

New Jersey Constitution

Compiled by the NJ State Law Library

New Jersey Constitution: Article IV, Section V, Paragraph 1; Article V, Section I, Paragraphs 1-10; Section IV, Paragraphs 2-4; Article XI, Section VII, Paragraph 1

REPORTS: No

HEARINGS:

Yes

974.90 Public hearing before Assembly State Government Committee : Assembly concurrent resolution no. C758 100 (proposes a constitutional amendment to establish Office of Lieutenant Governor and revise 2005 gubernatorial succession)

NEWSPAPER ARTICLES:

Yes

Reject lieutenant plan', Star-Ledger, The (online), 26 Oct 2005 16
ROBERT SCHWANEBERG, STAR-LEDGER STAFF, 'Lieutenant governor post going to votersPresent system calledunwieldy throwback', Star-Ledger, The (online), 22 Mar 2005 19
By JAMES AHEARN, 'Finding word fi t for N.J.', Record, The (online), 20 Nov 2005 O02
Gene Robbins, 'Peterson Wins Freeholder RunDemocrats Make Gains In Municipal Races', Hunterdon CountyDemocrat (online), 10 Nov 2005 A1
ROBERT SCHWANEBERG, STAR-LEDGER STAFF, 'No more acting: We'll have a lieutenant governor Voters amend theconstitution to create a No. 2 post for Jersey', Star-Ledger, The (online), 9 Nov 2005 18
JOHN BRAND Staff Writer, (609) 272-7275 and PETE McALEER; Statehouse Bureau, (609) 292-4935, 'DECISION 2005 / NEW JERSEY DECIDES TODAY / CORZINE, FORRESTER WORK OVERTIME AS GOVERNOR RACE HITS FINAL HOURS', Press of Atlantic City, The (online), 8 Nov 2005 A1
THE STAR-LEDGER, 'Elections today', Star-Ledger, The (online), 8 Nov 2005 45
TOM HESTER, STAR-LEDGER STAFF, 'Bill would ax 'acting' from Codey job title', Star-Ledger, The (online), 7 Nov 2005 16
'DECISION 2005 / VOTER'S GUIDE / BALLOT QUESTIONS', Press of Atlantic City, The (online), 6 Nov 2005 B1
'PUBLIC QUESTION 1', Times, The (online), 6 Nov 2005
Gene Robbinsand John Monteith, 'NEW JERSEYState, county races top Tuesday ballot', Delaware Valley News (online), 3 Nov 2005 N1
JOHN BRAND Staff Writer, (609) 272-7275, 'VOTERS TO CONSIDER LIEUTENANT GOVERNOR POST', Press of AtlanticCity, The (online), 2 Nov 2005 A6
ANDREA V. HERNANDEZ, Herald News, 'Lieutenant governor question on ballot - Voters also to consider dieselemission program', Herald News (online), 31 Oct 2005 B01
EDITORIAL, 'Lieutenant governor: Yes', Times, The (online), 15 Oct 2005
Gene Robbins, 'Who leads N.J. in a pinch? Voters asked to OK', Delaware Valley News (online), 13 Oct 2005 N3
Gene Robbins, 'Voters Face Proposal Creating Lt. Gov. PostGovernor', Hunterdon County Democrat (online), 13 Oct 2005 B1
HERB JACKSON, 'Do you want a Lt. Gov.?', Record, The (online), 28 Sep 2005 A03
Jeff WhelanNewhouse News Service, 'Sires bars new speaker term', Jersey Journal, The (online), 14 Apr 2005 A1
'No lieutenant governor - Legislation to elect a No. 2 is a stinker', Record, The (online), 29 Mar 2005 L14
EDITORIAL, 'An elected backup', Times, The (online), 25 Mar 2005

**ASSEMBLY CONCURRENT
RESOLUTION No. 100**

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED JANUARY 10, 2005

Sponsored by:

