8 approved and 8 disapproved question as to
whether this resolution lies within scope of
Convention.)
- 13. Proposal No. 7 (Duff et al)
General resolution: Assembly of 112 members
(Apportionment: Approved, 26 to 5)
- 14. Proposal No. 8 (Inglima, Durkin)
General resolution: Unicameral legislature
with single-member districts
(Apportionment: disapproved, 13 to 18;
Structure: 8 of the 16 members approved and
6 disapproved.)

*Included with each of the following proposals
is a reference to the action taken thereupon
by the committee or committees of reference.

15. Proposal No. 9 (O'Connor)
General resolution: equal population as
paramount criterion
(Apportionment: disapproved, 0 to 31.)
16. Proposal No. 10 (Dugan)
Specific unicameral plan
(Apportionment: disapproved, 8 to 23;
Structure: disapproved.)
17. Proposal No. 11 (Cawley)
Specific bicameral plan
(Apportionment: disapproved, 15 to 16;
Structure: disapproved.)
18. Proposal No. 12 (Cucci)
Specific unicameral plan
(Apportionment: disapproved, 8 to 23;
Structure: disapproved; Scope: approved
unanimously as within scope of Convention.)
19. Proposal No. 13 (Bateman)
General resolution: 1965 estimated populations
(Apportionment: disapproved, 14 to 17)
20. Proposal No. 14 (Cotton)
Specific unicameral plan
(Apportionment: disapproved, 7 to 22;
Structure: disapproved.)
21. Proposal No. 15 (Crabiel et al)
Specific bicameral plan
(Apportionment: disapproved.)
22. Proposal No. 16 (McGowan)
Specific bicameral plan
(Apportionment: disapproved, 8 to 21.)
23. Proposal No. 17 (Andora et al)
Specific unicameral plan
(Apportionment: disapproved, 11 to 20)
Structure: disapproved.)
24. Proposal No. 18 (Gallagher, Borst)
Specific bicameral plan
(Apportionment: disapproved, 15 to 16)
25. Proposal No. 19 (Schreiber et al)
General resolution: single-member districts;
county apportionment commissions
(Apportionment: disapproved, 15 to 16.)

26. Proposal No. 20 (Clapp)
Specific bicameral plan
(Apportionment: disapproved, 13 to 18)
27. Proposal No. 21 (Jacobson)
Specific unicameral plan
(Apportionment: disapproved, 11 to 20;
Structure: disapproved.)
28. Proposal No. 22 (Evanko)
General resolution: Senate of 44 members
(Apportionment: disapproved, 0 to 31.)
29. Proposal No. 23 (Evanko)
Specific bicameral plan
(Apportionment: disapproved, 0 to 31)
30. Proposal No. 24 (Sandman)
Specific bicameral plan
(Apportionment: disapproved, 9 to 22)
31. Proposal No. 25 (Sandman)
Specific bicameral plan
(Apportionment: disapproved, 8 to 23)
32. Proposal No. 26 (Rittenhouse)
Specific unicameral plan
(Apportionment: disapproved, 1 to 30;
Structure: disapproved.)
33. Proposal No. 27 (Evanko)
Specific bicameral plan
(Apportionment: disapproved by voice vote.)
34. Proposal No. 28 (Roach et al)
Specific bicameral plan
(Apportionment: disapproved, 10 to 18.)
35. Proposal No. 29 (Curry, Davis)
Specific bicameral plan
(Apportionment: disapproved by voice vote.)
36. Proposal No. 30 (Bozarth)
General resolution: size of house determined
by ratio of smallest county to state popula-
tion
(Apportionment: disapproved by voice vote.)

37. Proposal No. 31 (Ozzard)
General resolution: 5-year terms
(Structure: disapproved.)
38. Proposal No. 32 (Ozzard, Bateman)
Specific bicameral plan
(Apportionment: disapproved, 14 to 17)
39. Proposal No. 33 (Jones et al)
Specific unicameral plan
(Apportionment: disapproved, 7 to 24;
Structure: disapproved.)
40. Proposal No. 34 (Bailey et al)
Specific bicameral plan
(Apportionment: disapproved, 14 to 16.)
41. Proposal No. 35 (Cawley, Phaltz)
General resolution: future conventions
(Apportionment: disapproved, 9 to 21.)
42. Proposal No. 37 (Sarcone et al)
Specific bicameral plan
(Apportionment: disapproved, 14 to 16.)
43. Proposal No. 38 (Meredith et al)
Specific unicameral plan
(Apportionment: disapproved, 9 to 22;
Structure: disapproved.)
44. Proposal No. 39 (Bailey et al)
Specific bicameral plan
(Apportionment: disapproved, 13 to 17.)
45. Proposal No. 40 (Dietz)
Specific bicameral plan amending Proposal No. 5
(Apportionment: disapproved by voice vote)
46. Proposal No. 41 (Bartoletta)
Specific bicameral plan
(Apportionment: disapproved, 7 to 24.)
47. Proposal No. 42 (Lockard et al)
Specific unicameral plan
(Apportionment: disapproved, 12 to 17;
Structure: disapproved.)

48. Proposal No. 43 (Jamison)
Specific unicameral plan
(Apportionment: disapproved, 11 to 20;
Structure: disapproved.)
49. Proposal No. 44 (Cawley)
General resolution: Assembly based on population;
Senate based on registered voters.
(Apportionment: disapproved, 3 to 25.)
50. Proposal No. 47 (Evanko)
Specific bicameral plan
(Apportionment: disapproved by voice vote.)
51. Proposal No. 48 (Glauberman)
Specific bicameral plan
(Apportionment: disapproved, 6 to 22.)
52. Proposal No. 49 (Scholz et al)
Specific bicameral plan
(Apportionment: disapproved, 11 to 19)
53. Proposal No. 50 (Scholz et al)
Specific bicameral plan
(Apportionment: disapproved, 12 to 18)
54. Proposal No. 51 (Skevin)
Specific bicameral plan
(Apportionment: disapproved, 1 to 30)
55. Proposal No. 52 (Maraziti)
Specific bicameral plan
(Apportionment: disapproved, 14 to 14.)
56. Apportionment Committee policy statement
"The Senate shall be composed of not more
than 40 members."
(Apportionment: disapproved, 15 to 12;
submission to Convention unanimously approved.)
57. Apportionment Committee policy statement
"The General Assembly shall be composed of a
number of members no larger than that necessary
to constitutionally guarantee each county at
least 1 seat."
(Apportionment: submission to Convention
unanimously approved. Similar statement,
"The General Assembly in a bicameral legis-
lature should be large enough to constitu-
tionally guarantee each county at least 1
member", approved 18 to 9.)

