

[First Reprint]

**SENATE CONCURRENT
RESOLUTION No. 2**

**STATE OF NEW JERSEY
211th LEGISLATURE**

INTRODUCED DECEMBER 13, 2004

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Senator HENRY P. MCNAMARA

District 40 (Bergen, Essex and Passaic)

Co-Sponsored by:

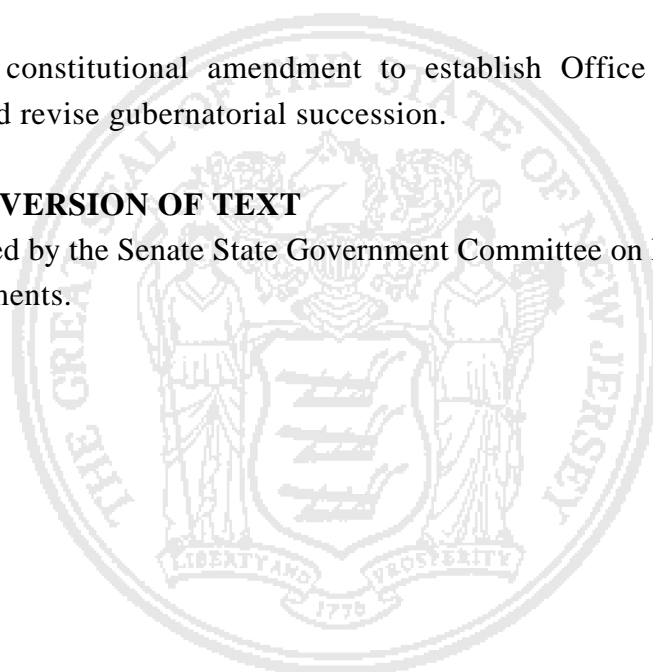
Senators Vitale, Karcher and Buono

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate State Government Committee on March 7, 2005, with amendments.



(Sponsorship Updated As Of: 3/15/2005)

1 A CONCURRENT RESOLUTION proposing to amend Articles II, IV
2 ¹[and],¹ V ¹and XI¹ of the¹[New Jersey]¹ Constitution ¹of the
3 State of New Jersey¹ .
4

5 BE IT RESOLVED by the Senate of the State of New Jersey (the
6 General Assembly concurring):
7

8 ¹[1. The following proposed amendment to the Constitution of the
9 State of New Jersey is agreed to:
10

11 PROPOSED AMENDMENT

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

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

20 (cf: Art.II, Sec.I, para.1)
21

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

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

31 (cf: Art.IV, Sec.V, para.1)
32

33 c. Amend Article V, Section I, paragraphs 2, 3, 4, 5, 6, 7, 8, 9, and
34 10 to read as follows:

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

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SSG committee amendments adopted March 7, 2005.

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

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

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

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

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

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

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

1 death, resignation or removal, then upon the Speaker of the General
2 Assembly, for the time being; and in the event of his death, resignation
3 or removal, then upon such officers and in such order of succession as
4 may be provided by law;] Lieutenant Governor shall become
5 Governor, until a new Governor shall be elected and qualify.

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

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

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

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

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 nominate and appoint a Lieutenant
38 Governor within forty-five days of the occurrence of the vacancy to fill
39 the 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. Add new paragraph 16 to Article V, Section 1 to read as
21 follows:

22 16. In the event of a vacancy in the office of Governor resulting
23 from the death, resignation or removal of a Governor in office, or the
24 death of a Governor-elect, or from any other cause, occurring prior to
25 the 60th day immediately preceding the general election at which the
26 first Lieutenant Governor is elected, the President of the Senate shall
27 become Governor until a new Governor or Lieutenant Governor is
28 elected for a full term and takes office or until a new Governor is
29 elected for the unexpired term and takes office, and in the event of the
30 Senate President's death, resignation or removal prior to becoming
31 Governor, or if the Senate President declines to become Governor,
32 then the Speaker of the General Assembly shall become Governor until
33 a new Governor or Lieutenant Governor is elected for a full term and
34 takes office or until a new Governor is elected for the unexpired term
35 and takes office, and in the event of the Speaker's death, resignation
36 or removal prior to becoming Governor, or if the Speaker declines to
37 become Governor, then the functions, powers, duties and emoluments
38 of the office shall devolve for the time being upon such officers and in
39 such order of succession as may be provided by law until a new
40 Governor or Lieutenant Governor shall be elected and qualify. When
41 the President or Speaker becomes Governor pursuant to this
42 paragraph, the President's or Speaker's seat in the Legislature and
43 leadership position shall become vacant.

44 If the President of the Senate is to become Governor pursuant to
45 this paragraph but the Senate has elected more than one President,
46 only one of whom is of the same political party as the Governor, the

1 President who is of that same political party shall become Governor.

2 If the Speaker of the General Assembly is to become Governor
3 pursuant to this paragraph but the General Assembly has elected more
4 than one Speaker, only one of whom is of the same political party as
5 the Governor, the Speaker who is of that same political party shall
6 become Governor.

7

8 e. Amend Article V, Section IV, paragraphs 2, 3 and 4 to read as
9 follows:

10 2. Each principal department shall be under the supervision of the
11 Governor. The head of each principal department shall be a single
12 executive unless otherwise provided by law. Such single executives
13 shall be nominated and appointed by the Governor, with the advice and
14 consent of the Senate, to serve at the pleasure of the Governor during
15 [his] the Governor's term of office and until the appointment and
16 qualification of their successors, except as herein otherwise provided
17 with respect to the Secretary of State and the Attorney General. The
18 Governor may appoint the Lieutenant Governor to serve as the head
19 of a principal department, without the advice and consent of the
20 Senate, and to serve at the pleasure of the Governor during the
21 Governor's term of office.

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

23 3. The Secretary of State and the Attorney General shall be
24 nominated and appointed by the Governor with the advice and consent
25 of the Senate to serve during the term of office of the Governor,
26 except the Governor may appoint the Lieutenant Governor to serve as
27 Secretary of State without the advice and consent of the Senate.

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

29 4. Whenever a board, commission or other body shall be the head
30 of a principal department, the members thereof shall be nominated and
31 appointed by the Governor with the advice and consent of the Senate,
32 and may be removed in the manner provided by law. The Governor
33 may appoint the Lieutenant Governor thereto without the advice and
34 consent of the Senate. Such a board, commission or other body may
35 appoint a principal executive officer when authorized by law, but the
36 appointment shall be subject to the approval of the Governor. Any
37 principal executive officer so appointed shall be removable by the
38 Governor, upon notice and an opportunity to be heard.

39 (cf: Art.V, Sec.IV, para.4)]¹

40

41 ¹1. The following proposed amendment to the Constitution of the
42 State of New Jersey is agreed to:

43

44

PROPOSED AMENDMENT

45

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

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

7 (cf: Art.II, Sec.I, para.1)

8

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

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

18 (cf: Art.IV, Sec.V, para.1)

19

20 c. Amend Article V, Section I, paragraphs 2, 3, 4, 5, 6, 7, 8, 9, and
21 10 to read as follows:

22 2. The Governor shall be not less than thirty years of age, and shall
23 have been for at least twenty years a citizen of the United States, and
24 a resident of this State seven years next before [his] election, unless
25 [he] the Governor shall have been absent during that time on the
26 public business of the United States or of this State. A person shall be
27 eligible for the office of Lieutenant Governor only if eligible under this
28 Constitution for the office of Governor.

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

30 3. No member of Congress or person holding any office or
31 position, of profit, under this State or the United States shall be
32 Governor or Lieutenant Governor. If the Governor or Lieutenant
33 Governor or person administering the office of Governor shall accept
34 any other office or position, of profit, under this State or the United
35 States, [his] the office of Governor or Lieutenant Governor, as the
36 case may be, shall thereby be vacated. No Governor or Lieutenant
37 Governor shall be elected by the Legislature to any office during the
38 term for which [he] the person shall have been elected Governor or
39 Lieutenant Governor.

