

ASSEMBLY CONCURRENT RESOLUTION No. 19

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman KAVANAUGH

1 A CONCURRENT RESOLUTION proposing to amend Article I, paragraph 2,  
2 Article II and Article IV, Section IV, paragraph 3 of the Constitution of the  
3 State of New Jersey.

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

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

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PROPOSED AMENDMENT

12

13 a. Amend Article I, paragraph 2, as follows:

14 2. a. All political power is inherent in the people.

15 b. Government is instituted for the protection, security, and benefit of the  
16 people, and they have the right at all times to alter or reform the same,  
17 whenever the public good may require it.

18 c. The people reserve unto themselves: the power of initiative to submit  
19 to the Legislature amendments to the Constitution; the power of initiative to  
20 submit to the Legislature laws; and the power of initiative to submit to the  
21 Legislature laws to repeal any law or any section or part thereof.

22 (cf: Art. I, para.2)

23 b. Amend Article II as follows:

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25

ARTICLE II

26

ELECTIONS [AND], SUFFRAGE

27

AND INITIATIVE

28

SECTION I

29

30 1. General elections shall be held annually on the first Tuesday after the

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 first Monday in November; but the time of holding such elections may be  
2 altered by law. The Governor and members of the Legislature shall be chosen  
3 at general elections. Local elective officers shall be chosen at general elections  
4 or at such other times as shall be provided by law.

5 (cf: Art. II, para. 1)

6 2. All questions submitted to the people of the entire State shall be voted  
7 upon at the general election next occurring at least 70 days following the final  
8 action of the Governor or the Legislature, as appropriate, necessary to submit  
9 the questions. The text of any such question shall be published at least once  
10 in one or more newspapers of each county, if any newspapers be published  
11 therein, at least 60 days before the election at which it is to be submitted to the  
12 people, and the results of the vote upon a question shall be void unless the text  
13 thereof shall have been so published.

14 (cf: Art. II, para. 2, amended effective Dec. 8, 1988)

15 3. (a) Every citizen of the United States, of the age of 18 years, who shall  
16 have been a resident of this State and of the county in which he claims his vote  
17 30 days, next before the election, shall be entitled to vote for all officers that  
18 now are or hereafter may be elective by the people, and upon all questions  
19 which may be submitted to a vote of the people; and

20 (b) (Deleted by amendment, effective December 5, 1974.)

21 (c) Any person registered as a voter in any election district of this State  
22 who has removed or shall remove to another state or to another county within  
23 this State and is not able there to qualify to vote by reason of an insufficient  
24 period of residence in such state or county, shall, as a citizen of the United  
25 States, have the right to vote for electors for President and Vice President of  
26 the United States, only, by Presidential Elector Absentee Ballot, in the county  
27 from which he has removed, in such manner as the Legislature shall provide.

28 (cf: Art. II, para. 3, amended effective Dec. 5, 1974)

29 4. In time of war no elector in the military service of the State or in the  
30 armed forces of the United States shall be deprived of his vote by reason of  
31 absence from his election district. The Legislature may provide for absentee  
32 voting by members of the armed forces of the United States in time of peace.  
33 The Legislature may provide the manner in which and the time and place at  
34 which such absent electors may vote, and for the return and canvass of their  
35 votes in the election district in which they respectively reside.

36 (cf: Art. II, para. 4)

37 5. No person in the military, naval or marine service of the United States  
38 shall be considered a resident of this State by being stationed in any garrison,  
39 barrack, or military or naval place or station within this State.

40 (cf: Art. II, para. 5)

41 6. No idiot or insane person shall enjoy the right of suffrage.

42 (cf: Art. II, para. 6)

43 7. The Legislature may pass laws to deprive persons of the right of

1 suffrage who shall be convicted of such crimes as it may designate. Any  
2 person so deprived, when pardoned or otherwise restored by law to the right  
3 of suffrage, shall again enjoy that right.

4 (cf: Art. II, para. 7)

5 SECTION II

6  
7 1. (a) The number of signatures of registered voters required upon an  
8 initiative petition proposing a constitutional amendment for submission to the  
9 Legislature shall be equal to at least 12% of the number of votes cast for the  
10 office of Governor in the State in the gubernatorial election preceding  
11 certification of the petition for circulation as shall be provided by law, provided  
12 that the petition signatures shall include signatures from at least two-thirds of  
13 the counties of the State equal in number to at least 12% of the total number  
14 of votes cast for the office of Governor in each of those counties in that  
15 gubernatorial election.

16 (b) The number of signatures of registered voters required upon an  
17 initiative petition proposing a law or the repeal of a law for submission to the  
18 Legislature shall be equal to at least 8% of the number of votes cast for the  
19 office of Governor in the State in the gubernatorial election preceding  
20 certification of the petition for circulation as shall be provided by law, provided  
21 that the petition signatures shall include signatures from at least two-thirds of  
22 the counties of the State equal in number to at least 8% of the total number of  
23 votes cast for the office of Governor in each of those counties in that  
24 gubernatorial election.

