

**ASSEMBLY CONCURRENT
RESOLUTION No. 37**

**STATE OF NEW JERSEY
219th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN DIMAIO

District 23 (Hunterdon, Somerset and Warren)

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Provides for 5 year terms for Justices of the Supreme Court and for tenure elections for a Justice to receive tenure upon reappointment.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 A CONCURRENT RESOLUTION proposing an amendment to Article
2 VI, section VI, paragraph 3 and adding a new section to Article
3 VI of the Constitution of the State of New Jersey.

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

7
8 1. The following proposed amendments to the Constitution of
9 the State of New Jersey are hereby agreed to:

10
11 PROPOSED AMENDMENT

12
13 a. Amend Article VI, Section VI, paragraph 3 to read as
14 follows:

15 3. a. The Justices of the Supreme Court shall hold their offices
16 for an initial term of 5 years. Upon reappointment the Justices shall
17 hold their offices for subsequent terms of 5 years and there shall be
18 no limitation on the number of terms which a Justice may serve. A
19 Justice shall not receive tenure unless and until that Justice is
20 reappointed and is approved for tenure by the voters as provided in
21 Article VI, Section IX. If a Justice is not approved for tenure by the
22 voters, that Justice may be appointed for another term of 5 years. A
23 justice shall be retired upon attaining the age of 70 years.
24 Provisions for the pensioning of the Justices of the Supreme Court
25 shall be made by law.

26 b. The **Justices of the Supreme Court and the** Judges of the
27 Superior Court shall hold their offices for initial terms of 7 years
28 and upon reappointment shall hold their offices during good
29 behavior; provided however, that, upon the abolition of the juvenile
30 and domestic relations courts or family court and county district
31 courts as provided by law, the judges in office in those former
32 courts who have acquired tenure and the Judges of the Superior
33 Court who have acquired tenure as a judge in those former courts
34 prior to appointment to the Superior Court, shall have tenure as
35 Judges of the Superior Court. Judges of the juvenile and domestic
36 relations courts or family court and county district courts who have
37 not acquired tenure as a judge of those former courts shall hold their
38 offices for the period of their respective terms which remain
39 unexpired and shall acquire tenure upon reappointment to the
40 Superior Court. Such **justices and** judges shall be retired upon
41 attaining the age of 70 years. Provisions for the pensioning of the
42 **Justices of the Supreme Court and the** Judges of the Superior
43 Court shall be made by law.
44 (cf: Article VI, Section VI, paragraph 3; effective December 8,
45 1983)

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

Matter underlined thus is new matter.

b. Amend Article VI of the Constitution by the addition of the following section:

Section IX

1. a. Whenever a justice of the Supreme Court has been reappointed the question of whether the justice shall be retained in office and receive tenure for that office shall be submitted by referendum to the people at the general election next following that reappointment.

The question of whether a justice should be retained in office and receive tenure shall be included on the ballot as follows:

"Shall . . . (insert name of justice) of the Supreme Court who has served on the Supreme Court since . . . (insert date of initial appointment) be retained in office and receive tenure for that office? Yes ☐ No ☐

b. If a majority of those voting on the question vote against retaining a justice in office, a vacancy shall exist as of the date the results of the election are certified by the Secretary of State.

c. If a majority of voters vote against retaining a justice in office, that justice shall not be eligible for any subsequent appointment to the Supreme Court.

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

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

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

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

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

b. In every municipality the following question.

		ESTABLISHMENT OF TENURE ELECTIONS FOR SUPREME COURT JUSTICES
	YES	Shall the amendments to Article VI of the State Constitution, agreed to by the Legislature, providing that the Justices of the Supreme Court shall hold their offices for an initial term of 5 years and, upon reappointment, shall hold their offices for subsequent terms of 5 years, without limitation on the number of terms which a Justice may serve, but that a Justice shall not receive tenure unless and until that Justice is reappointed and is approved for tenure by the voters, be approved?
		INTERPRETIVE STATEMENT
	NO	Presently, Supreme Court justices receive tenure, after serving an initial seven year term, upon reappointment by the Governor with the advice and consent of the Senate. This amendment would provide for 5 year terms for Justices of the Supreme Court. There would be no limitation on the number of terms which a Justice may serve, but no Justice would receive tenure unless and until that Justice is reappointed and is approved for tenure by the voters in a tenure election. As under present law, justices would be retired at 70 years of age.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

SCHEDULE

This constitutional amendment shall, if approved, take effect on January 1, next following the general election at which it was approved and shall be applicable to Supreme Court justices whose initial term expires on or after that date.

STATEMENT

Presently, Supreme Court justices serve an initial seven-year term and receive tenure upon reappointment by the Governor with the advice and consent of the Senate. This concurrent resolution proposes a constitutional amendment that would provide for 5 year terms for Justices of the Supreme Court. There would be no limitation on the number of terms which a Justice may serve, but no

ACR37 DIMAIO, SPACE

5

1 Justice would receive tenure unless and until that Justice is
2 reappointed and is approved for tenure by the voters in a tenure
3 election. If a Justice is not approved by the voters for tenure, he
4 would remain eligible for reappointment to another 5 year term, at
5 the discretion of the Governor, with the advice and consent of the
6 Senate. As under present law, justices would be retired at 70 years
7 of age.