Assemblyman ALBIO SIRES

District 33 (Hudson)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

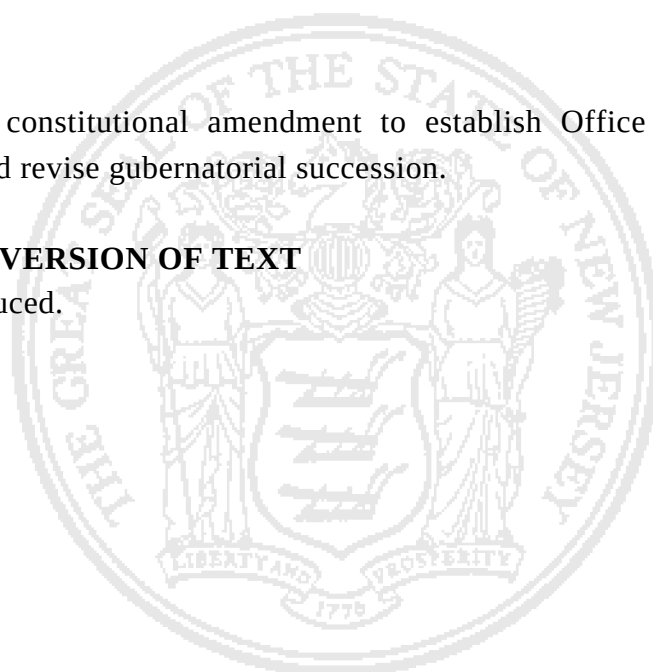
**Assemblymen Conners, Stack, Conaway, Eagler, Chivukula, Senators
Turner, McNamara, Vitale, Karcher and Buono**

SYNOPSIS

Proposes constitutional amendment to establish Office of Lieutenant Governor and revise gubernatorial succession.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/22/2005)

1 **A CONCURRENT RESOLUTION** proposing to amend Articles II, IV, V
2 and XI of the Constitution of the State of New Jersey.

3
4 **BE IT RESOLVED** *by the General Assembly of the State of New*
5 *Jersey (the Senate concurring):*

6
7 1. The following proposed amendment to the Constitution of the
8 State of New Jersey is agreed to:

9
10 PROPOSED AMENDMENT

11
12 a. Amend Article II, Section I, paragraph 1 to read as follows:

13 1. General elections shall be held annually on the first Tuesday
14 after the first Monday in November; but the time of holding such
15 elections may be altered by law. The Governor, Lieutenant Governor,
16 and members of the Legislature shall be chosen at general elections.
17 Local elective officers shall be chosen at general elections or at such
18 other times as shall be provided by law.
19 (cf: Art.II, Sec.I, para.1)

20
21 b. Amend Article IV, Section V, paragraph 1 to read as follows:

22 1. No member of the Senate or General Assembly, during the term
23 for which **[he]** the member shall have been elected, shall be
24 nominated, elected or appointed to any State civil office or position,
25 of profit, which shall have been created by law, or the emoluments
26 whereof shall have been increased by law, during such term. The
27 provisions of this paragraph shall not prohibit the election of any
28 person as Governor, as Lieutenant Governor, or as a member of the
29 Senate or General Assembly.
30 (cf: Art.IV, Sec.V, para.1)

31
32 c. Amend Article V, Section I, paragraphs 2, 3, 4, 5, 6, 7, 8, 9, and
33 10 to read as follows:

34 2. The Governor shall be not less than thirty years of age, and shall
35 have been for at least twenty years a citizen of the United States, and
36 a resident of this State seven years next before **[his]** election, unless
37 **[he]** the Governor shall have been absent during that time on the
38 public business of the United States or of this State. A person shall be
39 eligible for the office of Lieutenant Governor only if eligible under this
40 Constitution for the office of Governor.

41 (cf: Art.V, Sec.I, para.2)

42 3. No member of Congress or person holding any office or
43 position, of profit, under this State or the United States shall be

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

Matter underlined thus is new matter.

1 Governor or Lieutenant Governor. If the Governor or Lieutenant
2 Governor or person administering the office of Governor shall accept
3 any other office or position, of profit, under this State or the United
4 States, **[his]** the office of Governor or Lieutenant Governor, as the
5 case may be, shall thereby be vacated. No Governor or Lieutenant
6 Governor shall be elected by the Legislature to any office during the
7 term for which **[he]** the person shall have been elected Governor or
8 Lieutenant Governor.

9 (cf: Art.V, Sec.I, para.3)

10 4. The Governor and Lieutenant Governor shall be elected
11 conjointly and for concurrent terms by the legally qualified voters of
12 this State, and the manner of election shall require each voter to cast
13 a single vote for both offices. The candidate of each political party for
14 election to the office of Lieutenant Governor shall be selected by the
15 candidate of that party nominated for election to the office of
16 Governor. The selection of the candidate for election to the office of
17 Lieutenant Governor shall be made within 30 days following the
18 nomination of the candidate for election to the office of Governor. A
19 person shall not seek election to both offices simultaneously. The
20 **[person]** joint candidates receiving the greatest number of votes shall
21 be **[the Governor]** elected; but if two or more joint candidacies shall
22 be equal and greatest in votes, one **[of them]** set of joint candidates
23 shall be elected **[Governor]** by the vote of a majority of all the
24 members of both houses in joint meeting at the regular legislative
25 session next following the election for Governor and Lieutenant
26 Governor by the people. Contested elections for the **[office]** offices
27 of Governor and Lieutenant Governor shall be determined in such
28 manner as may be provided by law.

