

ASSEMBLY CONCURRENT RESOLUTION No. 123

STATE OF NEW JERSEY

INTRODUCED JUNE 5, 1997

By Assemblymen O'TOOLE and WEINGARTEN

1 A CONCURRENT RESOLUTION proposing to amend Article VII of the
2 Constitution of the State of New Jersey.

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

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

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10 PROPOSED AMENDMENT

11

12 Amend Article VII by the addition of the following section:

13

14 SECTION IIA

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16 1. Members of each county board of chosen freeholders shall be elected
17 at the general election in the first, fourth and seventh years after each year in
18 which the federal decennial census is taken by the legally qualified voters of
19 districts established pursuant to this Section. Each member of a county board
20 of chosen freeholders shall have been a resident of the district for at least one
21 year prior to the day of the election. The term of office of each chosen
22 freeholder shall begin at noon on the January 1 next following election and end
23 at noon on the January 1 three years thereafter, except that the term of each
24 chosen freeholder elected in the seventh year following the year in which a
25 decennial census of the United States is taken shall end at noon on the January
26 1 four years after the commencement of the term. Whenever a vacancy
27 occurs in the office of member of a county board of chosen freeholders, it shall
28 be filled in the manner provided by law.

29 2. (a) After each federal census is taken in a year ending in zero, each
30 county shall be divided into districts by a county redistricting commission.

31 (b) Each commission shall consist of four members, none of whom shall be
32 a member or an employee of the county board of chosen freeholders. Two
33 members shall be appointed by the chairman of the county committee of the
34 political party whose candidate for the office of Governor received the largest
35 number of votes in the State at the most recent gubernatorial election and two

1 shall be appointed by the chairman of the county committee of the political
2 party whose candidate for the office of Governor received the next largest
3 number of votes in the State in that election. Each county chairman, in making
4 such appointments, shall give due consideration to the representation of the
5 various geographical areas of the county.

6 (c) Appointments to each commission shall be made on or before the tenth
7 day following the receipt by the Governor of the official decennial census of
8 the United States for this State and the commissioners shall serve until they
9 discharge their duties pursuant to this Section. A vacancy in a commission
10 prior to its certification of districts or during any period in which the districts
11 established by the commission may be or are under challenge in court shall be
12 filled within five days of its occurrence and in the same manner as the original
13 appointment was made.

14 3. (a) Within one month following the appointment of its members or on or
15 before February 1 of the year following the year in which the census is taken,
16 whichever date is later, each county redistricting commission shall certify the
17 establishment of districts equal in number to the members of the county board
18 of chosen freeholders of that county. Each commission shall certify the
19 establishment of districts pursuant to a majority vote of the full authorized
20 membership of the commission convened in open public meeting.

21 (b) The freeholder districts established by a redistricting commission in a
22 given county shall be composed of contiguous territory, as nearly compact and
23 equal in the number of their inhabitants as possible.

24 (c) The initial number of districts to be established shall equal the number
25 of members of the county board of chosen freeholders existing at the time of
26 the adoption of this amendment to the Constitution. Any county seeking to
27 alter the number of its districts may do so in a manner provided by law and the
28 change shall take effect with the establishment and certification of districts by
29 the county redistricting commission during the year following the year in which
30 the official federal decennial census is taken. Under no circumstances shall a
31 county have fewer than three freeholders and districts or more than nine
32 freeholders and districts.

33 (d) Districts established and certified in a county pursuant to this Section
34 shall remain in effect until the establishment and certification of districts by the
35 county redistricting commission during the year following the year in which the
36 official federal decennial census is taken.

37 4. If a county redistricting commission fails to establish and certify county
38 districts on or prior to the date fixed for such establishment and certification,
39 or if prior to that date the commission members determine that they will be
40 unable to do so, the commission shall so certify to the Chief Justice of the
41 Supreme Court of this State, or the designee thereof, who shall appoint as a
42 fifth commissioner a person with a demonstrated ability to represent the best
43 interests of the people of the county and who shall not have held elected public

1 or political party office in this State anytime during the three-year period
2 immediately prior to appointment as commissioner. Within one month after the
3 appointment of the fifth commissioner, the commission shall establish and
4 certify district boundaries by a majority vote of the full authorized membership
5 of the commission convened in open public meeting.