58. Apportionment Committee policy statement
"The grouping of counties, the drawing of district or subdistrict lines and the apportionment of members among districts or subdistricts for use in the 1967 election and until the 1970 census shall be accomplished by the Convention."
(Apportionment: submission to Convention unanimously approved. Similar statement, "If redistricting is required for the 1967 election and until the 1970 census, it shall be done by the Convention", disapproved, 15 to 15.)
59. Apportionment Committee minority report (Thatcher)
"(a) The Senate shall be composed of a Senate of 35 to 40 members elected at-large from Senate districts.
(b) The General Assembly shall be composed of 100 to 120 members apportioned among the counties with each county having at least 1 member and with all members elected from single-member districts within the counties.
(c) The Convention shall perform all apportioning and districting functions for use in the 1967 election and until the 1970 census is taken.
(d) A bi-partisan commission shall perform all apportionment and redistricting functions after the 1970 census is taken."
(Apportionment: disapproved, 14 to 17; submission to Convention approved unanimously.)
60. Apportionment Committee minority report (Duff)
"(a) The Senate shall be composed of not more than 40 members (of 40 members for the 1967 election and until the 1970 census) elected at-large from Senate districts.
(b) The Assembly shall be composed of 94 members apportioned among the counties with each county having at least 1 member nominated from single-member, equal-population districts within the counties but elected at-large from the county.
(c) The Convention shall perform all apportionment and districting functions for the 1967 election and until the 1970 census is taken.
(d) The Legislature shall perform the reapportionment and redistricting functions after the 1970 and subsequent censuses are taken.
(e) The terms of the senators shall be staggered."
(Apportionment: disapproved, 16 to 15; submission to Convention approved unanimously.)

61. Apportionment Committee minority report (Kimmelman)
"All the members in both houses of a bicameral legislature shall be elected from single-member districts".
(Apportionment: submission to Convention approved unanimously; similar resolution, "All members of both houses of a bicameral legislature shall be elected from single-member districts", disapproved, 15 to 15.)
62. Apportionment Committee minority report (Cawley)
"The Senate shall be composed of senators, some elected at-large from multi-member districts and some elected from single-member districts. The Assembly shall be composed of members all of whom shall be elected from single-member districts."
(Apportionment Committee, disapproved, 14 to 17; submission to Convention approved unanimously.)
63. Apportionment Committee minority report (Ozzard)
"That Proposal No. 42, as amended with approximately 1/3 of the members elected at-large from the counties and approximately 2/3's of the members elected from single-member districts within the counties, be adopted."
(Apportionment: Disapproved, 15 to 15.)
64. Apportionment Committee minority proposal
"Future reapportionment or redistricting should be done by a bi-partisan commission."
(Apportionment: disapproved, 15 to 15)
65. Structure Committee resolution
"Resolved, the Committee on Structure of the Legislature recommends a Proposal calling for a Bicameral Legislature with Legislative Districts comprised of a county or a combination of counties. Since apportionment is not within the province of the Committee the following 4 methods of apportionment, or a combination thereof, are merely suggested for consideration:
 - (a) Members of the Senate be elected at-large, members of Assembly elected at-large, with a sub-district residency requirement;
 - (b) Members of both Houses be elected from single member sub-districts;
 - (c) Members of the Senate be elected at-large from districts with members of the Assembly elected from single member sub-districts;

- (d) Members of the Assembly be elected at large from districts and members of the Senate be elected from single member sub-districts.

- (e) Members of both Houses be elected at large from their districts."

(Structure: approved unanimously.)

66. Structure Committee resolution

"Resolved, The Committee on Structure of the Legislature recommends the adoption of a Proposal calling for either of the following as to terms of Legislators:

Senators 5 years, Assemblymen 2 years, or

Senators 4 years, Assemblymen 3 years.

Staggered terms for members of the Senate are recommended, if the same is possible."

(Structure: approved unanimously.)

67. Resolution R-1 (Clapp)

"Resolved that the rules of the Convention be amended by adding thereto Rule 72A reading as follows:

72A. The Convention, by an affirmative vote of delegates having not less than 45 votes, may submit to the voters of the State a single proposal, or a proposal containing not more than 2 plans stated in the alternative, unless delegates having at least 67 votes shall vote against submission. If a proposal is submitted containing 2 plans stated in the alternative, the Convention by an affirmative vote of delegates having not less than 45 votes may provide for the adoption of 1 of the plans by a plurality of all votes cast by the voters of the State for and against the plans.

And be it further resolved that this Convention refer to the Committee on Rules and Business Affairs proposed Rule 72A for its consideration and for such action as it deems appropriate."

(Rules and Business Affairs: disapproved, 4 to 4.)

The reports of the Committee on Apportionment of the Legislature, the Committee on the Structure of the Legislature, the Committee on Scope of the Convention, and the Committee on Rules and Business Affairs dealing with the proposed Rule 72A are appended to this report.

May 26, 1966

NEW JERSEY CONSTITUTIONAL CONVENTION OF 1966
COMMITTEE ON APPORTIONMENT OF THE LEGISLATURE

Report

The Committee on Apportionment of the Legislature respectfully submits the following as its report to the Convention pursuant to the Official Rules of the Convention:

1. The votes of the members of the Committee on each Proposal referred to the Committee and on the proposal submitted by Delegate Horuvitz as recorded at its May 23, 1966, meeting. (See Exhibit A.)

2. The votes of the members of the Committee on 18 questions as recorded at its May 19, 1966, meeting. (See Exhibit B.)

3. The following policy statements were agreed upon, and the Committee voted unanimously to refer these policy statements to the Convention -

a. The Committee agreed that the Senate shall be composed of not more than 40 members. (Delegates Dumont and Maraziti, however, recommended further that the Senate be composed of 40 members.)

b. The Committee agreed that the General Assembly shall be composed of a number of members no larger than that necessary to constitutionally guarantee each county at least 1 member.

c. The Committee agreed that the grouping of counties, the drawing of district or subdistrict lines and the apportionment of members among districts or subdistricts for use in the 1967 election and until the 1970 census is taken shall be accomplished by the Convention.

d. The Committee disagreed on who should perform the reapportionment and redistricting functions in c, above, after the 1970 census is taken. The Republican members of the Committee recommended that they be done by a bi-partisan commission with a "judicial backstop". The Democratic members recommended that they be done by the Legislature.

e. The Committee disagreed on the question of single-member v. multi-member districts. The Republican members recommended that all members in a unicameral legislature, or in both houses of a bi-cameral legislature, should be elected from single-member districts. The Democratic members recommended that all members in a unicameral legislature, or in both houses of a bi-cameral legislature, should be elected at-large from the districts.

4. The Committee agreed that the following proposal by Delegate Thatcher, considered by the Committee, with 14 delegates voting for and 17 delegates voting against, be submitted to the Convention as a minority report (The following delegates voted for this proposal - Lance, Thatcher, Hunt, Horuvitz, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Woolfenden, Novins, Evers and Cawley. The following delegates voted against this proposal - Keegan, Jacobson, Woodcock, Duff, Reilly, Metzger, Inglima, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg and Orkin):

Proposal - (a) The Senate shall be composed of a Senate of 35 to 40 members elected at-large from Senate districts. (b) The General Assembly shall be composed of 100 to 120 members apportioned among the counties with each county having at least 1 member and with all members elected from single-member districts within the counties. (c) The Convention shall perform all apportioning and districting functions for use in the 1967 election and until the 1970 census is taken. (d) A bi-partisan commission shall perform all apportionment and redistricting functions after the 1970 census is taken.

