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PUBLIC HEARING

before

SENATE STATE GOVERNMENT, FEDERAL AND INTERSTATE
RELATIONS AND VETERANS' AFFAIRS COMMITTEE

on

SENATE CONCURRENT RESOLUTION NO. 35 SCA

(Proposes an amendment to the Constitution
to establish the office of Lieutenant Governor)

October 2, 1986
Room 410
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Wynona M. Lipman, Chairwoman
Senator Gerald R. Stockman, Vice Chairman
Senator Richard D. Codey
Senator Gerald Cardinale
Senator C. William Haines

ALSO PRESENT:

Joseph P. Capalbo
Office of Legislative Services
Aide, Senate State Government, Federal
and Interstate Relations and Veterans'
Affairs Committee

* * * * *

Hearing Recorded and Transcribed by
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State House Annex
CN 068
Trenton, New Jersey 08625

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SENATE CONCURRENT RESOLUTION No. 35
STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator CARDINALE

A CONCURRENT RESOLUTION proposing to amend Articles II, IV,
and V of the State Constitution.

1 BE IT RESOLVED *by the Senate of the State of New Jersey (the*
2 *General Assembly concurring)*:

1 1. The following proposed amendment to the Constitution is
2 agreed to:

PROPOSED AMENDMENT

3 a. Amend Article II, paragraph 1, to read as follows:

4 1. General elections shall be held annually on the first Tuesday
5 after the first Monday in November; but the time of holding such
6 elections may be altered by law. The Governor, *Lieutenant Gov-*
7 *ernor*, and members of the Legislature shall be chosen at general
8 elections. Local elective officers shall be chosen at general elec-
9 tions or at such other times as shall be provided by law.

10 b. Amend Article IV, Section V, paragraph 1 to read as follows:

11 1. No member of the Senate or General Assembly, during the
12 term for which he shall have been elected, shall be nominated,
13 elected or appointed to any State civil office or position, of profit,
14 which shall have been created by law, or the emoluments whereof
15 shall have been increased by law, during such term. The provisions
16 of this paragraph shall not prohibit the election of any person as
17 Governor, *as Lieutenant Governor* or as a member of the Senate
18 or General Assembly.

19 c. Amend Article V, Section I, paragraphs 2, 3, 4, 5, 6, 7, 8, 9
20 and 10 to read as follows:

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted September 22, 1986.

21 2. The Governor *and Lieutenant Governor* shall be not less than
22 30 years of age, and shall have been for at least 20 years [a
23 citizen] *citizens* of the United States, and [a resident] *residents*
24 of this State seven years next before [his] *their* election, unless
25 [he] *they or either of them* shall have been absent during that
26 time on the public business of the United States or of this State.

27 3. No member of Congress or person holding any office or posi-
28 tion, of profit, under this State or the United States shall be Gov-
29 ernor *or Lieutenant Governor*. If the Governor *or Lieutenant*
30 *Governor* or person administering the office of Governor shall
31 accept any other office or position, of profit, under this State or the
32 United States, his office of Governor *or Lieutenant Governor as*
33 *the case may be*, shall thereby be vacated. No Governor *or Lieu-*
34 *tenant Governor* shall be elected by the Legislature to any office
35 during the term for which he shall have been elected Governor or
36 *Lieutenant Governor*.

37 4. The Governor *and the Lieutenant Governor* shall be elected
38 *conjointly and for concurrent terms* by the legally qualified voters
39 of this State, *which election shall be conducted in a manner that*
40 *each voter shall cast a single vote applicable to both offices. The*
41 *Legislature shall provide by law for making the choice in that*
42 *manner. No person constitutionally ineligible for the office of Gov-*
43 *ernor shall be eligible for that of Lieutenant Governor; and no*
44 *person may, in any election held under the laws of this State,*
45 *simultaneously seek nomination or election to both offices. No*
46 *person shall seek election by the legally qualified voters of the*
47 *State to either office except conjointly with a candidate for the*
48 *other; and in any election held under the laws of this State for the*
49 *selection of nominees by members of any political party, candidates*
50 *for Governor and Lieutenant Governor shall be conjointly selected*
51 *as well, and the candidates so selected for either office shall be the*
52 *joint candidates of that political party in the ensuing election of*
53 *Governor and Lieutenant Governor by the legally qualified voters*
54 *of this State. The [person] joint candidates receiving the greatest*
55 *number of votes shall be [the Governor] elected; but if two or more*
56 *joint candidacies shall be equal and greatest in votes, one of them*
57 *shall be elected [Governor] by the vote of a majority of all the*
58 *members of both houses in joint meeting at the regular legislative*
59 *session next following the election for Governor and Lieutenant*
60 *Governor by the people. Contested elections for the [office] offices*
61 *of Governor and Lieutenant Governor shall be determined in such*
62 *manner as may be provided by law.*

