

P U B L I C H E A R I N G

before

SENATE JUDICIARY COMMITTEE

on

SCR #83

(Proposes to amend the Constitution of New Jersey to provide that the members of the New Jersey Senate be elected every year in which a gubernatorial election is held.)

Held:
April 10, 1980
Room 223
State House
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator William J. Hamilton, Jr. (Acting Chairman)
Senator S. Thomas Gagliano

ALSO:

John J. Tumulty, Research Associate
Office of Legislative Services
Aide, Senate Judiciary Committee

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

1925

1925

REPORT ON THE PROGRESS OF THE RESEARCHES OF THE
LABORATORY OF PHYSICAL CHEMISTRY, 1925

BY
J. H. VAN NISSEN
AND
J. H. VAN NISSEN

REPORT ON THE PROGRESS OF THE RESEARCHES OF THE

LABORATORY OF PHYSICAL CHEMISTRY, 1925

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Senator Joseph P. Merlino District 13	1

SENATE CONCURRENT RESOLUTION No. 83

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1980

By Senator MERLINO

Referred to Committee on Judiciary

A CONCURRENT RESOLUTION proposing to amend Section II of Article IV of the Constitution of the State of New Jersey and providing a schedule therefor.

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 of the
2 State of New Jersey is hereby agreed to:

PROPOSED AMENDMENT

3 Amend Article IV, Section II, paragraph 2 of the Constitution
4 to read as follows:

5 2. Each senator shall be elected *at the general election in which*
6 *a Governor is elected* by the legally qualified voters of the Senate
7 district, except that if the Senate district is composed of two or
8 more counties and two senators are apportioned to the district,
9 one senator shall be elected by the legally qualified voters of each
10 Assembly district. Each senator shall be elected for a term begin-
11 ning at noon of the second Tuesday in January next following his
12 election and ending at noon of the second Tuesday in January,
13 4 years thereafter, except that each senator, to be elected [for a
14 term beginning in January of the second year following the year
15 in which a decennial census of the United States is taken, shall be
16 elected for a term of 2 years] *in any gubernatorial election year*
17 *immediately preceding the year in which a decennial census of the*
18 *United States is taken shall be elected for a term of 2 years and*
19 *each senator to be elected at the expiration of that 2-year term*
20 *shall likewise be elected for a 2-year term.*

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

4 occurring more than 3 months after such final agreement and shall
 5 be published at least once in at least one newspaper of each county
 6 designated by the President of the Senate and the Speaker of the
 7 General Assembly and the Secretary of State, not less than 3
 8 months prior to said general election.

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

4 There shall be printed on each official ballot to be used at such
 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),
 9 plus (+) or check (V) in the square opposite the word "Yes." If
 10 you are opposed thereto make a cross (X), plus (+) or check (V)
 11 in the square opposite the word "No."

12 b. In every municipality, the following question:

	Yes.	<p style="text-align: center;">SENATE ELECTIONS TO BE HELD CONCURRENTLY WITH GUBERNATORIAL ELECTION</p> <p>Shall the amendment to Section II of Article IV of the Constitution of the State of New Jersey providing that the members of the Senate be elected at each gubernatorial election, be approved?</p>
	No.	

STATEMENT

The New Jersey Constitution sets terms for State Senators at 4 years, except for one 2-year term each decade so that districts can be reapportioned in accordance with new census figures. As written now, in every other decade (including the 1980s) Senates would be elected half-way through a Governor's term, and no senators would run at the time a governor was chosen.

By requiring that the 2-year terms for each group of 2 decades be served consecutively, this constitutional amendment insures that the Senate is elected with the Governor and that they share their mandates concurrently.

SENATE (current)	78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97
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GOVERNOR	<-----> <-----> <-----> <-----> <-----> <----->
SENATE (proposed)	78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97
	<-----> <-----> <-----> <-----> <-----> <----->
SENATE (current)	98 99 00 01 02 03 04 05 06 07 08 09 10 11 12 13
	<-----> <-----> <-----> <-----> <-----> <----->
GOVERNOR	<-----> <-----> <-----> <-----> <-----> <----->
SENATE (proposed)	98 99 00 01 02 03 04 05 06 07 08 09 10 11 12 13
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SENATOR WILLIAM J. HAMILTON, JR. (ACTING CHAIRMAN): This hearing has been called for consideration of Senate Concurrent Resolution #83, which proposes to amend the Constitution of this State to provide that members of the Senate be elected every year in which a gubernatorial election is held. Notice of this hearing has been posted in accordance with our rules and we are scheduled to hear from the sponsor of SCR 83, Senate President, Joseph Merlino. President Merlino?