29 (cf: Art.V, Sec.I, para.4)

30 5. The term of office of the Governor and of the Lieutenant
31 Governor shall be four years, beginning at noon of the third Tuesday
32 in January next following **[his]** their election, and ending at noon of
33 the third Tuesday in January four years thereafter. No person who has
34 been elected Governor for two successive terms, including an
35 unexpired term, shall again be eligible for that office until the third
36 Tuesday in January of the fourth year following the expiration of **[his]**
37 the second successive term.

38 (cf: Art.V, Sec.I, para.5)

39 6. In the event of a vacancy in the office of Governor resulting
40 from the death, resignation or removal of a Governor in office, or the
41 death of a Governor-elect, or from any other cause, the **[functions,**
42 powers, duties and emoluments of the office shall devolve upon the
43 President of the Senate, for the time being, and in the event of his
44 death, resignation or removal, then upon the Speaker of the General
45 Assembly, for the time being; and in the event of his death, resignation

1 or removal, then upon such officers and in such order of succession as
2 may be provided by law;] Lieutenant Governor shall become
3 Governor, until a new Governor [shall be] is elected and [qualify]
4 qualifies.

5 In the event of simultaneous vacancies in both the offices of
6 Governor and Lieutenant Governor resulting from any cause, the
7 President of the Senate shall become Governor until a new Governor
8 or Lieutenant Governor is elected and qualifies. In the event that there
9 is a vacancy in the office of Senate President, or the Senate President
10 declines to become Governor, then the Speaker of the General
11 Assembly shall become Governor until a new Governor or Lieutenant
12 Governor is elected and qualifies. In the event that there is a vacancy
13 in the office of Speaker of the General Assembly, or if the Speaker
14 declines to become Governor, then the functions, powers, duties and
15 emoluments of the office shall devolve for the time being upon such
16 officers and in the order of succession as may be provided by law, until
17 a new Governor or Lieutenant Governor is elected and qualifies.
18 (cf: Art.V, Sec.I, para.6)

19 7. In the event of the failure of the Governor-elect to qualify, or of
20 the absence from the State of a Governor in office, or [his] the
21 Governor's inability to discharge the duties of [his] the office, or [his]
22 the Governor's impeachment, the functions, powers, duties and
23 emoluments of the office shall devolve upon the [President of the
24 Senate, for the time being; and in the event of his death, resignation,
25 removal, absence, inability or impeachment, then upon the Speaker of
26 the General Assembly, for the time being; and in the event of his death,
27 resignation, removal, absence, inability or impeachment, then upon
28 such officers and in such order of succession as may be provided by
29 law;] Lieutenant Governor, until the Governor-elect [shall qualify]
30 qualifies, or the Governor in office [shall return] returns to the State,
31 or [shall] is no longer [be] unable to discharge the duties of the
32 office, or [shall be] is acquitted, as the case may be, or until a new
33 Governor [shall be] is elected and [qualify] qualifies. In the event
34 that the Lieutenant Governor in office is absent from the State, or is
35 unable to discharge the duties of the office, or is impeached, or if the
36 Lieutenant Governor-elect fails to qualify, or if there is a vacancy in
37 the office of Lieutenant Governor, the functions, powers, duties, and
38 emoluments of the office of Governor shall devolve upon the President
39 of the Senate. In the event there is a vacancy in the office of the
40 President of the Senate, or of the Senate President's absence from the
41 State, inability to discharge the duties of the office, or impeachment,
42 then such functions, powers, duties, and emoluments shall devolve
43 upon the Speaker of the General Assembly. In the event there is a
44 vacancy in the office of Speaker of the General Assembly, or of the
45 Speaker's absence from the State, inability to discharge the duties of

1 the office, or impeachment, then such functions, powers, duties, and
2 emoluments shall devolve upon such officers and in the order of
3 succession as may be provided by law. The functions, powers, duties,
4 and emoluments of the office of Governor shall devolve upon the
5 President of the Senate, the Speaker of the General Assembly or
6 another officer, as the case may be, until the Governor-elect or
7 Lieutenant Governor-elect qualifies, or the Governor or Lieutenant
8 Governor in office returns to the State, or is no longer unable to
9 discharge the duties of the office, or is acquitted, or until a new
10 Lieutenant Governor is appointed, as the case may be, or a new
11 Governor or Lieutenant Governor is elected and qualifies.