63 5. The term of office of the Governor *and of the Lieutenant Gov-*
64 *ernor* shall be four years, beginning at noon of the third Tuesday
65 in January next following [his] *their* election, and ending at noon
66 of the third Tuesday in January four years thereafter. No person
67 who has been elected Governor for two successive terms, including
68 an unexpired term, shall again be eligible for that office until the
69 third Tuesday in January of the fourth year following the expira-
70 tion of his second successive term.

71 6. In the event of a vacancy in the office of Governor resulting
72 from the death, resignation or removal of a Governor in office, or
73 the death of a Governor-elect, or from any other cause, the [func-
74 tions, powers, duties and emoluments of the office shall devolve
75 upon the President of the Senate, for the time being, and in the
76 event of his death, resignation or removal, then upon the Speaker
77 of the General Assembly, for the time being; and in the event of
78 his death, resignation or removal, then upon such officers and in
79 such order of succession as may be provided by law; until a new
80 Governor shall be elected and qualify] *Lieutenant Governor shall*
81 *become Governor.*

82 7. In the event of the failure of the Governor-elect to qualify,
83 or of the absence from the State of a Governor in office, or his in-
84 ability to discharge the duties of his office, or his impeachment, the
85 functions, powers, duties and emoluments of the office shall devolve
86 upon the [President of the Senate, for the time being; and in the
87 event of his death, resignation, removal, absence, inability or im-
88 peachment, then upon the Speaker of the General Assembly, for
89 the time being: and in the event of his death, resignation, removal,
90 absence, inability or impeachment, then upon such officers and in
91 such order of succession as may be provided by law] *Lieutenant*
92 *Governor*; until the Governor-elect shall qualify, or the Governor
93 in office shall return to the State, or shall no longer be unable to
94 discharge the duties of the office, or shall be acquitted, as the case
95 may be[, or until a new Governor shall be elected and qualify].

96 8. Whenever a Governor-elect or a *Lieutenant Governor-elect*
97 shall have failed to qualify within six months after the beginning
98 of his term of office, or whenever for a period of six months a Gov-
99 ernor or a *Lieutenant Governor* in office, or a person administering
100 the office of *the Governor*, shall have remained continuously absent
101 from the State, or shall have been continuously unable to discharge
102 the duties of his office by reason of mental or physical disability,
103 the office shall be deemed vacant. Such vacancy shall be determined
104 by the Supreme Court upon presentment to it of a concurrent

105 resolution declaring the ground of the vacancy, adopted by a vote
106 of two-thirds of all the members of each house of the Legislature,
107 and upon notice, hearing before the court and proof of the existence
108 of the vacancy.

109 9. [In the event of a vacancy in the office of Governor, a Gover-
110 nor shall be elected to fill the unexpired term at the general election
111 next succeeding the vacancy, unless the vacancy shall occur within
112 60 days immediately preceding a general election, in which case he
113 shall be elected at the second succeeding general election; but no
114 election to fill an unexpired term shall be held in any year in which
115 shall also state the population of the districts having the smallest
116 an unexpired term shall assume his office immediately upon his
117 election.]