5. The Committee agreed that the following proposal by Delegate Duff, considered by the Committee with 16 delegates voting for and 15 delegates voting against, be submitted to the Convention as a minority report (The following delegates voted for this proposal - Keegan, Jacobson, Duff, Reilly, Metzger, Inglima, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg and Orkin. The following delegates voted against this proposal - Lance, Woodcock, Thatcher, Hunt, Horuvitz, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Woolfenden, Novins, Evers and Cawley):

Proposal - (a) The Senate shall be composed of not more than 40 members (of 40 members for the 1967 and until the 1970 census) elected at large from Senate districts. (b) The Assembly shall be composed of 94 members apportioned among the counties with each county having at least 1 member nominated from single-member, equal-population districts within the counties but elected at-large from the county. (c) The Convention shall perform all apportionment and districting functions for the 1967 election and until the 1970 census is taken. (d) The Legislature shall perform the reapportionment and redistricting functions after the 1970 and subsequent censuses are taken. (e) The terms of the senators shall be staggered.

6. The Committee agreed that the following proposal by Delegate Kimmelman be submitted to the Convention as a minority report:

Proposal - All the members in both houses of a bicameral Legislature shall be elected from single-member districts.

7. The Committee agreed that the following proposal by Delegate Horuvitz, considered by the Committee with 14 delegates voting for and 15 delegates voting against, be submitted to the Convention as a minority report. (The following delegates voted for this proposal - Lance, Thatcher, Hunt, Horuvitz, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Woolfenden, Novins, Evers and Cawley. The following delegates voted against this proposal: Keegan, Jacobson, Duff, Reilly, Metzger, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg and Orkin.):

Proposal - The Legislature shall be unicameral with the members elected from single-member districts within the counties and with each county allotted at least 1 member.

8. The Committee agreed that the following proposal by Delegate Cawley, considered by the Committee with 14 delegates voting for and 17 delegates voting against, be submitted to the Convention as a minority report. (The following delegates voted for this proposal - Lance, Thatcher, Hunt, Horuvitz, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Woolfenden, Novins, Evers and Cawley. The following delegates voted against this proposal - Keegan, Jacobson, Woodcock, Duff, Reilly, Metzger, Inglima, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg and Orkin.)

Proposal - The Senate shall be composed of senators, some elected at-large from multi-member districts and some elected from single-member districts. The Assembly shall be composed of members all of whom shall be elected from single-member districts.

9. The Committee considered the following proposal by Delegate Ozzard, 16 delegates voting for and 13 delegates voting against. (The following delegates voted for this proposal - Lance, Woodcock, Thatcher, Hunt, Horuvitz, Inglima, Roth, Ozzard, Maraziti, Kimmelman, Dumont, Shaffer, Woolfenden, Novins, Evers and Cawley. The following delegates voted against this proposal - Keegan, Jacobson, Duff, Reilly, Metzger, Lupton, Glauberman, Cotton, Hollander, Roach, Deighan, Goldberg and Orkin.):

Proposal - That Proposal No. 42, as amended with approximately 1/3 of the members elected at-large from the counties and approximately 2/3's of the members elected from single-member districts within the counties, be adopted.

10. The Committee reconsidered its vote on Proposal No. 16. The vote was 8 delegates for and 21 delegates against. (The following delegates voted for this proposal - Thatcher, Hunt, Horuvitz, Roth, Maraziti, Farley, Dumont, Orkin. The following delegates voted against this proposal - Keegan, Lance, Jacobson, Woodcock, Duff, Reilly, Metzger, Inglima, Lockard, Lupton, Ozzard, Glauberman, Cotton, Kimmelman, Hollander, Roach, Shaffer, Woolfenden, Deighan, Goldberg and Evers.)

11. The Committee agreed that the minutes of the Committee be made part of this report.

EXHIBIT A
CONSTITUTIONAL CONVENTION
COMMITTEE ON APPORTIONMENT OF THE LEGISLATURE
MAY 23, 1966

NAME _____

VOTES ON PROPOSALS

		2		3		5		6		7		8		9		10		11		12		13		14		15		16		17		18		19		20		21		22		23		24				
		Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N			
Keegan									X	X			X				X		X	X			X		X																					X		
Jacobson									X	X			X				X		X	X			X		-	-																				X		
Duff									X	X			X				X		X		X			X																						X		
Reilly									X	X			X				X		X	X			X			X																				X		
Metzger									X		X			X			X		X	X			X			X																				X		
Inglis									X	X			X				X		X	X			X	X																						X		
Lockard									X	X			X				X		X	X			X	X																						X		
Lupton									X	X			X				X		X	X			X			X																				X		
Glauberman									X	X			X				X		X	X			X			X																				X		
Cotton									X	X			X				X		X	X			X	X																						X		
Hollander									X	X			X				X		X	X			X	X																						X		
Roach									X	X			X				X		X	X			X	X																						X		
Shaffer									X	X			X				X		X	X			X	X																						X		
Deichan									X	X			X				X		X	X			X	X																						X		
Goldberg									X		X		X				X		X	X			X			X																				X		
Orkin									X	X			X				X		X	X			X			X																				X		
Lance									X		X		X	X			X		X	X			X																							X		
Woodcock																																																
Thatcher									X		X		X	X			X		X	X			X																							X		
Hunt									X		X		X	X			X		X	X			X																							X		
Horovitz									X		X		X	X			X		X	X			X																							X		
Schreiber									X		X		X				X		X	X			X																							X		
Roth									X		X		X				X		X	X			X																							X		
Ozzard									X		X		X	X			X		X	X			X																							X		
Maraziti									X		X		X	X			X		X	X			X																							X		
Kimmelman									X		X		X	X			X		X	X			X																							X		
Farley									X		X		X	X			X		X	X			X																							X		
Dumont									X		X		X	X			X		X	X			X																							X		
Woolfenden									X		X		X	X			X		X	X			X																							X		
Novins									X		X		X	X			X		X	X			X																							X		
Evers									X		X		X	X			X		X	X			X																							X		
Cawley									X		X		X				X		X	X			X																							X		
																																									</							