12 (cf: Art.V, Sec.I, para.7)

13 8. Whenever a Governor-elect or Lieutenant Governor-elect shall
14 have failed to qualify within six months after the beginning of **[his]** the
15 term of office, or whenever for a period of six months a Governor or
16 Lieutenant Governor in office, or person administering the office, shall
17 have remained continuously absent from the State, or shall have been
18 continuously unable to discharge the duties of **[his]** the office by
19 reason of mental or physical disability, the office shall be deemed
20 vacant. Such vacancy shall be determined by the Supreme Court upon
21 presentment to it of a concurrent resolution declaring the ground of
22 the vacancy, adopted by a vote of two-thirds of all the members of
23 each house of the Legislature, and upon notice, hearing before the
24 Court and proof of the existence of the vacancy.

25 (cf: Art.V, Sec.I, para.8)

26 9. **[In the event of a vacancy in the office of Governor, a Governor**
27 **shall be elected to fill the unexpired term at the general election next**
28 **succeeding the vacancy, unless the vacancy shall occur within sixty**
29 **days immediately preceding a general election, in which case he shall**
30 **be elected at the second succeeding general election; but no election**
31 **to fill an unexpired term shall be held in any year in which a Governor**
32 **is to be elected for a full term. A Governor elected for an unexpired**
33 **term shall assume his office immediately upon his election.]**

34 In the event of a vacancy in the office of Lieutenant Governor
35 resulting from the death, resignation or removal of a Lieutenant
36 Governor in office or the death of a Lieutenant Governor-elect or from
37 any other cause, the Governor shall appoint a Lieutenant Governor
38 within forty-five days of the occurrence of the vacancy to fill the
39 unexpired term.

40 If a Lieutenant Governor becomes Governor, or in the event of
41 simultaneous vacancies in the offices of Governor and Lieutenant
42 Governor, a Governor and a Lieutenant Governor shall be elected to
43 fill the unexpired terms of both offices at the next general election,
44 unless the assumption of the office of Governor by the Lieutenant
45 Governor, or the vacancies, as the case may be, occur within sixty
46 days immediately preceding a general election, in which case they shall

1 be elected at the second succeeding general election. No election to
2 fill the unexpired terms shall be held in any year in which a Governor
3 and Lieutenant Governor are to be elected for full terms. A Governor
4 and Lieutenant Governor elected for unexpired terms shall assume
5 their offices immediately upon their election.

6 (cf: Art.V, Sec.I, para.9)

7 10. a. The Governor and the Lieutenant Governor shall each
8 receive for **[his]** services a salary, which shall be neither increased nor
9 diminished during the period for which **[he]** the Governor or
10 Lieutenant Governor shall have been elected or appointed.

11 b. The Governor shall appoint the Lieutenant Governor to serve as
12 the head of a principal department or other executive or administrative
13 agency of State government, or delegate to the Lieutenant Governor
14 duties of the office of Governor, or both. The Governor shall not
15 appoint the Lieutenant Governor to serve as Attorney General. The
16 Lieutenant Governor shall in addition perform such other duties as
17 may be provided by law.

18 (cf: Art.V, Sec.I, para.10)

19
20 d. Amend Article V, Section IV, paragraphs 2, 3 and 4 to read as
21 follows:

22 2. Each principal department shall be under the supervision of the
23 Governor. The head of each principal department shall be a single
24 executive unless otherwise provided by law. Such single executives
25 shall be nominated and appointed by the Governor, with the advice and
26 consent of the Senate, to serve at the pleasure of the Governor during
27 **[his]** the Governor's term of office and until the appointment and
28 qualification of their successors, except as herein otherwise provided
29 with respect to the Secretary of State and the Attorney General. The
30 Governor may appoint the Lieutenant Governor to serve as the head
31 of a principal department, without the advice and consent of the
32 Senate, and to serve at the pleasure of the Governor during the
33 Governor's term of office.

34 (cf: Art.V, Sec.IV, para.2)

35 3. The Secretary of State and the Attorney General shall be
36 nominated and appointed by the Governor with the advice and consent
37 of the Senate to serve during the term of office of the Governor,
38 except the Governor may appoint the Lieutenant Governor to serve as
39 Secretary of State without the advice and consent of the Senate.