118 a. *Whenever there is a vacancy in the office of Lieutenant Gov-*
119 *ernor, the Governor shall nominate within 45 days of the occurrence*
120 *of the vacancy a Lieutenant Governor, who shall take office upon*
121 *confirmation by a majority vote by both Houses of the Legislature.*

122 b. *Whenever there are simultaneous vacancies in the offices of*
123 *Governor and Lieutenant Governor, the functions, powers, duties,*
124 *and emoluments of the office of Governor shall devolve upon the*
125 *President of the Senate; for the time being; and in the event of his*
126 *death, resignation, removal, absence, disability, or impeachment,*
127 *then upon the Speaker of the General Assembly, for the time being;*
128 *and in the event of his death, resignation, removal, absence, dis-*
129 *ability, or impeachment; then upon such officers and in such order*
130 *of succession as may be provided by law. The same order of suc-*
131 *cession shall obtain in any case of simultaneous temporary inability*
132 *of the incumbents of both offices to serve by reason of absence, dis-*
133 *ability, or impeachment, or by simultaneous temporary inability of*
134 *the incumbent of the office of Governor and vacancy in the office*
135 *of Lieutenant Governor; until such temporary inability is removed.*

136 c. *Whenever, by reason of simultaneous vacancies in the offices*
137 *of Governor and Lieutenant Governor, the functions, powers,*
138 *duties, and emoluments of the office of Governor have devolved*
139 *upon any officer other than the Lieutenant Governor, a Governor*
140 *and a Lieutenant Governor shall be elected to fill the unexpired*
141 *terms of those vacancies at the general election next succeeding*
142 *their occurrence, unless the vacancies have occurred within 60 days*
143 *immediately preceding a general election, in which case they shall*
144 *be elected at the second succeeding general election; but no election*
145 *to fill the unexpired terms shall be held in any year in which a Gov-*
146 *ernor and Lieutenant Governor are to be elected for full terms. A*

147 *Governor and Lieutenant Governor elected for unexpired terms*
 148 *shall assume their offices immediately upon their election.*

149 *d. Whenever an appointed Lieutenant Governor becomes Gov-*
 150 *ernor, an election to fill the unexpired terms of the elected Governor*
 151 *and Lieutenant Governor shall be held at the general election next*
 152 *succeeding the assumption of the office of Governor by the ap-*
 153 *pointed Lieutenant Governor, unless the assumption has occurred*
 154 *within 60 days immediately preceding a general election, in which*
 155 *case an election shall be held at the second succeeding general elec-*
 156 *tion; but no election to fill the unexpired terms shall be held in any*
 157 *year in which a Governor and Lieutenant Governor are to be*
 158 *elected for full terms. A Governor and Lieutenant Governor elected*
 159 *for unexpired terms shall assume their offices immediately upon*
 160 *their election.*

161 10. a. *The Governor and the Lieutenant Governor shall receive*
 162 *for [his] their services [a salary] salaries, which shall be neither*
 163 *increased nor diminished during the period for which [he] they*
 164 *shall have been elected, or in the case of an appointed Lieutenant*
 165 *Governor, during the period of his service as Lieutenant Governor*
 166 *or as Governor.*

167 **[b. The Lieutenant Governor shall be the executive assistant to*
 168 *the Governor and shall perform such duties of the office of Gov-*
 169 *ernor as the Governor may and shall delegate to him and such other*
 170 *duties as shall be provided by law.]**

171 **b. The Lieutenant Governor shall enjoy the rights, privileges*
 172 *and prerogatives commonly accorded by law, order, rule or usage*
 173 *to the heads of principal departments of the Executive branch of*
 174 *the State government. The Governor may nominate and appoint,*
 175 *with the advice and consent of the Senate, the Lieutenant Governor*
 176 *to be the head of a principal department, to serve at the pleasure*
 177 *of the Governor during his term of office and until the appointment*
 178 *and qualification of a successor as head of such department. The*
 179 *Lieutenant Governor shall in addition perform those duties of the*
 180 *office of Governor as the Governor may and shall delegate to him*
 181 *and those other duties as shall be provided by law.*

182 *d. Amend Article V, Section IV, paragraph 3 to read as follows:*

183 3. *[The] Except as otherwise provided by Section I, paragraph*
 184 *10 of this Article, the Secretary of State and the Attorney General*
 185 *shall be nominated and appointed by the Governor with the advice*
 186 *and consent of the Senate to serve during the term of office of the*
 187 *Governor.**

1 2. *When this proposed amendment to the Constitution is finally*
 2 *agreed to, pursuant to Article IX, paragraph 1 of the Constitution,*

3 it shall be submitted to the people at the next general election oc-
 4 ccurring more than three months after final agreement and shall
 5 be published at least once in at least one newspaper of each
 6 county designated by the President of the Senate and the Speaker
 7 of the General Assembly and the Secretary of State, not less than
 8 three months prior to the general election.