J O S E P H P. M E R L I N O: I would like to make a comment first. I'm glad and very happy to see the interest that this Constitutional amendment attracted and hopefully, when it reaches the Assembly, it will attract even more.

This Concurrent Resolution proposes an amendment to the New Jersey Constitution which would require that the Senate always be elected in a year when the Governor is elected.

Constitutional amendments approved back in 1966 conformed the Constitution to the basic requirements of equal representation. Among the changes was a requirement that the Senate be elected immediately after each decennial census. This was intended to ensure that the citizens would not be under- or over-represented for two years of each decade.

I think the device that was adopted to effect that result was flawed. It placed a two year term at the start of each decade, so that in every twenty year cycle the entire Senate would be elected with the Governor in one decade and without him in the other decade.

In 1981, a Senate and Governor will be elected. In 1983, the Senate will again be elected and continue in office halfway through the next Governor's term.

I believe that the Senate and the Governor should be elected at the same time. A gubernatorial campaign brings state issues into greater prominence. It compels candidates for the Legislature to focus on those state issues as they are framed by the parties' gubernatorial candidates.

Furthermore, simultaneous election of the Senate and the Governor gives them a joint mandate. When the voters elect a new Governor, they have the option of giving him a Senate that will work with him.

By contrast, I think the notion of a four-year Senate elected in off years from the Governor is mischievous. It is the formula for deadlock and obstruction.

For that reason, I have submitted this proposed constitutional amendment to require senators to be elected with a Governor. That would make the Senate elected in 1981 a four-year Senate, with its Successors in that decade all chosen simultaneously with Governors.

This resolution assumes that we must elect a new Senate after each reapportionment, which would require one four-year period at the end of every second decade to be split into two-year terms. I am not certain that such a provision is necessary, which is why I have asked Mr. Alito to explain the rationale after me.

Frankly, I would be delighted to make all Senate terms for four year periods, if it is constitutionally permissible. If you determine that it is not, then you should approve this form of SCR83, and you know, this provides that, one, over a period of twenty years, in the middle of the ten years, there are two two-year terms, but they go in the middle of a gubernatorial term, which would mean that that's one time that they would run without the Governor, but it would not be this long succession of terms not consistent or simultaneous with the Governor's.

SENATOR HAMILTON: That would occur in 1989?

SENATOR MERLINO: Back there somewhere. In '89, they would run with the Governor. In '91, they would run without the Governor, but again in '93, they would be running with the Governor again. I think the Senate, last term, approved a resolution similar to this, but it has met a bad fate in the Assembly because the assemblymen who voted against it, in spite of their senators voting for it--I don't know if that really means anything--they just weren't sure as to what it meant.

SENATOR HAMILTON: This is the clearest explanation that I've had, with all due respects to the fact that it was your bill before. Has Sam Alito said anything to you?

SENATOR MERLINO: No. Sam's idea was, why even split it? Why even have the two year terms anywhere? Run it four years consistently.

SENATOR HAMILTON: Then, I guess you would have one census that would be good for twelve years and the next one would only be good for eight.

SENATOR MERLINO: Something like that. It would be ten and eight. The new census will not affect the Legislature until the '83 election. Then we go all through and the '90 census will probably, I guess it would be the same thing, '93, because we won't have the results and the districts, the reapportionment done in time for the '81 election. That's almost a certainty. In any event, the whole idea is to, as I stated, is to keep the senators, and of course, the Assembly would automatically follow the same way.

SENATOR HAMILTON: It affects no change in the Assembly.

SENATOR MERLINO: No. They are two year terms and they would run with the Governor.

SENATOR HAMILTON: Did this ever get a hearing in the Assembly?

SENATOR MERLINO: We had a hearing, a rather large public hearing, last time on this and I don't believe the Assembly Judiciary Committee had a public hearing as such. They had a regular committee meeting. Only one public hearing such as this is required.