40 (cf: Art.V, Sec.IV, para.3)

41 4. Whenever a board, commission or other body shall be the head
42 of a principal department, the members thereof shall be nominated and
43 appointed by the Governor with the advice and consent of the Senate,
44 and may be removed in the manner provided by law. The Governor
45 may appoint the Lieutenant Governor thereto without the advice and
46 consent of the Senate. Such a board, commission or other body may

1 appoint a principal executive officer when authorized by law, but the
2 appointment shall be subject to the approval of the Governor. Any
3 principal executive officer so appointed shall be removable by the
4 Governor, upon notice and an opportunity to be heard.

5 (cf: Art.V, Sec.IV, para.4)

6
7 e. Amend Article XI by the addition of a new Section VII to read
8 as follows:

9 In the event of a vacancy in the office of Governor resulting from
10 the death, resignation or removal of a Governor in office, or the death
11 of a Governor-elect, or from any other cause, occurring prior to noon
12 on January 19, 2010, the President of the Senate shall become
13 Governor until a new Governor or Lieutenant Governor is elected and
14 qualifies, and in the event of the Senate President's death, resignation
15 or removal prior to becoming Governor, or if the Senate President
16 declines to become Governor, then the Speaker of the General
17 Assembly shall become Governor until a new Governor or Lieutenant
18 Governor is elected and qualifies, and in the event of the Speaker's
19 death, resignation or removal prior to becoming Governor, or if the
20 Speaker declines to become Governor, then the functions, powers,
21 duties and emoluments of the office shall devolve for the time being
22 upon such officers and in such order of succession as may be provided
23 by law until a new Governor or Lieutenant Governor is elected and
24 qualifies. When the President or Speaker becomes Governor pursuant
25 to this section, the President's or Speaker's seat in the Legislature and
26 leadership position shall become vacant.

27 In the event of a vacancy in the office of Governor occurring prior
28 to noon on January 19, 2010, a Governor shall be elected to fill the
29 unexpired term at the general election next succeeding the vacancy,
30 unless the vacancy shall occur within sixty days immediately preceding
31 a general election, in which case the Governor shall be elected at the
32 second succeeding general election; but no election to fill an unexpired
33 term shall be held in calendar year 2009. A Governor elected for an
34 unexpired term shall assume office immediately upon election.

35 Until noon on January 19, 2010, in the event of the failure of the
36 Governor-elect to qualify, or of the absence from the State of a
37 Governor in office, or the Governor's inability to discharge the duties
38 of the office, or the Governor's impeachment, the functions, powers,
39 duties and emoluments of the office shall devolve upon the President
40 of the Senate, for the time being; and in the event of the Senate
41 President's death, resignation, removal, absence, inability or
42 impeachment, then upon the Speaker of the General Assembly, for the
43 time being; and in the event of the Speaker's death, resignation,
44 removal, absence, inability or impeachment, then upon such officers
45 and in such order of succession as may be provided by law; until the
46 Governor-elect qualifies, or the Governor in office returns to the

1 State, or is no longer unable to discharge the duties of the office, or
2 is acquitted, as the case may be, or until a new Governor or Lieutenant
3 Governor is elected and qualifies.

4 If the President of the Senate is to become Governor or acting
5 Governor pursuant to this section but the Senate has elected more than
6 one President, only one of whom is of the same political party as the
7 Governor, the President who is of that same political party shall
8 become Governor or acting Governor, as appropriate.

9 If the Speaker of the General Assembly is to become Governor or
10 acting Governor pursuant to this section but the General Assembly has
11 elected more than one Speaker, only one of whom is of the same
12 political party as the Governor, the Speaker who is of that same
13 political party shall become Governor or acting Governor, as
14 appropriate.

15

16 2. When this proposed amendment to the Constitution is finally
17 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
18 shall be submitted to the people at the next general election occurring
19 more than three months after the final agreement and shall be
20 published at least once in at least one newspaper of each county
21 designated by the President of the Senate, the Speaker of the General
22 Assembly and the Attorney General, not less than three months prior
23 to the general election.

24

25 3. This proposed amendment to the Constitution shall be submitted
26 to the people at that election in the following manner and form:

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

29 a. In every municipality in which voting machines are not used, a
30 legend which shall immediately precede the question, as follows:

31 If you favor the proposition printed below make a cross (X), plus
32 (+), or check (**T**) in the square opposite the word "Yes." If you are
33 opposed thereto make a cross (X), plus (+) or check (**T**) in the square
34 opposite the word "No."