NAME	VOTES ON PROPOSALS																																								
	25		26		27		28		29		30		32		33		34		35		36		37		38		39		40		41		42		43		44		45		
	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	
Keegan		x		x				x					x		x		x		x		x		x		x						x		x		x		x	x			
Jacobson		x		x				x					x		x		x		x		x		x		x						x		x		x		x	--			
Duff		x		x				--					x		x		x	x		x		x		x		x					x		x		x		x	x			
Reilly		x		x				x					x		x		x		x		x		x		x						x		x		x		x	x			
Metzger		x		x	Voice Vote			x	Voice Vote				x		x		x		x		x		x		x			Voice Vote				x	--		x		x	x			
Inglima		x		x				x						x	x		x		x		x		x	x		x						x	x		x		x	x			
Lockard		x		x				x						x		x		x		x		x		x	x		x					x	x		x		--		x		
Lupton		x		x				x						x		x		x		x		x		x		x						x		x		x		x	x		
Glauberaman		x		x			--						x		x		x		x		x		x		x					x	--		x		x		x	x			
Cotton		x	x					x					x	x		x		x		x		x		x		x				x		x		x		x	x				
Hollander		x		x				x					x		x		x	x		x		x	x		x					x	x		x		x		x	x			
Roach		x		x				x					x		x		--	--	--		x		x	x		x				x	x		x		--		x				
Shaffer		x		x				x					x	x			x	x		x		x	x		x					x	x		x		x		x	x			
Deighan		x		x					x				x		x		x		x		x		x		x					x		x		x		x	x				
Goldberg		x		x					x				x		x		x		x		x		x		x					x		x		x		x	x				
Orkin		x		x				x					x		x		x		x		x		x	x		x				x	x		x		x	x					
Lance		x		x					x				x	x		x	x		x		x	x		x	x					x		x	x		x		x				
Woodcock		Absent				Absent						x**		Absent			Absent			Absent			Absent			Absent			Absent			Absent			Absent						
Thatcher		x		x				x					x	x		x		x		x		x	x		x	x				x		x		x		x		x			
Hunt		x		x					x				x	x		x		x		x		x			x		x				x		x		x		x		x		
Horuvitz		x		x				x					x		x		x	x		x		x			x	x				x		x		x		x		x			
Schreiber		x		x				x					x		x	x		x		x		x			x					x		x		x		x		x			
Roth		x		x				x					x		x	x		x		x		x			x	x				x			x		x		x		x		
Ozzard		x		x					x				x		x		x		x		x			x	x						x	x		x			x		x		
Maraziti		x		x					x				x		x		x		x		x			x							x	x		x		--			x		
Kimmelman		x		x				--					x			x	x		x		x			x	x					x			x	x			x		x		
Farley		x		x					x				x		x	x		x		x		x			x	x				x			x		x	x			x		
Dumont		x		x					x				x		x		x		x		x			x	x						x		x	x			x		x		
Woolfenden		x		x					x				x	--		x			x	--		--			x	--					x	x		x			x		x		
Novins		x		x					x				x		x		x		x		x			x	x						x		x	x			x		x		
Evers		x		x					x				x		x		x		x		x			x	x						x		x	x			x		x		
Cawley		x		x					x				x		x	x		x		x		x			x						x		x		x		x		x		
		8Y 23N		1Y 30N		0Y 31N		10Y 18N		0Y 31N		0Y 31N		14Y 17N		7Y 24N		14Y 16N		9Y 21N		14Y 16N		14Y 16N		9Y 22N		13Y 17N		0Y 31N		7Y 24N		12Y 17N		11Y 20N		3Y 25N		15Y 15N	

VOTE ON PROPOSALS

Horuvitz Motion

NAME		Horuvitz Motion																											
		46		47		48		49		50		51		52		To lay over		H-1*		H-2*		H-3*		H-4*		H-5*			
		Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N
Keegan			X				X		X		X		X	X		X			X		X		X		X		X		X
Jacobson			X				X		X		X		X	X		X			X		X		X		X		X		X
Duff			X			--			X		X	X		X		X			--		X		X	--			X		X
Reilly			X				X		X		X		X	X		X			X		X		X		X		X		X
Metzger			X				X		X		X		X	X		X			X		X		X		X		X		X
Inglis			X				X		X		X		X	X		X			X		X		X		X		X		X
Lockard			X				X		X		X		X	X		X			--		--		--		--		--		--
Lupton			X		Vote		X		X		X		X	X		X			X		X		X		X		X		X
Glauber			X		Vote		X		X		X		X	--		X			--		X		X		X		X		X
Cotton			X				X		X		X		X		X	X			X		X		X		X		X		X
Hollander			X				X		X		X		X	X		X			--		X		X	--			X		X
Roach			X				X		X		X		X	X		X			X		X		X		X		X		X
Shaffer			X				X		X		X		X		X	X			X		X		X		X		X		X
Deighan			X				X		X		X		X	X		X			X		X		X	--			X		X
Goldberg			X				X		X		X		X	X		X			X		X		X		X		X		X
Orkin			X			--			X		X		X	X		X			X		X		X		X		X		X
Lance			X				X		X	X			X		X		X		X		X		X		X		X		X
Woodcock		Absent										Absent							X		X		X	Absent					
Thatcher			X				X	X		X			X		X		X		X		X		X		X		X		X
Hunt			X				X	X		X			X		X		X		X		X		X		X		X		X
Horuvitz			X				X	X		X			X		X		X		X		X		X		X		X		X
Schreiber			X				X	--		--			X	--		X			X		X		X		X		X		X
Roth			X			--		X		X			X		X		X		X		X		X		X		X		X
Ozzard			X				X	X		X			X		X		X		X		X		X		X		X		X
Maraziti			X				X		X		X		X	--		X			X		X		X		X		X		X
Kimmelman			X				X	X		X			X		X		X		X		X		X		X		X		X
Farley			X				X	X		X			X		X		X		X		X		X		X		X		X
Dumont			X				X		X		X		X	X		X			X		X		X		X		X		X
Woolfenden			X				X	X		X			X		X		X		X		X		X		X		X		X
Novins			X				X	X		X			X		X		X		X		X		X		X		X		X
Evers			X				X	X		X			X		X		X		X		X		X		X		X		X
Cawley			X				X	X		X			X		X		X		X		X		X		X		X		X
			8 Y	0 Y	6 Y	11 Y	12 Y	1 Y	14 Y	16 Y		18 Y	15 Y	15 Y	15 Y	15 Y	15 Y		9 N	15 N	15 N	15 N	15 N	15 N					
			23 N	31 N	22 N	19 N	18 N	30 N	14 N	15 N																			

- *H-1 Bicameral legislature with Assembly large enough to constitutionally guarantee each county at least one member. (Question No. 12 of May 19 voting.)
- H-2 If districting is required for the 1967 election and until the 1970 census, it is to be done by the Convention. (Question No. 13 of May 19 voting.)
- H-3 Future reapportionment or redistricting should be done by a bipartisan commission. (Question No. 14 of May 19 voting.)
- H-4 Bicameral legislature with Senate of 40 or less members. (Question No. 16 of May 19 voting.)
- H-5 Bicameral legislature with all members of both houses elected from single-member districts. (Question No. 5 of May 19 voting.)

