

ASSEMBLY CONCURRENT RESOLUTION No. 120

STATE OF NEW JERSEY

INTRODUCED JUNE 5, 1997

By Assemblymen CARROLL, GREGG, Assemblywoman Crecco,
Assemblymen Weingarten, Bucco, Kelly, Assemblywoman
Farragher, Assemblymen Rooney, Talarico, Assemblywoman J.
Smith, Assemblymen Garrett, DeCroce, Kavanaugh, Felice and
DeGaetano

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

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

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

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PROPOSED AMENDMENT

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

14 3.a. The Justices of the Supreme Court shall hold their offices for an initial
15 term of 7 years and upon reappointment and approval by the voters as
16 provided in Article VI, Section IX hold office for an additional term of 7 years
17 beginning on the date of the justice's reappointment. There shall be no
18 limitation on the number of terms which a justice may serve; provided,
19 however, that a justice shall be retired upon attaining the age of 70 years.
20 Provisions for the pensioning of the Justices of the Supreme Court shall be
21 made by law.

22 b. The [Justices of the Supreme Court and the] Judges of the Superior
23 Court shall hold their offices for initial terms of 7 years and upon
24 reappointment shall hold their offices during good behavior; provided
25 however, that, upon the abolition of the juvenile and domestic relations courts
26 or family court and county district courts as provided by law, the judges in
27 office in those former courts who have acquired tenure and the Judges of the
28 Superior Court who have acquired tenure as a judge in those former courts

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 prior to appointment to the Superior Court, shall have tenure as Judges of the
2 Superior Court. Judges of the juvenile and domestic relations courts or family
3 court and county district courts who have not acquired tenure as a judge of
4 those former courts shall hold their offices for the period of their respective
5 terms which remain unexpired and shall acquire tenure upon reappointment to
6 the Superior Court. Such [justices and judges] shall be retired upon attaining
7 the age of 70 years. Provisions for the pensioning of the [Justices of the
8 Supreme Court and the] Judges of the Superior Court shall be made by law.
9 (cf: Article VI, Section VI, paragraph 3; effective December 8, 1983)

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

12 Section IX

13 1.a. Whenever a justice of the Supreme Court has been reappointed the
14 question of whether the justice shall be retained in office shall be submitted by
15 referendum to the people at the general election next following that
16 reappointment.

17 The question of whether a justice should be retained in office shall be
18 included on the ballot as follows:

19 "Shall . . . (insert name of justice) of the Supreme Court who has served on
20 the Supreme Court since . . . (insert date of initial appointment) be retained in
21 office? Yes [] No []

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

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

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

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

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

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

43 If you favor the proposition printed below make a cross (X), plus (+), or

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

4 b. In every municipality the following question

<p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p>	<p>YES</p>	<p>ABOLISHMENT OF TENURE FOR SUPREME COURT JUSTICES AND ESTABLISHMENT OF RETENTION ELECTIONS FOR THE PURPOSE OF DETERMINING WHETHER JUSTICES OF THE SUPREME COURT SHOULD REMAIN IN OFFICE.</p> <p>Shall the amendments to Article VI of the State Constitution, agreed to by the Legislature, abolishing tenure for Supreme Court Justices and establishing retention elections as the method for re-appointing Justices of the Supreme Court be approved?</p>
<p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p>	<p>NO</p>	<p>INTERPRETIVE STATEMENT</p> <p>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 eliminate tenure for Supreme Court justices and provide that after the initial seven year term, if a justice is reappointed by the Governor with the advice and consent of the Senate, the question of whether that justice remains in office shall be submitted by referendum to the voters. If the voters decide to retain the justice in office, the justice would receive an additional term of seven years. There would be no limitation on the number of terms a justice could serve but, as under present law, justices would be retired at 70 years of age.</p>

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SCHEDULE

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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.

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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 eliminating tenure for Supreme Court justices and providing for retention elections as the method for determining whether Supreme Court justices shall remain in office.

Under the proposed amendment, after serving an initial seven year term, if a justice is reappointed by the Governor and confirmed by the Senate, the question of whether that justice would be retained in office would be submitted by referendum to the voters at the next general election. If the reappointment is approved, the justice would serve an additional seven year term. There would be no limitation on the number of terms which a justice could serve but as under present law, a justice would be retired upon reaching 70 years of age.

Proposes a constitutional amendment abolishing tenure for Supreme Court justices and establishing retention elections as part of the reappointment process.