35 b. In every municipality the following question:

1		CONSTITUTIONAL AMENDMENT TO
2		ESTABLISH THE OFFICE OF
3		LIEUTENANT GOVERNOR
4		Shall the amendment of Articles II, IV, V and
5		XI of the Constitution, agreed to by the
6		Legislature, establishing the office of
7		Lieutenant Governor, and providing for the
8	YES	term, election, succession, salary,
9		qualifications, and duties of the office, and for
10		an interim succession to be employed in the
11		event of a vacancy in the office of the
12		Governor before the election of the first
13		Lieutenant Governor, be adopted?
14		INTERPRETIVE STATEMENT
15		Approval of this amendment would establish
16		the office of Lieutenant Governor.
17		Candidates for the offices of Governor and
18		Lieutenant Governor would be elected as joint
19		candidates in the general election. The
20		Lieutenant Governor would serve as acting
21		Governor during brief periods when the
22		Governor is absent from the State or unable
23		to serve and would become Governor in the
24		event of a vacancy in the office of Governor.
25		The Lieutenant Governor would perform
26		other duties as assigned by the Governor or
27	NO	by law. The first Lieutenant Governor would
28		be elected at the general election held in 2009.
29		In the event of a permanent vacancy in the
30		office of the Governor occurring before the
31		inauguration date of the first Lieutenant
32		Governor, the President of the Senate,
33		followed by the Speaker of the General
34		Assembly, would become Governor, rather
35		than acting Governor. A vacancy would be
36		created in the Legislature if the Senate
37		President or Assembly Speaker becomes
38		Governor, to be filled in the manner currently
39		provided by the Constitution.

SCHEDULE

This constitutional amendment shall become part of the New Jersey Constitution at noon on January 17, 2006 or upon approval by the

1 voters if approval occurs after January 17, 2006, and the first election
2 of a Lieutenant Governor shall be held at the general election held in
3 calendar year 2009.

4
5
6 STATEMENT

7
8 This concurrent resolution proposes a constitutional amendment to
9 establish the Office of Lieutenant Governor and revise gubernatorial
10 succession. The Lieutenant Governor would serve a four-year term
11 concurrent with the term of the Governor. Like the Governor, the
12 Lieutenant Governor would have to be at least 30 years of age, a
13 citizen of the United States for at least 20 years and a resident of the
14 State for at least seven years leading up to the election (unless he or
15 she was absent during that time on the public business of the United
16 States or the State). In addition, the Lieutenant Governor would be
17 subject to the prohibitions against dual office holding that currently
18 apply to the Governor. Under the current language of the
19 constitution, no person holding any paid public position under the
20 State or the United States, including but not limited to political
21 subdivisions of the State (counties, municipalities, school districts or
22 fire districts) or any agency or instrumentality of the State or a
23 political subdivision of the State (independent State or local
24 authorities, for example) or any bi-state agency to which New Jersey
25 is a party, can be Governor, and if the Governor accepts any such
26 office or position, the office of Governor is thereby vacated.

27 Each candidate nominated for Governor would select a candidate
28 for Lieutenant Governor and they would be elected as joint candidates
29 in the following general election. The first Lieutenant Governor would
30 be elected at the general election in 2009.

31 The Lieutenant Governor would serve as acting Governor during
32 brief periods when the Governor is absent from the State or unable to
33 serve and would become Governor in the event of a vacancy in the
34 office of Governor. In the event of simultaneous vacancies in both the
35 office of Governor and Lieutenant Governor, or in the event of a
36 permanent vacancy in the office of Governor occurring before the
37 inauguration date of the first Lieutenant Governor (January 19, 2010)
38 the Senate President would become Governor until a new Governor
39 and Lieutenant Governor are elected and qualify. If there is no Senate
40 President or the Senate President declines, the Speaker of the General
41 Assembly will become Governor. In these events, the Senate
42 President, or the Speaker as the case may be, will resign from the
43 Legislature and a legislative vacancy will exist to be filled as provided
44 currently in the Constitution.

45 The Governor could appoint the Lieutenant Governor to serve as
46 the head of a State department or agency and the advice and consent

- 1 of the Senate would not be required for such an appointment. The
- 2 Lieutenant Governor would also perform other duties as assigned by
- 3 the Governor or by statute.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY CONCURRENT RESOLUTION No. 100

STATE OF NEW JERSEY

DATED: JANUARY 13, 2005

The Assembly State Government Committee reports favorably Assembly Concurrent Resolution No. 100.

This concurrent resolution proposes a constitutional amendment to establish the Office of Lieutenant Governor and revise gubernatorial succession. The Lieutenant Governor would serve a four-year term concurrent with the term of the Governor. Each candidate nominated for Governor would select a candidate for Lieutenant Governor and they would be elected as joint candidates in the following general election. The first Lieutenant Governor would be elected at the general election in 2009.