Exhibit B

STATE OF NEW JERSEY CONSTITUTIONAL CONVENTION OF 1966

Committee on Apportionment of the Legislature

Votes taken at May 19, 1966 Meeting of Apportionment Committee:

1. Could you support a unicameral legislature with all members elected from single member districts and with each county guaranteed at least one member?
Yes: 13 No: 14
2. Could you support a unicameral legislature with each county guaranteed at least one member and with all members elected at large in the county?
Yes: 8 No: 19
3. Could you support a unicameral legislature with each county guaranteed at least one member and with some members elected at large in the county and some members elected from single member districts?
Yes: 11 No: 16
4. Could you support a unicameral legislature with each county guaranteed at least one member and with the question of at large election in each county vs. election from single member districts within each county determined by local option?
Yes: 5 No: 22
5. Could you support a bicameral legislature with all members of both houses elected from single member districts?
Yes: 14 No: 13
6. Could you support a bicameral legislature with all members of both houses elected at large in the county or county grouping?
Yes: 7 No: 20
7. Could you support a bicameral legislature with all members of one house elected from single member districts and all members of the other house elected at large in the county or county grouping?
Yes: 17 No: 10

8. Could you support a bicameral legislature with all members of the senate elected at large in the county or county grouping and with some members of the assembly elected from single member districts and some members elected at large in the county or county grouping?

Yes: 6 No: 21

9. Could you support a bicameral legislature with some members of the senate elected from single member districts and some members elected at large in the county or county grouping and with all members of the Assembly elected from single member districts?

Yes: 10 No: 17

10. Could you support a bicameral legislature with all members of the senate elected from single member districts and a fixed number of Assemblymen elected at large from each senate district?

Yes: 12 No: 15

11. Could you support a bicameral legislature with all members of both houses required to reside in equal population, single member districts, but elected at large in the county or county grouping?

Yes: 3 No: 23

12. Could you support a bicameral legislature with an assembly of a size large enough to constitutionally guarantee each county one member?

Yes: 20 No: 7

13. If districting is required for the 1967 election and until the 1970 census, should such districting be done by:

	<u>Yes</u>	<u>No</u>
(a) 1966 Convention.	18	9
(b) Legislature.	9	18
(c) Commission	5	22

14. Should necessary future reapportionment or redistricting be done by:

	<u>Yes</u>	<u>No</u>
(a) Legislature	6	21
(b) Bipartisan Commission	21	6

15. Could you support a bicameral legislature with an assembly of 60 to 80 members and with each county not necessarily guaranteed at least one member?

Yes: 12 No: 15

16. Could you support a bicameral legislature with a senate of a size not to exceed 40 members?

Yes: 25 No: 0

17. Could you support weighted or fractional voting in the assembly?

Yes: 5 No: 22

18. Could you support as the population base:

	<u>Yes</u>	<u>No</u>
(a) 1960 census population	14	13
(b) Estimated 1965 population (N. J. Dept. of Conservation and Economic Development)	14	13
(c) Votes cast	7	20
(d) Registered voters	3	24
(e) Citizen population	0	

CONSTITUTIONAL CONVENTION OF NEW JERSEY OF 1966

APPORTIONMENT COMMITTEE MINORITY REPORT

Introduced by James M. Cawley
Delegate, Union County

We hereby submit a minority report as per the rules of the Convention:

1. We ask the Convention to consider making Proposal 39 the majority proposal of the Convention for the following reasons:

(a) It provides for a Senate of 40 members from some single member and some multi-member districts.

When the Apportionment Committee was asked the following question: "Could you support a bicameral legislature with a senate of a size not to exceed 40 members?"

The vote was 25 to 0 in favor.

(b) It provides for an assembly of 80 members from single-member districts.

Since the true 1 man, 1 vote concept is based on single-member districts, (you will never see the United States House of Representatives in multi-member districts) we should have at least 1 house with single-member districts. The Convention, at the present time, is seeing how far it can get from the true 1 man 1 vote concept and still be legal. This should not be the purpose of delegates who are allied to the true 1 man 1 vote concept. The United States Supreme Court stated in the Reynolds v. Sims case that one body could be composed of single-member districts while the other could have at least some multi-member districts. And the United States Supreme Court has set forth additional warnings on the use of multi-member districts in the Hawaii vs. Richardson case, in which they said that in an interim plan in a bicameral legislature more than some multi-member districts could be used, providing that they do not discriminate against racial or political elements of the voting population, and that the districts should not be large in relation to the total legislative body.

(c) It provides for a permanent formula for future reapportionment by a bipartisan commission.

When the Apportionment Committee was asked the following question: "Should necessary future reapportionment or redistricting be done by (a) Legislature (b) Bipartisan Commission?"

The vote was 21 to 6 in favor of a bipartisan commission.

(d) It keeps counties intact.

However, it provides for groupings of counties to make up primary districts.

James M. Cawley

NEW JERSEY CONSTITUTIONAL CONVENTION
COMMITTEE ON STRUCTURE OF THE LEGISLATURE

FIRST REPORT

May 26, 1966

1. REFERRED PROPOSALS

- a. The following 16 Proposals were referred to the Committee on Structure, i.e., Proposals Nos. 1, 4, 8*, 10, 11*, 12, 14, 17*, 21*, 26*, 31, 33*, 38*, 42*, 43*, 46*. Of the foregoing the ten Proposals which are marked *, were also referred to the Committee on Apportionment.

Thirteen of the referred Proposals call for a Unicameral Legislature; only two deal with Bicameral plans and were referred to this Committee only as to the length of terms proposed for members; one Proposal merely proposes five year terms for members under either a bicameral or unicameral plan.

- b. At a public meeting of the Committee held May 19, with 14 of the 16 members being present, separate motions to report each of the 16 referred proposals for further consideration and action by the Convention were voted upon.
- c. PROPOSAL NO. 8. was the only one of the 16 referred Proposals which received a majority vote for a favorable report to the Convention. The motion to report Proposal No. 8 favorably was adopted by a vote of 8 to 6.

2. COMMITTEE CONSENSUS

The following motion was made at the Committee meeting of May 19:

RESOLVED, The Committee on Structure of the Legislature favors adoption of a Proposal calling for a Bicameral Legislature.

On the motion 6 members voted "aye", 8 voted "no". Of the 8 members voting "no", 4 requested that their "no" vote be recorded as so cast because the motion did not contain provisions as to districting, apportionment or members' terms, provisions they deemed essential to their casting of "aye" votes for bicameralism.

The following two motions were made and unanimously adopted at the Committee meeting of May 26, with 14 of the 16 members present and voting:

RESOLVED, The Committee on Structure of the Legislature recommends a Proposal calling for a Bicameral Legislature with Legislative districts comprised of a county or a combination of counties. Since apportionment is not within the province of the Committee the following four methods of apportionment, or a combination thereof, are merely suggested for consideration:

- (a) Members of the Senate be elected at large, members of Assembly elected at large, with a sub-district residency requirement;
- (b) Members of both Houses be elected from single member sub-districts;
- (c) Members of the Senate be elected at large from districts with members of the Assembly elected from single member sub-districts;
- (d) Members of the Assembly be elected at large from districts and members of the Senate be elected from single member sub-districts.
- (e) Members of both Houses be elected at large from their districts.