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

41 4. The Governor and Lieutenant Governor shall be elected
42 conjointly and for concurrent terms by the legally qualified voters of
43 this State, and the manner of election shall require each voter to cast
44 a single vote for both offices. The candidate of each political party for
45 election to the office of Lieutenant Governor shall be selected by the
46 candidate of that party nominated for election to the office of

1 Governor. The selection of the candidate for election to the office of
2 Lieutenant Governor shall be made within 30 days following the
3 nomination of the candidate for election to the office of Governor. A
4 person shall not seek election to both offices simultaneously. The
5 [person] joint candidates receiving the greatest number of votes shall
6 be [the Governor] elected; but if two or more joint candidacies shall
7 be equal and greatest in votes, one [of them] set of joint candidates
8 shall be elected [Governor] by the vote of a majority of all the
9 members of both houses in joint meeting at the regular legislative
10 session next following the election for Governor and Lieutenant
11 Governor by the people. Contested elections for the [office] offices
12 of Governor and Lieutenant Governor shall be determined in such
13 manner as may be provided by law.

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

15 5. The term of office of the Governor and of the Lieutenant
16 Governor shall be four years, beginning at noon of the third Tuesday
17 in January next following [his] their election, and ending at noon of
18 the third Tuesday in January four years thereafter. No person who has
19 been elected Governor for two successive terms, including an
20 unexpired term, shall again be eligible for that office until the third
21 Tuesday in January of the fourth year following the expiration of [his]
22 the second successive term.

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

24 6. In the event of a vacancy in the office of Governor resulting
25 from the death, resignation or removal of a Governor in office, or the
26 death of a Governor-elect, or from any other cause, the [functions,
27 powers, duties and emoluments of the office shall devolve upon the
28 President of the Senate, for the time being, and in the event of his
29 death, resignation or removal, then upon the Speaker of the General
30 Assembly, for the time being; and in the event of his death, resignation
31 or removal, then upon such officers and in such order of succession as
32 may be provided by law;] Lieutenant Governor shall become
33 Governor, until a new Governor [shall be] is elected and [qualify]
34 qualifies.

35 In the event of simultaneous vacancies in both the offices of
36 Governor and Lieutenant Governor resulting from any cause, the
37 President of the Senate shall become Governor until a new Governor
38 or Lieutenant Governor is elected and qualifies. In the event that there
39 is a vacancy in the office of Senate President, or the Senate President
40 declines to become Governor, then the Speaker of the General
41 Assembly shall become Governor until a new Governor or Lieutenant
42 Governor is elected and qualifies. In the event that there is a vacancy
43 in the office of Speaker of the General Assembly, or if the Speaker
44 declines to become Governor, then the functions, powers, duties and
45 emoluments of the office shall devolve for the time being upon such

