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PUBLIC HEARING

before

ASSEMBLY STATE GOVERNMENT COMMITTEE

on

ASSEMBLY CONCURRENT RESOLUTION 33 Aca

(Amends the Constitution to establish a procedure
for the filling of legislative vacancies)

October 9, 1986
Room 373
State House Annex
Trenton, New Jersey

MEMBER OF COMMITTEE PRESENT:

Assemblyman Richard A. Zimmer, Chairman

ALSO PRESENT:

Donald S. Margeson
Office of Legislative Services
Aide, Assembly State Government Committee

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Hearing Recorded and Transcribed by
Office of Legislative Services
Public Information Office
Hearing Unit
State House Annex
CN 068
Trenton, New Jersey 08625

ASSEMBLY CONCURRENT RESOLUTION No. 33

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman ROONEY

A CONCURRENT RESOLUTION proposing to amend Article IV, Section IV, paragraph 1 of the Constitution of the State of New Jersey.

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

1 1. The following proposed amendment to the Constitution of the
2 State of New Jersey is hereby agreed to:

PROPOSED AMENDMENT

3 Amend Article IV, Section IV, paragraph 1 of the Constitution
4 to read as follows:

5 1. Any vacancy in the Legislature occasioned **[by death, resigna-**
6 **tion or]** *otherwise than by expiration of term* shall be filled by elec-
7 tion for the unexpired term only**[, as may be provided by law]** at
8 *the next general election occurring not less than ***[37]*** *51* days*
9 *after the occurrence of the vacancy, except that no vacancy shall be*
10 *filled at the general election which immediately precedes the expira-*
11 *tion of the term in which the vacancy occurs. For the interim period*
12 *pending the election and qualification of a successor to fill the va-*
13 *cancy, or for the remainder of the term in the case of a vacancy oc-*
14 *curring which cannot be filled pursuant to the terms of this*
15 *paragraph at a general election, the vacancy shall be filled within*
16 *35 days by ***[appointment by the Governor who shall appoint a***
17 *person to be provided by]* *the members of the county committee*
18 *of the political party of which the incumbent was the nominee***[,]****
19 *from the municipalities or districts or units thereof which comprise*
20 *the legislative district. **[Each house shall direct a writ of election****

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:

*—Assembly committee amendments adopted September 18, 1986.

21 to fill any vacancy in its membership; but if the vacancy shall occur
22 during a recess of the Legislature, the writ may be issued by the
23 Governor, as may be provided by law.】

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
4 occurring more than three months after such final agreement and
5 shall 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 (×),
9 plus (+) or check (✓) in the square opposite the word "Yes."

10 If you are opposed thereto make a cross (×), plus (+), or check
11 (✓) in the square opposite the word "No."

12 b. In every municipality the following question:

	Yes.	<p>FILLING VACANCIES IN THE LEGISLATURE</p> <p>Shall the amendment of Article IV, Section IV, paragraph 1 of the Constitution of the State of New Jersey, as agreed to by the Legislature, requiring that a vacancy in the Legislature be filled within 35 days by appointment by *[the Governor of a person to be provided by]* the members of the county committee of the political party of which the incumbent was the nominee*[.]* from the municipalities or districts or units thereof which comprise the legislative district*,* and *<i>providing</i>* that the appointee shall serve until the election of a successor to fill the vacancy at the next general election occurring not less than *[37]* *51* days after the occurrence of the vacancy, or until the end of the unexpired term of office if the next general election so occurring immediately precedes the expiration of the term, be adopted?</p>
	No.	<p>INTERPRETIVE STATEMENT</p> <p>This amendment would require that a vacancy in the Legislature be filled within 35 days by appointment by the *[Governor of a person to be provided by the]* members of the county committee of the political party of which the incumbent was the nominee*[.]* from the municipalities or districts or units thereof which comprise the legislative district*,* and *<i>providing</i>* that the appointee shall serve until the election of a successor to fill the vacancy at the next general election occurring not less than *[37]* *51* days after the occurrence of the vacancy, or until the end of the unexpired term of office if the next general election so occurring immediately precedes the expiration of the term.</p>

ELECTIONS

Requires vacancy in membership of Legislature to be filled at general election only; provides vacancy shall be filled, pending such election, through temporary appointment by county party committee members from vacated district.

ASSEMBLY STATE GOVERNMENT COMMITTEE
STATEMENT TO
ASSEMBLY CONCURRENT RESOLUTION No. 33
with Assembly committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 18, 1986

The Assembly State Government Committee reports favorably and with committee amendments Assembly Concurrent Resolution No. 33.

This concurrent resolution proposes an amendment to the State Constitution to revise its provisions regarding the filling of vacancies in the membership of the Legislature.