RESOLVED, The Committee on Structure of the Legislature recommends the adoption of a Proposal calling for either of the following as to terms of Legislators:

Senators 5 years, Assemblymen 2 years, or

Senators 4 years, Assemblymen 3 years.

Staggered terms for members of the Senate is recommended, if the same be possible.

Respectfully submitted,

COMMITTEE ON STRUCTURE OF
THE LEGISLATURE

NEW JERSEY CONSTITUTIONAL CONVENTION

COMMITTEE ON STRUCTURE OF THE LEGISLATURE

MINORITY REPORT: Geoffrey Gaulkin, Delegate from Hudson County

The First Report of the Committee on Structure of the Legislature, limited as it is to a description of the formal action taken by the Committee, does not represent in my judgment, a full or satisfactory expression of the sentiments of the Committee. At best, the First Report offers little aid or guidance to the Convention; at worst it is misleading.

The value of the First Report is limited not only by the fact that all proposals referred to this Committee regarding the structure of the legislature were unicameral proposals. More important is the fact that the vote taken by the Committee on each proposal was largely determined not by the legislative structure set forth in such proposal, but rather by the provisions therein regarding the constituencies, i.e., single-member or multi-member districts. The difficulties were compounded by the action of the Committee in voting upon the referred proposals on a simple yes-or-no basis, without isolating particular aspects of each proposal for discussion or vote.

As the result of these distorting influences, the Committee has found that it can report affirmatively only 1 of the 16 proposals referred to it. That proposal is, of course, for a unicameral legislature, and specifically provides for the election of legislators from single-member districts within the respective counties, with each county guaranteed at least one legislator. It is perfectly obvious that the affirmative vote on this proposal, Proposal #8, was only partly attributable to sentiment in favor of unicameralism; conversely, it is equally clear that the negative dispositions of the remaining 15 proposals were only partly attributable to sentiment against unicameralism.

Consequently this Minority Report is submitted both in order to articulate a position which is not reflected in the formal action taken by the Committee; and, more specifically, to record qualified support of certain of the proposals upon which the Committee has voted negatively.

My own basic predisposition is for a unicameral legislature. I believe that no matter what decisions are to be made by this Convention regarding apportionment, districting, maintaining of county lines and the like, those decisions can be fitted into a unicameral plan as easily as-----and perhaps more easily than----into a bicameral plan. All other things being equal, therefore, I can separate the concept of a unicameral legislature from the other issues facing the Convention; and on that basis I support unicameralism.

Nevertheless, I am still very much concerned about the basis of representation in any legislature, be it unicameral or bicameral. I am strongly in favor of the single-member district and to the extent possible, the honoring of county lines and the provision to each county of at least one legislator. By the same token, I am entirely opposed to the establishment of any legislature in which legislators elected from multi-member districts predominate in number or, through a bicameral structure, in legislative power.

For the reasons thus stated I favor without qualification Proposal #8 which has been acted upon favorably by this Committee. I also believe, however, that many of the remaining unicameral proposals referred to this Committee contain much of value. Although I cannot endorse any of them without qualification, I believe they very much merit consideration by the entire Convention, particularly if, as is commonly discussed, some compromise between the single-member district and multi-member district positions is to be worked

out by the Convention. I would much prefer to see such a compromise worked out in the framework of a unicameral legislature rather than in a bicameral legislature which allocates one house entirely to single-member constituencies and the other house entirely to multi-member constituencies.

Therefore, by this Minority Report I note my own support, qualified as stated above of Proposals ## 17, 21, 26, 38, 42, and 46.

Of particular interest, and I believe of significant promise, is Proposal #26, introduced by Mr. Rittenhouse of Hunterdon County, which, as I understand it, could provide for a unicameral legislature in which one legislator represents and is elected at-large from each of the 21 counties, and the remainder are elected from single-member sub-districts within the counties. This proposal seems to offer an extraordinarily attractive means of combining single-member and multi-member districts, honoring county lines, assuring a legislator to each county, and maintaining, to the maximum permissible extent, the tradition of the New Jersey State Senate that each county, regardless of its population, shall elect a single individual at-large to represent that county, with a voice equal to every other representative of an entire county. I think that the many delegates who are interested in those goals should give Proposal #26 their most serious consideration.

REPORT OF SCOPE COMMITTEE

TO BE SUBMITTED TO ORGANIZATION AND OPERATIONS COMMITTEE AS PROVIDED FOR BY RULE 56, PAR.B OF OFFICIAL RULES OF THE CONVENTION.

RESOLUTION NO.12 WAS REFERRED TO THE SCOPE COMMITTEE BY PRESIDENT FOLEY FOR CONSIDERATION BY THAT COMMITTEE.

CO-CHAIRMEN BASH AND MCCORD CALLED MEETING TO ORDER.

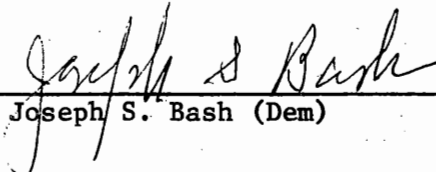
THE CHAIR READ PROPOSAL #12 INTRODUCED BY DELEGATE CUCCI, OCEAN COUNTY "A PROPOSAL PROVIDING FOR A UNICAMERAL LEGISLATURE OF 112 MEMBERS AP-PORTIONED AMONG THE COUNTIES ACCORDING TO THE METHOD OF EQUAL PRO-PORTIONS AND ELECTED AT LARGE WITHIN THE SEVERAL COUNTIES FOR TERMS OF 4 YEARS".

THE COMMITTEE WAS INSTRUCTED THAT THE UNICAMERAL ASPECT OF THE PROPOSAL WAS THE CONCERN OF THE SCOPE COMMITTEE.

DELEGATE JACKS (D) MIDDLESEX COUNTY MOVED THAT UNICAMERALISM WAS GER-MANE TO THE PURPOSE OF THIS CONVENTION. THIS MOTION WAS SECONDED BY DELEGATE WEINROTH (R) MERCER COUNTY. THE COMMITTEE VOTED UNANIMOUSLY THAT UNICAMERALISM IS A PROPER SUBJECT OF THE CONVENTION.

MOTION WAS MADE AND PASSED UNANIMOUSLY THAT A REPORT AS TO THE FINDINGS OF THE SCOPE COMMITTEE BE FILED WITH THE PROPER COMMITTEE.