1 officers and in the order of succession as may be provided by law, until
2 a new Governor or Lieutenant Governor is elected and qualifies.
3 (cf: Art.V, Sec.I, para.6)
4 7. In the event of the failure of the Governor-elect to qualify, or of
5 the absence from the State of a Governor in office, or [his] the
6 Governor's inability to discharge the duties of [his] the office, or [his]
7 the Governor's impeachment, the functions, powers, duties and
8 emoluments of the office shall devolve upon the [President of the
9 Senate, for the time being; and in the event of his death, resignation,
10 removal, absence, inability or impeachment, then upon the Speaker of
11 the General Assembly, for the time being; and in the event of his death,
12 resignation, removal, absence, inability or impeachment, then upon
13 such officers and in such order of succession as may be provided by
14 law;] Lieutenant Governor, until the Governor-elect [shall qualify]
15 qualifies, or the Governor in office [shall return] returns to the State,
16 or [shall] is no longer [be] unable to discharge the duties of the
17 office, or [shall be] is acquitted, as the case may be, or until a new
18 Governor [shall be] is elected and [qualify] qualifies. In the event
19 that the Lieutenant Governor in office is absent from the State, or is
20 unable to discharge the duties of the office, or is impeached, or if the
21 Lieutenant Governor-elect fails to qualify, or if there is a vacancy in
22 the office of Lieutenant Governor, the functions, powers, duties, and
23 emoluments of the office of Governor shall devolve upon the President
24 of the Senate. In the event there is a vacancy in the office of the
25 President of the Senate, or of the Senate President's absence from the
26 State, inability to discharge the duties of the office, or impeachment,
27 then such functions, powers, duties, and emoluments shall devolve
28 upon the Speaker of the General Assembly. In the event there is a
29 vacancy in the office of Speaker of the General Assembly, or of the
30 Speaker's absence from the State, inability to discharge the duties of
31 the office, or impeachment, then such functions, powers, duties, and
32 emoluments shall devolve upon such officers and in the order of
33 succession as may be provided by law. The functions, powers, duties,
34 and emoluments of the office of Governor shall devolve upon the
35 President of the Senate, the Speaker of the General Assembly or
36 another officer, as the case may be, until the Governor-elect or
37 Lieutenant Governor-elect qualifies, or the Governor or Lieutenant
38 Governor in office returns to the State, or is no longer unable to
39 discharge the duties of the office, or is acquitted, or until a new
40 Lieutenant Governor is appointed, as the case may be, or a new
41 Governor or Lieutenant Governor is elected and qualifies.

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

43 8. Whenever a Governor-elect or Lieutenant Governor-elect shall
44 have failed to qualify within six months after the beginning of [his] the
45 term of office, or whenever for a period of six months a Governor or

1 Lieutenant Governor in office, or person administering the office, shall
2 have remained continuously absent from the State, or shall have been
3 continuously unable to discharge the duties of ~~his~~ the office by
4 reason of mental or physical disability, the office shall be deemed
5 vacant. Such vacancy shall be determined by the Supreme Court upon
6 presentment to it of a concurrent resolution declaring the ground of
7 the vacancy, adopted by a vote of two-thirds of all the members of
8 each house of the Legislature, and upon notice, hearing before the
9 Court and proof of the existence of the vacancy.

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

11 9. [In the event of a vacancy in the office of Governor, a Governor
12 shall be elected to fill the unexpired term at the general election next
13 succeeding the vacancy, unless the vacancy shall occur within sixty
14 days immediately preceding a general election, in which case he shall
15 be elected at the second succeeding general election; but no election
16 to fill an unexpired term shall be held in any year in which a Governor
17 is to be elected for a full term. A Governor elected for an unexpired
18 term shall assume his office immediately upon his election.]

19 In the event of a vacancy in the office of Lieutenant Governor
20 resulting from the death, resignation or removal of a Lieutenant
21 Governor in office or the death of a Lieutenant Governor-elect or from
22 any other cause, the Governor shall appoint a Lieutenant Governor
23 within forty-five days of the occurrence of the vacancy to fill the
24 unexpired term.

25 If a Lieutenant Governor becomes Governor, or in the event of
26 simultaneous vacancies in the offices of Governor and Lieutenant
27 Governor, a Governor and a Lieutenant Governor shall be elected to
28 fill the unexpired terms of both offices at the next general election,
29 unless the assumption of the office of Governor by the Lieutenant
30 Governor, or the vacancies, as the case may be, occur within sixty
31 days immediately preceding a general election, in which case they shall
32 be elected at the second succeeding general election. No election to
33 fill the unexpired terms shall be held in any year in which a Governor
34 and Lieutenant Governor are to be elected for full terms. A Governor
35 and Lieutenant Governor elected for unexpired terms shall assume
36 their offices immediately upon their election.

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

38 10. a. The Governor and the Lieutenant Governor shall each
39 receive for his services a salary, which shall be neither increased nor
40 diminished during the period for which he the Governor or
41 Lieutenant Governor shall have been elected or appointed.