1 3. This proposed amendment to the Constitution shall be sub-
 2 mitted to the people at that election in the following manner and
 3 form:

4 There shall be printed on each official ballot to be used at the
 5 general election, the following:

6 a. In every municipality in which voting machines are not used,
 7 a legend which shall immediately precede the question as follows:
 8 If you favor the proposition printed below make a cross (X), plus
 9 (+) or check (✓) in the square opposite the word "Yes." If you
 10 are opposed thereto make a cross (X), plus (+) or check (✓) in
 11 the square opposite the word "No."

12 b. In every municipality the following question:

	Yes.	<p style="text-align: center;">ESTABLISHES THE OFFICE OF LIEUTENANT GOVERNOR</p> <p>Shall the amendment of Articles II, IV, and V of the Constitution, agreed to by the Legislature, establishing the office of Lieutenant Governor and providing for the term, election, succession, salary, qualifications, and duties of the office, be adopted?</p>
	No.	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>Approval of this amendment will provide for the establishment of the office of Lieutenant Governor. This new official will be elected conjointly with the Governor and directly follow the Governor in the line of succession. He will not be the presiding officer in the State Senate.</p>

SCHEDULE

The first election of a Lieutenant Governor shall be held at the 1989 general election.

GOVERNOR AND STATE OFFICERS

Proposes a constitutional amendment to establish the office of Lieutenant Governor and to revise gubernatorial succession.



New Jersey State Legislature

**SENATE STATE GOVERNMENT, FEDERAL
AND INTERSTATE RELATIONS AND
VETERANS' AFFAIRS COMMITTEE**

STATE HOUSE ANNEX, CN-068
TRENTON, NEW JERSEY 08625
TELEPHONE: (609) 292-9106

WYNONA M. LIPMAN
Chairman
GERALD R. STOCKMAN
Vice-Chairman
RICHARD CODEY
GERALD CARDINALE
C. WILLIAM HAINES

M E M O R A N D U M

September 22, 1986

TO: MEMBERS OF THE COMMITTEE
FROM: SENATOR WYNONA M. LIPMAN, CHAIRMAN
SUBJECT: PUBLIC HEARING - October 2, 1986

The Senate State Government Committee will hold a public hearing on Senate Concurrent Resolution No. 35 SCA on Thursday, October 2, 1986 at 10:00 A.M. in Room 410 of the State House Annex. Senate Concurrent Resolution No. 35, introduced by Senator Cardinale, proposes an amendment to the Constitution to establish the office of Lieutenant Governor.

For further information please contact Joseph P. Capalbo, Aide to the Committee, at (609) 292-9106.

