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state of new jersey

Acting Governor Richard J. Codey



PROPERTY TAX CONVENTION TASK FORCE



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Background Paper on Subjects for Consideration

The legislation authorizing the Property Tax Convention Task Force (P.L. 2004, c.85) established certain duties for the Task Force. Section 3 of the law states, in part:

The duties of the task force shall be limited to the following:

Considering and developing recommendations regarding the process of conducting a constitutional convention designed to change the existing property tax system. Such recommendations shall include, but not be limited to, *the recommended method for the selection of delegates to the convention, the appropriate scope of the convention's inquiry and the method for consideration of the convention's recommendations, and shall identify the specific issues or questions that the convention should consider as well as the estimated costs of the convention.*

Below is a list of the major subjects the Task Force should look at as well as some of the issues involved with each subject.

- 1. SCOPE OF CONVENTION - *How to focus the Convention's work on the stated public policy goal of bringing fundamental change to the property tax system in order to provide relief to property taxpayers.***
 - o *Delineation of the purpose/issue to be addressed by the Convention (what is their charge?) and any restrictions on remedies that can be considered (i.e. must they be revenue-neutral?).*
 - o *Limitations on definition of spending* - How can it be defined to facilitate the Convention's focus on core issues related to property tax relief and not becoming a forum for ancillary political issues.
 - o *Elimination of consideration of unrelated Constitutional protections* - It should be made clear that the Convention is not authorized to address other Constitutional protections such as civil rights or other provisions such as legislative apportionment or the succession of the Governor.
- 2. DELEGATE CRITERIA, DELEGATE ELECTION & CAMPAIGN FINANCE**

RULES, TIMING OF CONVENTION QUESTIONSDelegate Criteria

1. How many delegates should there be? In 1947 it was the same number as the number of legislators.
2. Should delegates be elected by legislative district or by some other mechanism such as county? Most bills have called for delegates to be elected by legislative district.
3. Should there be any non-elected "super-delegates" such as former Governors or former Supreme Court Justices who would automatically be delegates. For example, the Roberts bill provides for 10 additional delegates to be appointed by the Chief Justice and 4 members of the New Jersey Presidents' Council. Or will these delegates by nature of their titles and experience hold too much sway and reduce the influence of the directly elected delegates. There were no super-delegates in 1947. If there are to be non-elected "super-delegates," how should they be selected (by the Chief Justice, by the Governor, by a special appointed panel of New Jersey's leading citizens)?
4. Should legislators or any elected officials be allowed to run as delegates?
5. What will be the qualifications to be a delegate?
6. What will be the process for prospective delegates to get on the ballot? If by nominating petition (as in 1947), how many signatures should be required?
7. Should delegates be paid or given a per diem.
8. Will being a delegate be a full-time job? This is covered under operating rules of the convention but if the convention requires full-time work during the week and doesn't provide a mechanism for payment, it will greatly influence the make up of the convention.
9. Should elections be partisan or non-partisan?
10. Should any efforts be made to ensure bi-partisan representation?

Election (including campaign finance) Rules - to ensure full citizen participation.

1. Should the campaign finance rules for legislative elections apply; should they be modified or a new set

proposed?

2. Should a public financing component or free mailings or airtime be incorporated to help encourage citizen participation?
3. What role will political parties, political action committees or independent entities be allowed to play in financing campaigns?
4. Should there be spending limits or special rules for self-financing candidates?

Timing of Convention Questions before the Public

1. Should the question about a convention be presented to the voters in a special election? In 1947 a "special election" was held at the same time as the primary.
2. Should the public vote on approval of the convention and selection of the delegates simultaneously during the same election (as in 1947) OR should the public first vote on the question of a convention and then select delegates during the next scheduled election or designate a special election?
3. When would the convention's recommendations go to the public? In 1947 they went to the public in that year's general election.

3. OPERATION OF THE CONVENTION

How much will a convention cost and where will the funds come from?

(The bill that passed the Assembly in 2003 called for a \$4 million appropriation. The bill originally called for \$15 million but was reduced in committee, and \$15 million was in the original Schluter bill.)

Potential Costs

1. ELEC costs of promulgating rules for the special election, investigating potential campaign finance violations, and making campaign finance reports publicly available.
2. Possible public financing for delegation elections
3. Background research briefs for delegates done prior to the Convention and paid convention staff (or consultants?) to do analysis deemed necessary by the convention (revenue projections, cost savings, feasibility of ideas)
4. Public notice of the Convention's proceedings, such

as notices in newspapers.

5. Delegates' transportation expenses and other expenses necessarily incurred in order to carry out their responsibilities, including per diem or salaries to delegates.
6. Cost of compiling electronic record of convention deliberations
7. Providing public information on the convention's recommendations (education for ballot initiative)

Cost Issues

1. Will this be a general fund appropriation
2. Can foundations or businesses contribute to reduce the cost to the Treasury?
3. Process to ensure accountability for dollars spent.

What will be the rules of the convention (and does the Convention Task Force or ultimate legislation have to address this)?

- o point of order against non-germane issues
- o Code of ethics for delegates
- o Lobbyist registration
- o Selection of convention leadership (Chairperson plus others)

Convention Schedule

- o How long will convention last?
- o When will it be held (summer?)?
- o Will it be full time during the week or just on weekends?
- o Where will it be held?

4. CONVENTION RECOMMENDATIONS

1. What is the process for the convention actually making a recommendation? Is it a majority vote of delegates? Should this be spelled out in the enabling legislation (as in 1947)?
2. Do convention's recommendations go to the public as a package or can/should they go individually? The 1947 statute left this up to the convention.
3. Under the Constitution, the Convention can only recommend Constitutional changes directly to the voters (the legislature is the only entity with the

power to make statutory changes). Should the Constitution be amended to allow the property tax convention to recommend constitutional and statutory changes to the voters? If so, should a proposed constitutional amendment like this be on the ballot at the same time as the question about whether to hold a convention?

4. Ensuring Convention's Recommendations Are Consistent with the Mandate of the Convention. What process should be established to review the Convention's recommendations to ensure that any recommendations that go to the public address the authorized purpose of the convention? Previously introduced Constitutional Convention bills have called for various independent processes such as a committee of three retired members of the judiciary all appointed by the Chief Justice or the Chief Justice alone to review the recommendations.

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