The resolution provides that, like the Governor, the Lieutenant Governor would have to be at least 30 years of age, a citizen of the United States for at least 20 years and a resident of the State for at least seven years leading up to the election (unless he or she was absent during that time on the public business of the United States or the State). In addition, the Lieutenant Governor would be subject to the prohibitions against holding two offices that apply to the Governor. The New Jersey Constitution currently provides that no person holding any paid public position under the State or the United States, including but not limited to political subdivisions of the State (counties, municipalities, school districts, authorities or fire districts) or any agency or instrumentality of the State or any bi-state agency to which New Jersey is a party, can be Governor; if the Governor accepts any such office or position, the office of Governor is thereby vacated.

The Lieutenant Governor would serve as acting Governor during brief periods when the Governor is absent from the State or unable to serve and would become Governor in the event of a vacancy in the office of Governor. In the event of simultaneous vacancies in both the office of Governor and Lieutenant Governor, or in the event of a permanent vacancy in the office of Governor occurring before the inauguration date of the first Lieutenant Governor (January 19, 2010), the Senate President would become Governor until a new Governor and Lieutenant Governor are elected and qualify. If there is no Senate President or the Senate President declines, the Speaker of the General Assembly will become Governor. When the Senate President or the Speaker, as the case may be, becomes Governor, the President's or Speaker's seat in the Legislature and leadership position will become vacant, to be filled as provided currently in the Constitution.

The Governor could appoint, without the advice and consent of the Senate, the Lieutenant Governor to serve as the head of a State department or agency but not as Attorney General. The Lieutenant Governor would also perform other duties as assigned by the Governor or by statute.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY CONCURRENT RESOLUTION No. 100

STATE OF NEW JERSEY

DATED: JANUARY 24, 2005

The Assembly Appropriations Committee reports favorably Assembly Concurrent Resolution No. 100.

Assembly Concurrent Resolution No. 100 proposes an amendment to the New Jersey Constitution to establish the Office of Lieutenant Governor and revise gubernatorial succession. Under the proposed amendment the Lieutenant Governor will serve a four-year term concurrent with the term of the Governor. Each candidate nominated for Governor will select a candidate for Lieutenant Governor and they will be elected as joint candidates in the following general election. The first Lieutenant Governor will be elected at the general election in 2009.

This amendment to the Constitution provides that, like the Governor, the Lieutenant Governor will have to be at least 30 years of age, a citizen of the United States for at least 20 years and a resident of the State for at least seven years leading up to the election (unless he or she was absent during that time on the public business of the United States or the State). In addition, the Lieutenant Governor will be subject to the prohibitions against holding two offices that apply to the Governor. The New Jersey Constitution currently provides that no person holding any paid public position under the State or the United States, including but not limited to political subdivisions of the State (counties, municipalities, school districts, authorities or fire districts) or any agency or instrumentality of the State or any bi-state agency to which New Jersey is a party, can be Governor; if the Governor accepts any such office or position, the office of Governor is thereby vacated.

The Lieutenant Governor will serve as acting Governor during brief periods when the Governor is absent from the State or unable to serve and will become Governor in the event of a vacancy in the office of Governor. In the event of simultaneous vacancies in both the office of Governor and Lieutenant Governor, or in the event of a permanent vacancy in the office of Governor occurring before the inauguration date of the first Lieutenant Governor (January 19, 2010), the Senate President will become Governor until a new Governor and Lieutenant Governor are elected and qualify. If there is no Senate President or the Senate President declines, the Speaker of the General Assembly will become Governor. When the Senate President or the Speaker, as the case may be, becomes Governor, the President's or Speaker's seat

in the Legislature and leadership position will become vacant, to be filled as provided currently in the Constitution.

This amendment to the Constitution requires the Governor to appoint the Lieutenant Governor, without the advice and consent of the Senate, as the head of a State department or agency (but not as Attorney General), or to delegate gubernatorial duties to the Lieutenant Governor, or to do both. The Lieutenant Governor would also perform other duties as assigned by statute.