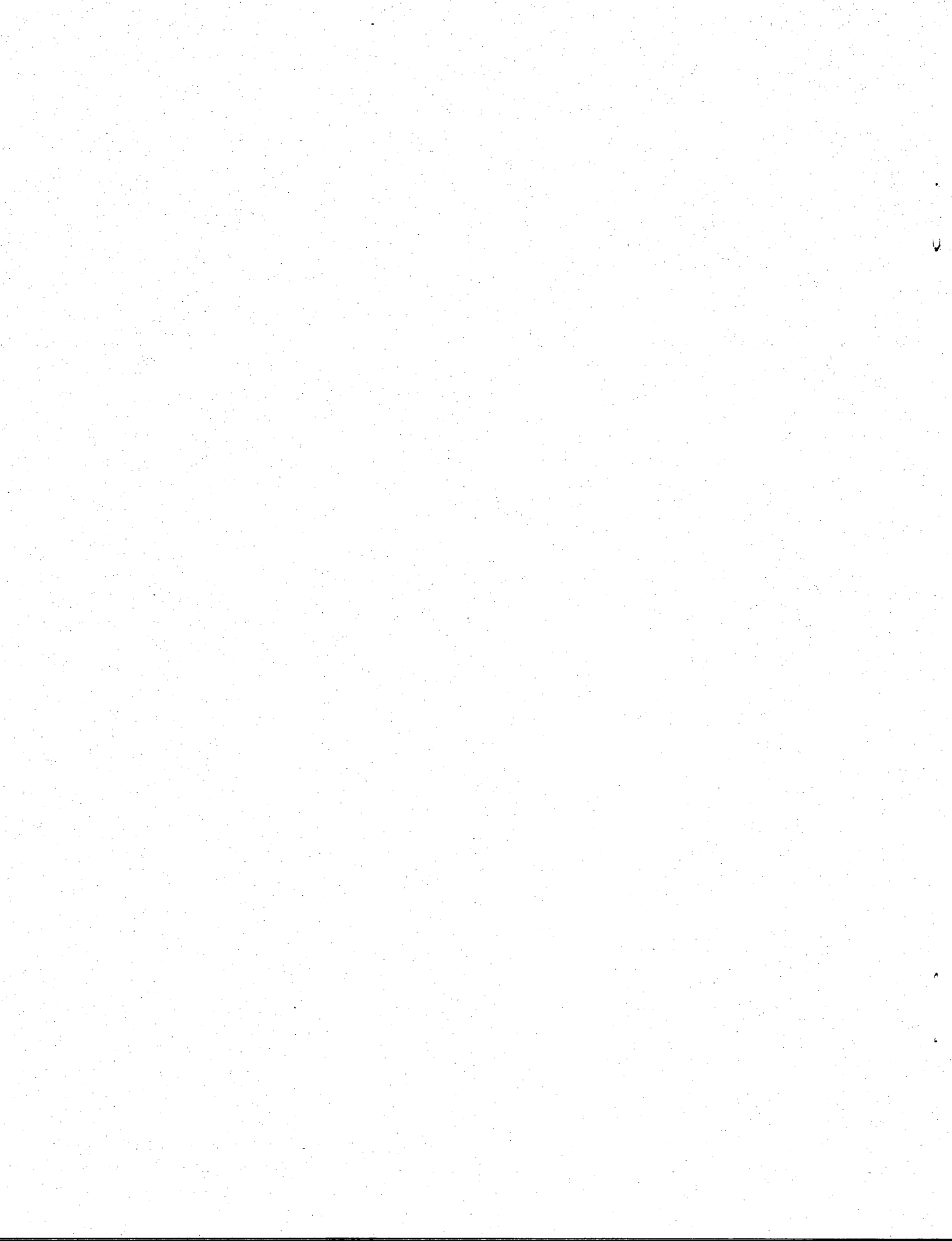


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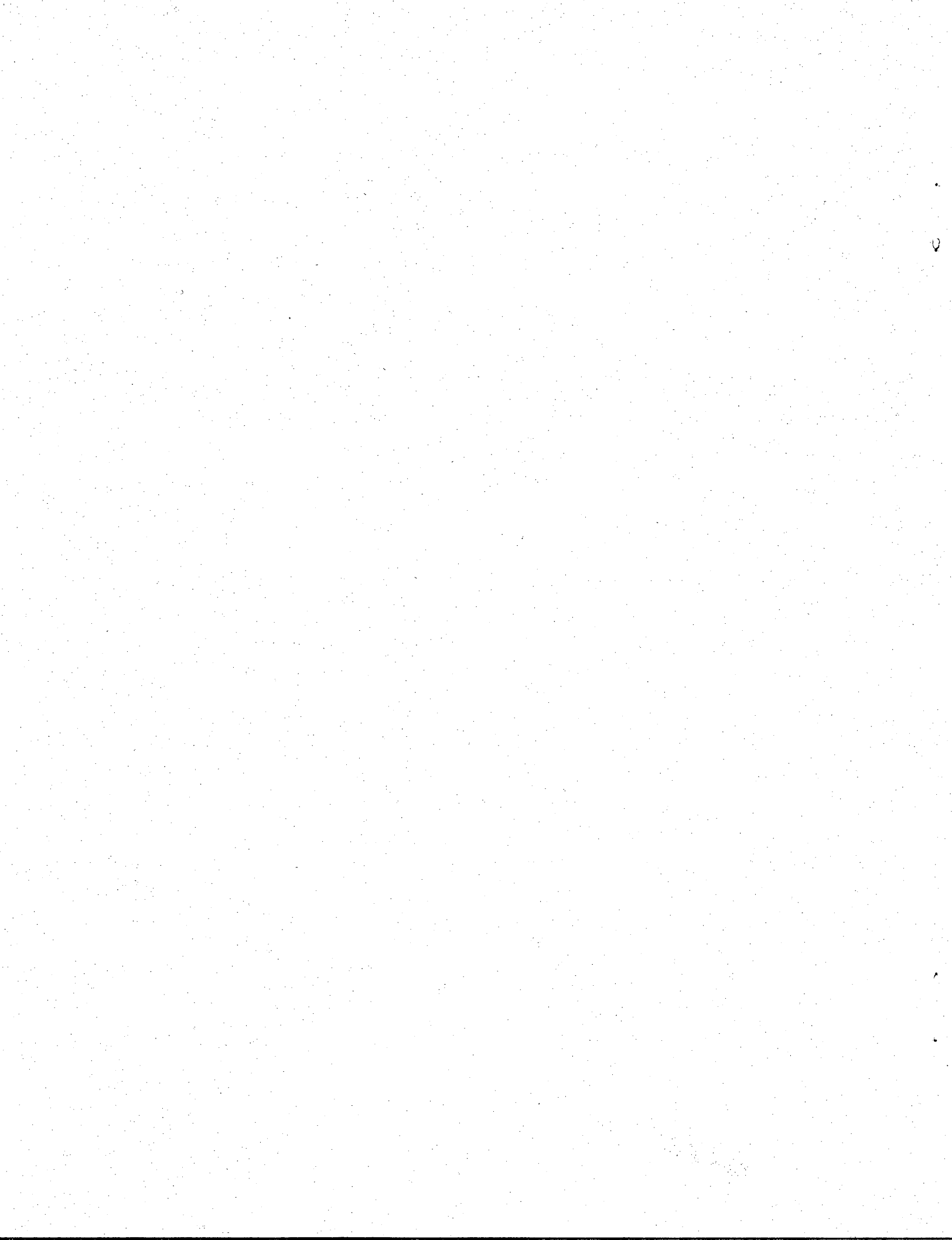
APPENDIX

Statement submitted by
Senator Gerald Cardinale

ix

* * * * *

mjz: 1-2



SENATOR WYNONA M. LIPMAN (Chairwoman): We are going to start the public hearing now. I have to announce to the people who are standing around the room that this is not the largest room possible. I apologize for the lack of seats. As we go through the bills, perhaps there will be persons who will no longer be required to stay, and seats will become available. But now I do have to begin the public hearing on: Shall we have the office of Lieutenant Governor? Should we create the office of Lieutenant Governor? Senator Cardinale has just arrived and we will begin. All right? Senator Cardinale, I'm sorry to call on you as soon as you enter, but we are a little late beginning this hearing.

SENATOR STOCKMAN: Cardinale is late as always.

SENATOR CARDINALE: Blame it all on Bo Sullivan.

SENATOR STOCKMAN: I agree with that.

SENATOR CARDINALE: Rather than read the statement, Madam Chairman, since we are so late, suppose I just enter it into the record.

FROM AUDIENCE: We can't hear you.

SENATOR CARDINALE: (raising his voice) We have an opening statement which essentially supports the amendment, and we will just submit it in writing.

SENATOR LIPMAN: All right. Do you want to state what the bill is about for the people in the room?

SENATOR CARDINALE: The bill creates the position of Lieutenant Governor. It puts the position on the ballot. The Governor and Lieutenant Governor would run as a team in the primary, on this amendment, and the Governor would have the option, subsequent to the election, of appointing this particular Lieutenant Governor to a cabinet position, thereby avoiding duplication and waste, if there would be any.

Essentially, that is what the amendment would allow.

