

**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:**

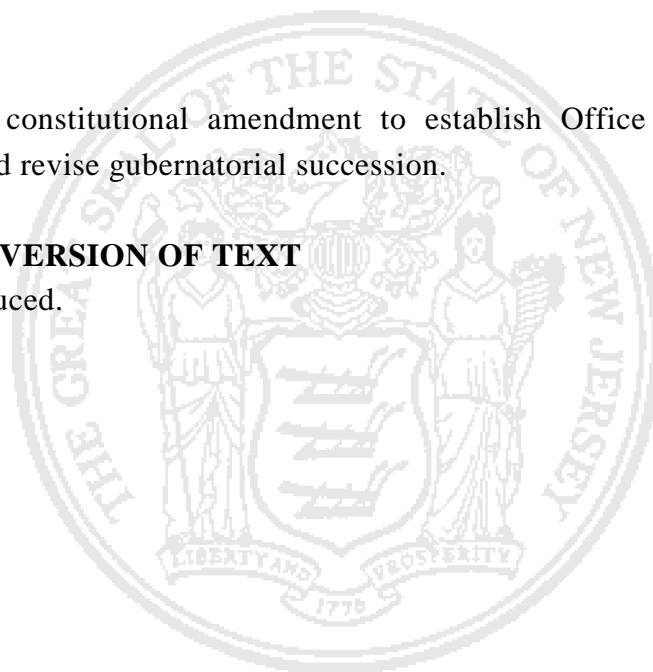
**Assemblymen Conners, Stack, Conaway, Eagler, Chivukula, Senators  
Turner, McNamara, Vitale, Karcher and Buono**

**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] electd; 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.                     |

40

41

42

SCHEDULE

43

44

45

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.