CO-CHAIRMAN


Joseph S. Bash (Dem)

CO-CHAIRMAN

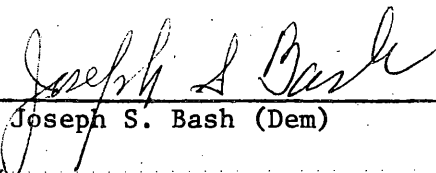
Sidney P. McCord, Jr. (Rep)

REPORT OF SCOPE COMMITTEE TO BE SUBMITTED TO THE COMMITTEE ON ORGANIZATION AND OPERATIONS AS PROVIDED BY RULE 56, PAR.B OF THE OFFICIAL RULES OF THE CONSTITUTIONAL CONVENTION.

THE SCOPE COMMITTEE HAVING MET AND CONSIDERED PROPOSAL # 6 INTRODUCED BY DELEGATE SARCONE OF ESSEX COUNTY, RESOLVED: THE CONSTITUTIONAL AMENDMENT OR AMENDMENTS TO BE SUBMITTED TO THE PEOPLE BY THIS CONVENTION SHALL (A) CONSTITUTE A PRECISE, SELF-EXECUTING DEFINITION OF THE COMPOSITION AND APPORTIONMENT OF THE LEGISLATURE REQUIRING NO, NOR PERMITTING ANY, DISCRETIONARY ACTION AT ANY TIME BY THE LEGISLATURE (OR ANY OTHER APPORTIONMENT BODY), OR (B) INCLUDE A SPECIFIC DETAILED DEFINITION OF THE COMPOSITION AND APPORTIONMENT OF THE LEGISLATURES TO BE ELECTED IN 1967 AND THEREAFTER UNTIL THE 1970 CENSUS SHALL BECOME EFFECTIVE IN THIS STATE, WHICH DEFINITION SHALL REQUIRE NO, NOR PERMIT ANY, DISCRETIONARY ACTION BY THE LEGISLATURE (OR ANY OTHER APPORTIONMENT BODY) UNTIL AFTER THE 1970 CENSUS.

SAID PROPOSAL WAS VOTED UPON . THE COMMITTEE WAS DIVIDED EVENLY 8 VOTES CAST FOR AND 8 VOTES CAST IN OPPOSITION.

CO-CHAIRMAN


Joseph S. Bash (Dem)

CO-CHAIRMAN

Sidney P. McCord, Jr. (Rep)

CONSTITUTIONAL CONVENTION OF NEW JERSEY OF 1966

RESOLUTION (R-1)

APRIL 14, 1966

REFERRED GENERALLY TO: COMMITTEE ON RULES AND BUSINESS AFFAIRS,
EXCEPT THAT INsofar AS THE QUESTION ARISING BY REASON OF THE LAST
SENTENCE IS CONCERNED.--THAT MATTER IS REFERRED TO COMMITTEE ON
SCOPE OF THE CONVENTION.

RESOLVED that the rules of the Convention be amended by adding thereto

Rule 72A reading as follows:

72A. The Convention, by an affirmative vote of delegates having not less than 45 votes, may submit to the voters of the State a single proposal, or a proposal containing not more than two plans stated in the alternative, unless delegates having at least 67 votes shall vote against submission. If a proposal is submitted containing two plans stated in the alternative, the Convention by an affirmative vote of delegates having not less than 45 votes may provide for the adoption of one of the plans by a plurality of all votes cast by the voters of the State for and against the plans.

And be it further RESOLVED that this Convention refer to the Committee on Rules and Business Affairs proposed Rule 72A for its consideration and for such action as it deems appropriate.

STATEMENT

Some provision should be made in the Rules of this Convention in the event the Convention becomes deadlocked or in the event a plan or alternative plans receive only 45 Convention votes. The purpose of the proposed rule is simply to preserve the people's right to vote in these events.

TO: MEMBERS OF THE RULES COMMITTEE

SUBJECT: PROPOSED RULE 72-A

A Resolution to amend the rules of the Constitutional Convention so as to add a new Rule, 72-A. has been submitted by Delegate Clapp from Essex County and referred to the Rules Committee for report.

This Rule would provide that if a proposal received 45 delegate votes (roughly 2/5 of the delegates), said proposal shall be placed on the ballot unless by 67 votes (roughly 3/5) vote to keep said proposal off the ballot. The suggested Rule also provides for an amendment to the amending clause in the constitution so as to permit a plurality of the general electorate voting on the question to pass the constitutional change.

The question has arisen as to whether or not this Constitutional Convention can provide for the amending of any portion of the constitution other than the legislative article. This question would appear to be moot, since the convention is considering a uni-cameral legislature versus a bi-cameral legislature. It should readily be conceded that if the amending of the legislative article requires that other sections of the constitution be amended, then these other amending steps would, of necessity, have to be taken.

The question has also arisen as to whether or not the convention is limited in the scope of its activities by the wording of the enabling legislation which provides for the Constitutional Convention itself. It is the considered legal opinion of many eminently responsible members of the bar of this State that the power of the legislature extended only to that of putting in motion the machinery for the convening of the convention. It is their further opinion that once the convention became organized, that it was thereafter responsible only to the people of the State, that the legislature was without power to direct the convention as to how it should operate and what it should propose.

In the past, when a proposed amendment to the constitution was submitted to the people, the people had two choices. They had the choice of retaining a valid existing constitution, or of substituting an amendment thereto. On the present occasion, however, no such choice exists because if the people should defeat a single proposal placed on the ballot, they would not then have the alternative of the continuing existence of a valid legislative clause to the constitution. Therefore, to defeat a single proposal would mean that there would be a void in the constitution. To place two proposals on the ballot would then give the voters a choice, and to

a very great extent, avoid the possibility of winding up with a void section of the constitution in the event a single proposal from the Constitutional Convention is defeated.

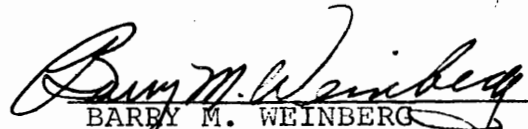
It must be kept in mind that the job of the convention is to act as a committee for the people, to sift and ponder the question of reapportionment. Ours is not the task of telling the people this is what the reapportionment plan shall be. It is entirely possible that a single proposal may not gain more than a bare minimum of votes needed under the present rules, and that there will be a substantial amount of support for a different plan. If the latter were to occur, it would mean that a substantial group of men having gained an expertise in the area of reapportionment (which very few lay persons could claim to have), would be in disagreement with a bare majority of the delegates. The job of the delegates is not one of seeking to obtain the most popular proposal, but that of securing a proposal which is best for the State of New Jersey. The public should have the benefit of the expertise developed during the course of the convention in the event there are, in effect, two major positions taken by the delegates. The mere fact that one of the positions does not secure a bare majority, should not eliminate from public consideration the sizeable area of thought and research.

Aside from eliminating the possibility of a single proposal being defeated, thereby creating a void in our constitution, and aside from the fact that the people should have the benefit of the major points of view of the convention, the adoption of Rule 72-A would have a practical application in that it could be a useful tool in avoiding a deadlock. It would be a means of placing proposals on the ballot, if through the art of compromise, no single proposal could be agreed upon by the majority of the delegates.