42 b. The Governor shall appoint the Lieutenant Governor to serve as
43 the head of a principal department or other executive or administrative
44 agency of State government, or delegate to the Lieutenant Governor
45 duties of the office of Governor, or both. The Governor shall not
46 appoint the Lieutenant Governor to serve as Attorney General. The

1 Lieutenant Governor shall in addition perform such other duties as
2 may be provided by law.

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

4

5 d. Amend Article V, Section IV, paragraphs 2, 3 and 4 to read as
6 follows:

7 2. Each principal department shall be under the supervision of the
8 Governor. The head of each principal department shall be a single
9 executive unless otherwise provided by law. Such single executives
10 shall be nominated and appointed by the Governor, with the advice and
11 consent of the Senate, to serve at the pleasure of the Governor during
12 [his] the Governor's term of office and until the appointment and
13 qualification of their successors, except as herein otherwise provided
14 with respect to the Secretary of State and the Attorney General. The
15 Governor may appoint the Lieutenant Governor to serve as the head
16 of a principal department, without the advice and consent of the
17 Senate, and to serve at the pleasure of the Governor during the
18 Governor's term of office.

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

20 3. The Secretary of State and the Attorney General shall be
21 nominated and appointed by the Governor with the advice and consent
22 of the Senate to serve during the term of office of the Governor,
23 except the Governor may appoint the Lieutenant Governor to serve as
24 Secretary of State without the advice and consent of the Senate.

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

26 4. Whenever a board, commission or other body shall be the head
27 of a principal department, the members thereof shall be nominated and
28 appointed by the Governor with the advice and consent of the Senate,
29 and may be removed in the manner provided by law. The Governor
30 may appoint the Lieutenant Governor thereto without the advice and
31 consent of the Senate. Such a board, commission or other body may
32 appoint a principal executive officer when authorized by law, but the
33 appointment shall be subject to the approval of the Governor. Any
34 principal executive officer so appointed shall be removable by the
35 Governor, upon notice and an opportunity to be heard.

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

37

38 e. Amend Article XI by the addition of a new Section VII to read
39 as follows:

40 In the event of a vacancy in the office of Governor resulting from
41 the death, resignation or removal of a Governor in office, or the death
42 of a Governor-elect, or from any other cause, occurring prior to noon
43 on January 19, 2010, the President of the Senate shall become
44 Governor until a new Governor or Lieutenant Governor is elected and
45 qualifies, and in the event of the Senate President's death, resignation
46 or removal prior to becoming Governor, or if the Senate President

1 declines to become Governor, then the Speaker of the General
2 Assembly shall become Governor until a new Governor or Lieutenant
3 Governor is elected and qualifies, and in the event of the Speaker's
4 death, resignation or removal prior to becoming Governor, or if the
5 Speaker declines to become Governor, then the functions, powers,
6 duties and emoluments of the office shall devolve for the time being
7 upon such officers and in such order of succession as may be provided
8 by law until a new Governor or Lieutenant Governor is elected and
9 qualifies. When the President or Speaker becomes Governor pursuant
10 to this section, the President's or Speaker's seat in the Legislature and
11 leadership position shall become vacant.

12 In the event of a vacancy in the office of Governor occurring prior
13 to noon on January 19, 2010, a Governor shall be elected to fill the
14 unexpired term at the general election next succeeding the vacancy,
15 unless the vacancy shall occur within sixty days immediately preceding
16 a general election, in which case the Governor shall be elected at the
17 second succeeding general election; but no election to fill an unexpired
18 term shall be held in calendar year 2009. A Governor elected for an
19 unexpired term shall assume office immediately upon election.