The Constitution currently requires that any vacancy occasioned by death, resignation or otherwise shall be filled by election, with no requirement that election be held at a general election. Under the resolution, a vacancy-filling election may be held only at the time of the next general election occurring at least 51 days following the occurrence of the vacancy, and if that is the general election which immediately precedes the end of the term, the vacancy will not be filled by election at all. That portion of a term not filled by election (that is, during the interim period between the occurrence of the vacancy and either the general election at which it is filled or the expiration of the term, as appropriate) will be filled through appointment by those members of the county committee of the vacating incumbent's political party who represent portions of the legislative district in which the vacancy has occurred.

This concurrent resolution was pre-filed for introduction in the 1986 session pending technical review. As amended, the resolution includes the changes required by technical review which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the concurrent resolution (1) to increase by two weeks the period of time by which the occurrence of a vacancy must precede a general election in order for the vacancy to be eligible to be filled at that election (the purpose of this amendment is to reflect changes in the statutory ballot preparation schedule which were made in connection with the 1985 revision of the "Absentee Voting Law (1953)"; (2) to remove the Governor from involvement in the process of making interim appointments to fill legislative vacancies; and (3) to revise the text of the ballot question and interpretive statement provided by the resolution to reflect the aforementioned changes in the body of the proposed constitutional amendment.



CHARLES A. ZIMMER
Chairperson
JOE CRECCO
Chairperson
JOE J. MARTIN
JOSEPH L. BOCCHINI, JR.
JOSEPH CHARLES, JR.

New Jersey State Legislature
ASSEMBLY STATE GOVERNMENT COMMITTEE
STATE HOUSE ANNEX, CN-062
TRENTON, NEW JERSEY 08625
TELEPHONE: (609) 292-9106

September 29, 1986

NOTICE OF PUBLIC HEARING

The Assembly State Government Committee will hold a public hearing on Thursday, October 9, 1986 at 9:30 A.M. in Room 373 of the State House Annex in Trenton, concerning the following legislation:

ACR-33 Aca
Rooney

Amends the constitution to
establish a procedure for the
filling of legislative
vacancies.

This public hearing has been ordered by the General Assembly under Rule 143 of the Rules of the General Assembly and in compliance with the requirements of Article IX, paragraph 1 of the State Constitution, concerning constitutional amendments.

Anyone wishing to testify at the hearing should contact Donald Margeson, Aide to the Committee, at (609) 292-9106.

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Christina St. John, Director Division of Elections Department of State	1

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mjz: 1-2

ASSEMBLYMAN RICHARD A. ZIMMER (Chairman): The hearing on Assembly Concurrent Resolution 33 Aca is called to order.

I would first like to call Assemblyman Dick Kamin.

ASSEMBLYMAN C. RICHARD KAMIN: Thank you, Mr. Chairman. I just came, if I might, to offer my support for this legislation, and for the process as it continues to unfold.

There continue to be pressing needs to have this legislation with the upcoming special elections, and I think the sooner we get this in place, the better the taxpayers in New Jersey are going to be.

That's really why I am here. Good luck, and I will be there on the floor to support it.

ASSEMBLYMAN ZIMMER: Thank you. Christina St. John?

CHRISTINA ST. JOHN: I would just like to point out that I am definitely in favor of the bill, anything to do with eliminating the costs of special elections.

The process is fine; however, the way the bill is written right now, the county committee does the selection, but then who do they report it to? Who sits above the county committee to tell the Secretary of State, or to tell the Legislature, "We have nominated Joe Blow or Jane Smith"? In other words, there should be a higher authority, whether it be the State Chairman -- because we are talking about the county committees of several counties, and each county has its own bylaws, etc.

ASSEMBLYMAN ZIMMER: If they have bylaws.

MS. ST. JOHN: Yes.

ASSEMBLYMAN ZIMMER: Do you believe that this issue can be addressed by amending the enabling legislation -- the companion bill on the floor -- rather than amending the Assembly Concurrent Resolution?

MS. ST. JOHN: Yes, I believe so.

ASSEMBLYMAN ZIMMER: Well, I would suggest that you discuss this with the sponsor, so that we can have the legislation in its optimal form when the resolution comes to a vote.

MS. ST. JOHN: Fine.

ASSEMBLYMAN ZIMMER: Thank you very much. Is there anyone else who would like to address the Committee? (no response) Because the regularly scheduled Committee meeting is not to begin until 10, I will keep the record open for 15 minutes in case someone comes in who wishes to speak.

(RECESS)

AFTER RECESS:

ASSEMBLYMAN ZIMMER: It is now one minute after 10. Is there anyone else who wishes to speak on the proposed constitutional amendment? (no response) I declare the hearing adjourned. Thank you.

(HEARING CONCLUDED)