For the reasons stated and expressed above, the undersigned co-chairman and members of the Rules Committee recommend the adoption of Rule 72-A in accordance with the Resolution of Alfred C. Clapp.


PETER W. THOMAS, Co-Chairman


IRVING A. LILLIENFELD


BARRY M. WEINBERG


MARTIN F. CAULFIELD

REPORT BY THE RULES AND BUSINESS AFFAIRS COMMITTEE ON RESOLUTION R-1
WHICH WAS REFERRED FOR CONSIDERATION AND APPROPRIATE ACTION AND IS ASCRIBED
TO BY:

Chantzen
Ch. H. H.

Charles H. Roemer

Elijah Perry

Members of the Rules and Business Affairs Committee have received and considered the testimony of Delegates Clapp, Connery, McCord, Crabiel, Ozzard and Goldberg on the merits and procedural validity of Resolution R-1 introduced by Delegate Clapp of Essex County.

The committee members have carefully studied and analyzed the cumulative and particular provisions of this proposed rule change offered by Resolution R-1 and its effect upon the Convention proceedings.

After due deliberation it is reported:

That Resolution R-1 proposes alteration of the required number of delegate votes to adopt a final proposed constitutional amendment from 57 votes, which is a bare majority, to 45 votes, which is a clear minority.

That it would permit alternative constitutional amendment proposals to be submitted to the people on the ballot in the General Election in November 1966.

That this addendum to the rules guiding the procedural and substantive work of this Convention violates the mandate set out in the enabling legislation establishing and calling this Convention under Chapter 43 P.L. 1965.

That it violates the descriptive title of the office of delegate to this Convention which was declared on the ballot for the special election held on March 1, 1966, and which was considered by the citizens of New Jersey prior to casting their vote to elect the delegates to this Convention;

That it violates the spirit and letter of Article 9, the amendment Article, of the New Jersey State Constitution which is binding and is in full force and effect on this Convention;

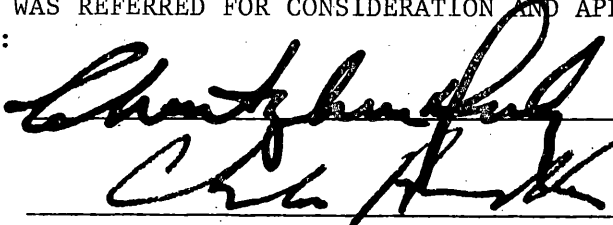
That it violates the bipartisan spirit which has characterized this Convention from its inception, calling, election, and organization, down to the present time; and most significantly, that it violates the oath of office taken by each and every Delegate in the assumption of his office and duties;

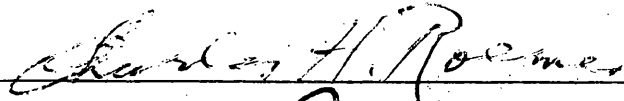
By violating these directives and covenants in adopting this rule change, the proponents of R-1 imply a guarantee against Convention deadlock. Rather than provide service, this Resolution, R-1, is and would be a most disunifying influence upon Convention conduct. It has undermined and has the potential of eliminating any semblance of bipartisanship. It removes any inducement for members of the respective delegations to rise above party interest and arrive at a unanimity of thought which would be best not only for the present, but, most important, for the future needs of our State.

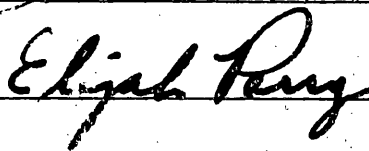
Adoption of Resolution R-1 would be tantamount to an abdication of responsibility evidencing the inability of the Delegates to arrive at a conclusive, expert recommendation; thereby, forcing the people of the State to resolve those conceptual conflicts which this Convention acknowledges its incapacity to settle.

Therefore, it is our recommendation that this proposed rules change as embodied in the Resolution R-1 submitted by Delegate Clapp be rejected.

REPORT BY THE RULES AND BUSINESS AFFAIRS COMMITTEE ON RESOLUTION R-1
WHICH WAS REFERRED FOR CONSIDERATION AND APPROPRIATE ACTION AND IS ASCRIBED
TO BY:







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STATE OF NEW JERSEY
CONSTITUTIONAL CONVENTION

at
RUTGERS • THE STATE UNIVERSITY
New Brunswick, New Jersey
Telephone: 201 247-0001

April 7, 1966

Mr. Lewis Freedman
Program Director
WNDT-TV
304 West 58th Street
New York, N. Y.

Dear Mr. Freedman:

The undersigned are the co-chairmen of the Public Relations and Information Committee of the New Jersey Constitutional Convention now meeting at Rutgers University in New Brunswick. This Convention is mandated to draft and submit to the people of New Jersey a new legislative apportionment article in conformance with the "one man, one vote" decision of the United States Supreme Court.

I think you will agree that the deliberations of this Convention are of paramount importance to the people of New Jersey.

Central to the discussions of the Convention is the question of whether the new Legislature shall be a unicameral or bicameral body. A proposal for a single-house Legislature has been introduced in the Convention and is to be the subject of a public hearing by the Committee on Structure of the Legislature April 21 at 2:00 P.M. in the main Convention meeting room, the Rutgers University Gymnasium in New Brunswick.

We propose that Channel 13 make broadcast time available for presentation of portions of the testimony reflecting support for both legislative forms.

We realize Channel 13's financial limitations. Therefore, the Convention is prepared to consider retaining the services of the Rutgers Educational Television Center for the video taping of appropriate portions of the testimony. The tape would be forwarded to your station for your editing and presentation at an evening hour that would afford the broadest possible opportunity for viewing by the people of New Jersey.

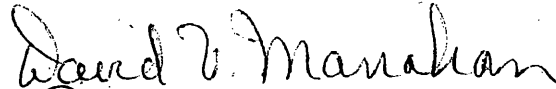
Mr. Lewis Freedman

Page Two

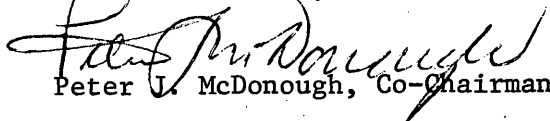
April 7, 1966

Knowing of WNDT's mandated responsibility for the reporting of New Jersey public affairs, we are confident you will avail yourself of this opportunity for important public service. We would appreciate a speedy reply so appropriate arrangements can be made.

Sincerely yours,



David V. Manahan, Co-Chairman



Peter J. McDonough, Co-Chairman

Committee on Public Relations & Information

cc: Chairman, Federal Communications Commission

Hon. Richard J. Hughes, Governor of New Jersey

Hon. John A. Lynch, Pres. of the New Jersey Senate

Hon. Maurice V. Brady, Speaker of the New Jersey General Assembly