FISCAL IMPACT:

The Office of Management and Budget (OMB) estimated in relation to a similar concurrent resolution establishing an Office of Lieutenant Governor that there would be no fiscal impact. However, OMB noted that other states in the northeast have costs ranging from \$450,000 to \$800,000 for an Office of Lieutenant Governor with staffing of five to seven employees. The Office of Legislative Services notes that should the Governor decide, or subsequent statutes provide, for salary and staffing for the office of Lieutenant Governor that would be separate from that of the head of a State department or agency to which the Lieutenant Governor might be appointed as provided for by this concurrent resolution, there would be budgetary impact. However, those subsequent actions and their fiscal impact are not known at this time.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY CONCURRENT RESOLUTION No. 100

STATE OF NEW JERSEY

DATED: MARCH 7, 2005

The Senate State Government Committee reports without recommendation Assembly Concurrent Resolution No. 100.

This concurrent resolution proposes a constitutional amendment to establish the Office of Lieutenant Governor and revise gubernatorial succession. The Lieutenant Governor would serve a four-year term concurrent with the term of the Governor. Each candidate nominated for Governor would select a candidate for Lieutenant Governor and they would be elected as joint candidates in the following general election. The first Lieutenant Governor would be elected at the general election in 2009.

The resolution provides that, like the Governor, the Lieutenant Governor would have to be at least 30 years of age, a citizen of the United States for at least 20 years and a resident of the State for at least seven years leading up to the election (unless he or she was absent during that time on the public business of the United States or the State). In addition, the Lieutenant Governor would be subject to the prohibitions against holding two offices that apply to the Governor. The New Jersey Constitution currently provides that no person holding any paid public position under the State or the United States, including but not limited to political subdivisions of the State (counties, municipalities, school districts, authorities or fire districts) or any agency or instrumentality of the State or any bi-state agency to which New Jersey is a party, can be Governor; if the Governor accepts any such office or position, the office of Governor is thereby vacated.

The Lieutenant Governor would serve as acting Governor during brief periods when the Governor is absent from the State or unable to serve and would become Governor in the event of a vacancy in the office of Governor. In the event of simultaneous vacancies in both the office of Governor and Lieutenant Governor, or in the event of a permanent vacancy in the office of Governor occurring before the inauguration date of the first Lieutenant Governor (January 19, 2010), the Senate President would become Governor until a new Governor and Lieutenant Governor are elected and qualify. If there is no Senate President or the Senate President declines, the Speaker of the General Assembly will become Governor. When the Senate President or the Speaker, as the case may be, becomes Governor, the President's or Speaker's seat in the Legislature and leadership position will become

vacant, to be filled as provided currently in the Constitution.

The Governor could appoint, without the advice and consent of the Senate, the Lieutenant Governor to serve as the head of a State department or agency but not as Attorney General. The Lieutenant Governor would also perform other duties as assigned by the Governor or by statute.

This bill is identical to Senate Concurrent Resolution No. 2 (1R).

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY CONCURRENT RESOLUTION
No. 100
STATE OF NEW JERSEY
211th LEGISLATURE

DATED: FEBRUARY 18, 2005

SUMMARY

Synopsis: Proposes constitutional amendment to establish Office of Lieutenant Governor and revise gubernatorial succession.

Type of Impact: None.

Agencies Affected: Office of the Lieutenant Governor.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	None	None	None

- ! This Concurrent Resolution proposes to amend the State constitution to establish the position of Lieutenant Governor.
- ! Requires the Lieutenant Governor to receive a salary for services performed, but also permits the Governor to appoint the Lieutenant Governor to serve as the head of a department or agency, which should offset some costs that may be incurred.

BILL DESCRIPTION

Assembly Concurrent Resolution No. 100 of 2005 proposes a constitutional amendment to establish the Office of Lieutenant Governor and revise gubernatorial succession. The Lieutenant Governor would serve a four-year term concurrent with the term of Governor. The first Lieutenant Governor would be elected at the general election in 2009. This concurrent resolution permits the Governor to appoint the Lieutenant Governor to service as the head of a State department or agency or to perform other duties as assigned by the Governor, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services estimates that this concurrent resolution may have no fiscal impact. However, the Office of Legislative Services notes that a survey of northeastern states (Connecticut, Delaware, Pennsylvania and New York) indicates that costs of a Lieutenant Governor's office range from \$450,000 to \$800,000 with staffing ranges from five to seven employees. These costs do not include any election costs that may be incurred on the local level, such as ballot changes and other related election costs.

The Office of Legislative Services further notes that should the Governor decide, or should subsequent statutes provide for the establishment of a salary and staff for the Lieutenant Governor, separate from that of the head of the principal department to which the Lieutenant Governor may be appointed, there would be a budgetary impact. Such impact, however, would follow from subsequent actions and not necessarily from the constitutional amendment.

Section: *State Government*

Analyst: *James F. Vari*
Senior Fiscal Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.