20 Until noon on January 19, 2010, in the event of the failure of the
21 Governor-elect to qualify, or of the absence from the State of a
22 Governor in office, or the Governor's inability to discharge the duties
23 of the office, or the Governor's impeachment, the functions, powers,
24 duties and emoluments of the office shall devolve upon the President
25 of the Senate, for the time being; and in the event of the Senate
26 President's death, resignation, removal, absence, inability or
27 impeachment, then upon the Speaker of the General Assembly, for the
28 time being; and in the event of the Speaker's death, resignation,
29 removal, absence, inability or impeachment, then upon such officers
30 and in such order of succession as may be provided by law; until the
31 Governor-elect qualifies, or the Governor in office returns to the
32 State, or is no longer unable to discharge the duties of the office, or
33 is acquitted, as the case may be, or until a new Governor or Lieutenant
34 Governor is elected and qualifies.

35 If the President of the Senate is to become Governor or acting
36 Governor pursuant to this section but the Senate has elected more than
37 one President, only one of whom is of the same political party as the
38 Governor, the President who is of that same political party shall
39 become Governor or acting Governor, as appropriate.

40 If the Speaker of the General Assembly is to become Governor or
41 acting Governor pursuant to this section but the General Assembly has
42 elected more than one Speaker, only one of whom is of the same
43 political party as the Governor, the Speaker who is of that same
44 political party shall become Governor or acting Governor, as
45 appropriate.¹

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

9

10 ¹[3. This proposed amendment to the Constitution shall be
11 submitted to the people at that election in the following manner and
12 form:

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

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

17 If you favor the proposition printed below make a cross (X), plus
18 (+), or check (T) in the square opposite the word "Yes." If you are
19 opposed thereto make a cross (X), plus (+) or check (T) in the square
20 opposite the word "No."

21 b. In every municipality the following question:

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

39
40 ^{13.} This proposed amendment to the Constitution shall be
41 submitted to the people at that election in the following manner and
42 form:

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

45 a. In every municipality in which voting machines are not used, a

1 legend which shall immediately precede the question, as follows:

2 If you favor the proposition printed below make a cross (X), plus
 3 (+), or check (T) in the square opposite the word "Yes." If you are
 4 opposed thereto make a cross (X), plus (+) or check (T) in the square
 5 opposite the word "No."

6 b. In every municipality the following question:

7 8 9 10 11 12 13 14 15 16 17 18 19	YES	<p style="text-align: center;"><u>CONSTITUTIONAL AMENDMENT TO</u> <u>ESTABLISH THE OFFICE OF</u> <u>LIEUTENANT GOVERNOR</u></p> <p><u>Shall the amendment of Articles II, IV, V and</u> <u>XI of the Constitution, agreed to by the</u> <u>Legislature, establishing the office of</u> <u>Lieutenant Governor, and providing for the</u> <u>term, election, succession, salary,</u> <u>qualifications, and duties of the office, and for</u> <u>an interim succession to be employed in the</u> <u>event of a vacancy in the office of the</u> <u>Governor before the election of the first</u> <u>Lieutenant Governor, be adopted?</u></p>
20		<u>INTERPRETIVE STATEMENT</u>

<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p>NO</p>	<p><u>Approval of this amendment would establish the office of Lieutenant Governor. Candidates for the offices of Governor and Lieutenant Governor would be elected as joint candidates in the general election. 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. The Lieutenant Governor would perform other duties as assigned by the Governor or by law. The first Lieutenant Governor would be elected at the general election held in 2009. In the event of a permanent vacancy in the office of the Governor occurring before the inauguration date of the first Lieutenant Governor, the President of the Senate, followed by the Speaker of the General Assembly, would become Governor, rather than acting Governor. A vacancy would be created in the Legislature if the Senate President or Assembly Speaker becomes Governor, to be filled in the manner currently provided by the Constitution.¹</u></p>
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SCHEDULE

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¹[The first election of a Lieutenant Governor shall be held at the general election held in calendar year 2009.]¹

¹This constitutional amendment shall become part of the New Jersey Constitution at noon on January 17, 2006 or upon approval by the voters if approval occurs after January 17, 2006, and the first election of a Lieutenant Governor shall be held at the general election held in calendar year 2009.¹