6 5. If the county districts established and certified by a county redistricting
7 commission are declared unlawful by a court of competent jurisdiction, the
8 commission shall reorganize and adopt new county districts in the same
9 manner as herein required and within the time prescribed by the court or within
10 such shorter period as may be necessary to ensure that new district boundaries
11 are effective for the next succeeding primary and general election for members
12 of the board of chosen freeholders in the county.

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

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

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

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

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

32 b. In every municipality the following question:

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| 1 | | ESTABLISHES FREEHOLDER AS |
| 2 | | CONSTITUTIONAL OFFICER AND |
| 3 | | CREATES REDISTRICTING COMMISSION |
| 4 | | IN EACH COUNTY TO ESTABLISH |
| 5 | | FREEHOLDER DISTRICTS |
| 6 | YES | Shall the amendment of Article VII of the |
| 7 | | Constitution, agreed to by the Legislature, |
| 8 | | establishing the office of freeholder as a |
| 9 | | Constitutional office and establishing a redistricting |
| 10 | | commission in each county after every federal |
| 11 | | decennial census to divide the county into |
| 12 | | freeholder districts, be adopted? |
| 13 | | INTERPRETIVE STATEMENT |
| 14 | NO | Adoption of this amendment would establish the |
| 15 | | office of freeholder as a Constitutional office with |
| 16 | | two three-year terms and one four-year term each |
| 17 | | decade. Currently, the freeholders in a given |
| 18 | | county are elected from districts, elected at-large, |
| 19 | | or both elected from districts and at-large. Upon |
| 20 | | approval of this amendment, after every federal |
| 21 | | decennial census, a redistricting commission would |
| 22 | | be established in each county to divide the county |
| 23 | | into freeholder districts. The initial number of those |
| 24 | | districts would equal the number of members of the |
| 25 | | board of chosen freeholders of the county when the |
| 26 | | amendment is adopted. The number of freeholders |
| 27 | | and districts in a county could be changed prior to |
| 28 | | the next time the county is redistricted and would |
| 29 | | take effect when redistricting occurs, though under |
| 30 | | no circumstances could a county have fewer than |
| 31 | three freeholders and districts or more than nine | |
| 32 | freeholders and districts. | |
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SCHEDULE

39 This Constitutional amendment shall, if approved, be applicable to any
 40 establishment of county districts for use following the official federal decennial
 41 census in 2000. The term of office of any member of a county board of
 42 chosen freeholders whose term extends beyond 2001, whether elected from

1 a district or at-large, shall terminate on January 1, 2002.

STATEMENT

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3 This concurrent resolution proposes an amendment to the State
4 Constitution to establish the office of member of the board of chosen
5 freeholders as a Constitutional office. It provides that each such officeholder
6 shall be elected at a general election from a district established in the manner
7 provided by this resolution and shall be a resident of the district for at least one
8 year prior to the day of the election. If the resolution is approved, freeholders
9 shall have two three-year and one four-year terms of office each decade.

10 Under current statutory law, the freeholders in a given county are elected
11 from districts, elected at-large, or both elected from districts and at-large.

12 The resolution also establishes a redistricting commission in each county
13 after every official federal decennial census to divide the county into freeholder
14 districts. The districts shall be composed of contiguous territory, as nearly
15 compact and equal in the number of their inhabitants as possible. The initial
16 number of those districts would equal the number of members of the board of
17 chosen freeholders of the county when the amendment is adopted. The
18 number of freeholders and districts in a county could be changed prior to the
19 next time the county is redistricted and would take effect when redistricting
20 occurs, though under no circumstances could a county have fewer than three
21 freeholders and districts or more than nine freeholders and districts.

22 Each commission is to consist of four members. The county chairmen of
23 the two principal political parties in the county are each to appoint two
24 members, with due consideration given to the various geographical areas of
25 the county. If a commission fails to establish county districts within one month
26 following the appointment of its members or on or before February 1 of the
27 year following the year in which the census is taken, whichever date is later,
28 the commission shall so certify to the Chief Justice of the Supreme Court of
29 this State. That person, or the designee thereof, shall appoint as a fifth
30 commissioner a person with a demonstrated ability to represent the best
31 interests of the people of the county and who shall not have held elected public
32 or political party office in this State anytime during the three-year period
33 immediately prior to appointment as commissioner. The commission would
34 then have one month to establish and certify district boundaries by a majority
35 vote of the commission.

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39 Amends Constitution to establish freeholder as constitutional office and
40 prescribe terms; establishes redistricting commissions in each county to divide
41 county into freeholder districts.