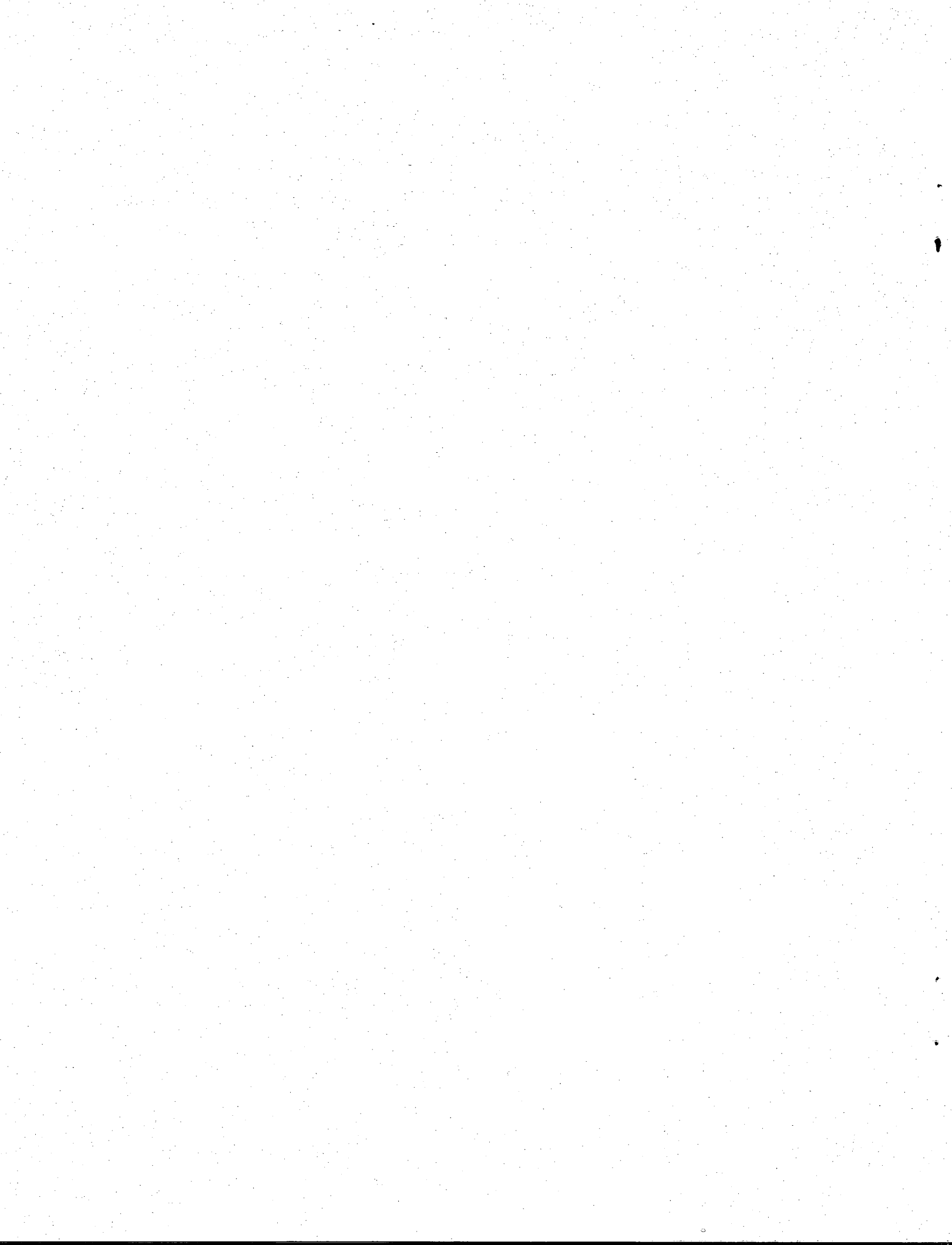
Thank you, Madam Chairman.

SENATOR LIPMAN: Thank you, Senator. Is there anyone else who wishes to speak on this proposal -- SCR-35 -- Senate Concurrent Resolution to establish a Lieutenant Governor? (no response)

All right, if there is no one else to speak, we now end this public hearing.

(HEARING CONCLUDED)

APPENDIX



STATEMENT BY SENATOR CARDINALE - PUBLIC HEARING, SCR-35 Sca. 10/2/86

THE AMENDMENT PROPOSED BY SCR-35 ADDRESSES A SERIOUS DEFECT IN OUR STATE CONSTITUTION - THE LACK OF ANY PROVISION FOR AN OFFICE OF LIEUTENANT GOVERNOR. AS THINGS STAND NOW, IN THE EVENT A VACANCY IN THE OFFICE OF GOVERNOR, OR WHEN THE GOVERNOR IS OUT OF THE STATE, THE PRESIDENT OF THE SENATE BECOMES ACTING GOVERNOR.