25 (c) The number of signatures of registered voters required upon an  
26 initiative petition proposing a constitutional amendment, a law or a repeal  
27 which has been defeated by either a vote of the Senate or General Assembly  
28 or by veto of the Governor during a biennial session of the Legislature and is  
29 re-submitted to the Legislature during its next succeeding biennial session shall  
30 equal 50 percent of the signatures required to submit the original initiative  
31 petition to the Legislature, pursuant to subparagraphs (a) or (b) of this  
32 paragraph, as the case may be.

33 The number of signatures of registered voters required upon an initiative  
34 petition proposing a constitutional amendment, a law or a repeal which has  
35 been defeated by either a vote of the Senate or General Assembly or by veto  
36 of the Governor during a biennial session of the Legislature and is re-submitted  
37 to the Legislature during the biennial session following the next succeeding  
38 session of the Legislature and any subsequent session shall equal the total  
39 number of signatures required from each county to submit the original initiative  
40 petition to the Legislature, pursuant to subparagraphs (a) or (b) of this  
41 paragraph, as the case may be.

42 (d) Before an initiative petition is submitted to the Legislature, petitioners  
43 shall file the petition with the Secretary of State, who shall within 60 days after

1 that filing determine whether the petition includes sufficient numbers of  
2 signatures of registered voters as required under subparagraph (a) of this  
3 paragraph, in the case of an initiative petition proposing a constitutional  
4 amendment, or subparagraph (b) of this paragraph, in the case of an initiative  
5 petition proposing a law or the repeal of a law. The Secretary of State may  
6 employ such random sampling techniques, meeting ordinary professional  
7 standards of statistical reliability, as the Legislature may provide by law or, in  
8 the absence of such provision, as the Secretary of State shall find to be  
9 effective and convenient. If, on or before the 60th day following the filing, the  
10 Secretary of State determines that sufficient numbers of signatures so required  
11 to be included on the petition shall not have been obtained, that petition shall  
12 be deemed void and without effect. Otherwise, the petition shall be deemed  
13 eligible for submission to the Legislature.

14 (e) An initiative petition which is not filed with the Secretary of State as  
15 required under subparagraph (d) of this paragraph within such period  
16 following the certification thereof for circulation as may be established by law  
17 but not less than six months shall be void and without effect.

18 2. The introduction of a bill or resolution that has been submitted to the  
19 Legislature by an initiative petition shall be in the manner provided by law or  
20 the joint rules of the Legislature, as is appropriate, except that no member of  
21 the Legislature shall introduce in the house of which he is a member more than  
22 a total of four such bills or resolutions during any biennial session of the  
23 Legislature.

24 3. Each bill and resolution introduced in the Legislature shall be referred  
25 to an appropriate committee. Within two weeks after the bill or resolution has  
26 been so referred, the chairman thereof shall schedule no fewer than three  
27 public hearings on the bill or resolution. All of such hearings shall occur within  
28 six weeks after the bill or resolution has been referred to committee. At the  
29 conclusion of the last scheduled hearing on the bill or resolution, or at a  
30 meeting to be held no later than one week after the last scheduled hearing, the  
31 committee shall determine by majority vote whether to release the bill  
32 "Favorably" or "Without Recommendation." No other motions to amend the  
33 bill or resolution or to change the bill or resolution in any way or otherwise  
34 impede its release from committee shall be permitted.

35 4. Within one month after release of each resolution which proposes a  
36 constitutional amendment and each bill which proposes a law or the repeal of  
37 a law from committee, the bill or resolution shall be posted by the house for  
38 third reading and final passage. No motions to amend the bill or resolution or  
39 to change the bill or resolution or otherwise impede action by the house shall  
40 be permitted. Each bill or resolution which is declared passed shall be  
41 referred to the other house of the Legislature. Each bill or resolution which is  
42 declared to have failed shall not be subject to any further action by that house  
43 for the remainder of the biennial session of the Legislature.

1       5. Each bill and resolution which is declared passed in one house of the  
2 Legislature shall be referred to the appropriate committee in the other house.  
3 Within two weeks after the bill or resolution has been so referred, the  
4 chairman thereof shall schedule no fewer than two public hearings on the bill  
5 or resolution. All of such hearings shall occur within six weeks after the bill or  
6 resolution has been referred to committee. At the conclusion of the last  
7 scheduled hearing on the bill or resolution, or at a meeting to be held no later  
8 than one week after the last scheduled hearing, the committee shall determine  
9 by majority vote whether to release the bill "Favorably" or "Without  
10 Recommendation." No other motions to amend the bill or resolution or to  
11 change the bill or resolution in any way or otherwise impede its release from  
12 committee shall be permitted.