SENATOR HAMILTON: Was there any sense or did you get any sense that the Assembly's problem was the absence of staggered Senate terms?

SENATOR MERLINO: Oh, there were several suggestions made by the Assembly Committee about staggered terms for both the Senate and the Assembly and why the Assembly shouldn't have four year terms also. There were all kinds of things. But,, it was suggested that if the Assembly wished to go for four years, they should put in a Constitutional amendment to that effect.

SENATOR HAMILTON: Would you put one in for six years for the Senate?

SENATOR MERLINO: I would like to put one in for six years for the Governor, one term and one term alone. One term should be enough, really, because when you have two terms, the first one is a pre-election term and the second one is supposedly the real one. I think one six year term would be good.

SENATOR GAGLIANO: We've experienced that in the White House for the last several and including the present Administration.

SENATOR MERLINO: I think that's right. I think one six year term is enough. You know, history tells us that this not too bad an idea because it has worked in a lot democracies in the world.

SENATOR HAMILTON: Would you want us to propose an amendment to this so that we can reach for the gubernatorial election at the same time?

SENATOR MERLINO: I probably would serve only one term anyway. That's not a promise, but I seriously think about that. The Governor should start being Governor as soon as he's elected.

SENATOR HAMILTON: You are certain, first, that you will serve the first one and if you choose not to serve a second one, it will be your decision and not the people's.

SENATOR MERLINO: I'll abide by whatever the people say.

SENATOR HAMILTON: I just want to say that this is a good statement with respect to SCR 83. Senator Gagliano, do you have any questions?

SENATOR GAGLIANO: Well, I agree that we should have straight four year terms. What I would like to suggest is that we suggest to the Committee that we vote this out as it has been prepared by Senator Merlino and we continue to study the matter because the Senate will have several years, for example, to put in another issue on whether or not we should stay with four year terms. This would take care of '81, '83 and '85 and we could still consider, then, switching over before '92 or '93. We could consider going back to the people and asking them if they want the Senate to remain on four year terms. I personally feel that whether the Senate is reorganized or reapportioned or redistricted in 1983 and then again in 1990, if that happens that way, I see no problem with the one man, one rule mandate or any violation of that.

SENATOR MERLINO: Well, that was the idea with Sam Alito.

SENATOR GAGLIANO: We would be, every ten years, changing the districts to meet the one man, one rule requirement. So, I don't see why we would have to have split terms in order to do that.

SENATOR MERLINO: I don't disagree with that, but, as I say, that was the one popular problem that I faced. So, I thought I would at least get this out of the way. My prime interest in the Senate running with the Governor and in twenty years, that one split term, which doesn't defeat that purpose of running with the Governor. You run one year without the Governor.

SENATOR HAMILTON: It seems to me that we'll learn something from this census and with computers and whatnot becoming as fashionable as they are, by the time you get around to the 1990 census, you might be doing it in an entirely different way than we're doing it now and there may not be the problem that we're talking about. I want to be as candid as Senator Gagliano. I am prepared to do as he suggests, when the full Committee considers this. Very honestly, going back to 1975, Joe, I had a feeling then that I did not have in 1979. Maybe it was because of the kind of issues that we faced, but I had a feeling that not having any senators running in 1975 and not having to come as much to grips with the agony of taxation as the Assembly did, probably hurt the effort that was made on what was then your bill and I felt at that time, and I don't know how I feel today, notwithstanding the merits of this bill, which I agree with, that there probably ought to be split Senate terms so that there would be senators running with assemblymen.

SENATOR MERLINO: We do every four years.

SENATOR HAMILTON: I think you would probably agree with me, in '75, the Senate was less willing to come to grips, some of the senators were less willing to come to grips with real problems than the Assembly, in part, because they didn't have to face the music until 1977.

SENATOR MERLINO: I would have been rather hazardous for some senators to run in '75.

SENATOR HAMILTON: Do you have anything further?

SENATOR MERLINO: No.

SENATOR HAMILTON: Does anyone else wish to testify in regard to this? (No response) Mr. President, thank you very much. I will now close this public hearing. (Hearing Concluded)

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