THIS OMISSION CREATES A SITUATION IN WHICH THE SENATE PRESIDENT - A LEGISLATOR ELECTED BY THE VOTERS OF ONE DISTRICT - BECOMES THE TEMPORARY REPLACEMENT FOR THE PUBLIC OFFICIAL WHO WAS ELECTED BY THE VOTERS OF THE ENTIRE STATE.

THE GOVERNOR'S JOB IN 1986 IS MUCH MORE COMPLICATED THAN IT WAS WHEN THE CONSTITUTION WAS ADOPTED NEARLY 40 YEARS AGO. THE DEMANDS ON HIS TIME ARE GREAT. HIS ROLE AS THE PRINCIPLE "SALESMAN" FOR THE STATE OF NEW JERSEY FREQUENTLY TAKE HIM OUT OF THE STATE.

IN ADDITION, IT IS NOT UNUSUAL FOR THE ACTING GOVERNOR TO BE OF A DIFFERENT POLITICAL PARTY THAN THE GOVERNOR. WHILE NONE OF THOSE WHO HAVE SERVED AS ACTING GOVERNOR HAVE TAKEN PARTISAN ADVANTAGE OF THE SITUATION, IT IS MORE CONDUCIVE TO PUBLIC ORDER TO HAVE INSTITUTIONAL SAFEGUARDS BUILT INTO THE CONSTITUTION.

THE CONSTITUTIONAL AMENDMENT I AM SPONSORING - AND WHICH IS THE SUBJECT OF THIS PUBLIC HEARING - WOULD ESTABLISH THE OFFICE OF LIEUTENANT GOVERNOR. THE LIEUTENANT GOVERNOR AND THE GOVERNOR WOULD BE OF THE SAME PARTY. THEY WOULD RUN ON THE BALLOT AS A TEAM.

NOT ONLY WOULD THEY RUN AS A TEAM IN THE GENERAL ELECTION, BUT THEY WOULD ALSO RUN AS A TEAM IN THE PRIMARY ELECTION. IN CONTRAST WITH OTHER PROPOSALS, MY AMENDMENT WOULD HAVE THE MEMBERS OF THE PARTY VOTE FOR THE CANDIDATE FOR GOVERNOR AND THE CANDIDATE FOR LIEUTENANT GOVERNOR IN THE PRIMARY ELECTION RATHER THAN HAVE THE GUBERNATORIAL CANDIDATE SELECT HIS RUNNING AFTER THE PRIMARY. THE PUBLIC WOULD KNOW THE GUBERNATORIAL CANDIDATES CHOICE FOR LIEUTENANT GOVERNOR BEFORE, NOT AFTER, THE PRIMARY ELECTION. PRIMARY VOTERS WOULD CAST ONE VOTE IN THE PRIMARY FOR THE TEAM OF THEIR CHOICE.

IN ORDER TO MINIMIZE THE COSTS OF ADDING THE OFFICE OF LIEUTENANT GOVERNOR, I HAVE AMENDED MY PROPOSED AMENDMENT TO PERMIT THE GOVERNOR TO NOMINATE AND APPOINT, WITH THE ADVICE AND CONSENT OF THE SENATE, THE LIEUTENANT GOVERNOR BE THE HEAD OF A PRINCIPLE CABINET DEPARTMENT.

IN SHORT, THE CONSTITUTIONAL AMENDMENT PROPOSED BY SCR-35 WILL GIVE THE STATE OF NEW JERSEY AN OFFICIAL SELECTED AS A CANDIDATE BY THE VOTERS OF THE PARTY - ONE WHO IS ELECTED BY THE VOTERS OF THE STATE WITH THE GOVERNOR - ONE WHO WILL BE THE "BACK UP" FOR THE GOVERNOR AND WHO WILL HAVE SUBSTANTIVE DUTIES AS WELL.

I WANT TO THANK THE COMMITTEE FOR GIVING AN EARLY HEARING TO THIS AMENDMENT SO THAT IT CAN BE GIVEN A PROMPT VOTE IN THE SENATE.