13       Within one month after release of each resolution which proposes a  
14 constitutional amendment and each bill which proposes a law or the repeal of  
15 a law from committee, the bill or resolution shall be posted by the house for  
16 third reading and final passage. No motions to amend the bill or resolution or  
17 to change the bill or resolution or otherwise impede action by the house shall  
18 be permitted. Each bill or resolution which is declared to have failed shall not  
19 be subject to any further action by that house for the remainder of the biennial  
20 session of the Legislature.

21       6. Each resolution proposing a constitutional amendment which is declared  
22 passed in both houses of the Legislature shall be subject to such further action  
23 as provided in Article IX.

24       Each bill which is declared passed in both houses of the Legislature shall  
25 be sent to the Governor for approval or veto. Each bill that receives an  
26 absolute or a conditional veto shall be deemed to have failed and shall not be  
27 subject to any further action for the remainder of the biennial session of the  
28 Legislature, except that nothing in this section shall prohibit the Legislature  
29 from overriding an absolute veto by the Governor as provided in Article V,  
30 Section I, paragraph 14.

31       7. Each bill or resolution which has been introduced in the Legislature as  
32 a result of an initiative petition during the last six months of the second annual  
33 session of one Legislature shall, if necessary, carry over into the first annual  
34 session of the next Legislature without the need to be re-introduced therein  
35 and shall continue to be considered during that biennial session, as shall be  
36 provided by law, until either its passage or defeat.

37       8. No law submitted to the Legislature by an initiative petition which is  
38 enacted by the Legislature and the Governor, in response to such a petition  
39 shall be amended, repealed, superseded, nullified or suspended, and no law  
40 which is repealed as a result of an initiative petition shall be reenacted by the  
41 Legislature and the Governor, for a period of two years except by a vote of  
42 three-fourths of all the members of each house, or for a period of three years  
43 after the two-year period except by a vote of three-fifths of all the members

1 of each house, after at least 20 calendar days shall have elapsed following the  
2 introduction of a bill to amend, repeal, supersede, nullify, suspend or reenact,  
3 as the case may be, and a public hearing has been held thereon.

4 9. No constitutional amendment submitted to the Legislature as a result of  
5 an initiative petition and subsequently approved by the people and no law or  
6 repeal of a law, or section or part thereof, submitted to the Legislature in the  
7 same manner and approved by the Legislature and the Governor shall be held  
8 unconstitutional or void on account of the insufficient number of signatures on  
9 the petition by which the submission of the same was procured.

10 10. Any constitutional amendment submitted to the Legislature as a result  
11 of an initiative petition affecting taxes or appropriations and enacted by the  
12 people and any law affecting taxes or appropriations submitted to the  
13 Legislature in the same manner and approved by the Legislature and the  
14 Governor shall become effective at the beginning of the fiscal year next  
15 following passage or approval of the constitutional amendment or law, and any  
16 law affecting taxes or appropriations whose continuance is the subject of an  
17 initiative petition submitted to the Legislature shall cease to be effective at the  
18 beginning of the fiscal year next following the repeal of that law. Any other  
19 law, repeal of a law or constitutional amendment submitted to the Legislature  
20 as a result of such a petition shall become effective on the date provided by  
21 that proposed law, repeal of a law or constitutional amendment.

22 11. The Secretary of State shall cause a law or constitutional amendment  
23 submitted to the Legislature as a result of an initiative petition to be published  
24 at least once in one or more newspapers of each county, if any be published  
25 therein, not later than one month following that submission to the Legislature.

26 12. If conflicting constitutional amendments, passed by the Legislature in  
27 response to initiative petitions submitted thereto, are approved at a general  
28 election by a majority of the total number of votes cast for and against the  
29 same, the one receiving the highest number of affirmative votes shall be the  
30 amendment to the Constitution.

31 13. The submission to the Legislature of an initiative petition with respect  
32 to any law or section or part thereof shall in no way affect the effective date  
33 or the implementation of the law.

34 Nothing contained in this section shall be construed as preventing from  
35 being submitted to the Legislature during the same biennial session:

36 (a) An initiative with respect to a law in its entirety and an initiative with  
37 respect to any section or part of the same law; or

38 (b) Two or more initiatives with respect to different sections or parts of the  
39 same law.

40 14. If legislation is not enacted within one year of the adoption of this  
41 constitutional amendment which implements this constitutional amendment,  
42 then this constitutional amendment shall be construed as being self-executing,  
43 and in that case, shall be administered by the Secretary of State, provided that

1 the regulations adopted by the Secretary of State shall be superseded by  
2 subsequent legislation consistent with this constitutional amendment governing  
3 the conduct of the initiative process.

4 c. Amend Article IV, Section IV, paragraph 3 as follows:

5 3. Each house shall choose its own officers, determine the rules of its  
6 proceedings, except as otherwise provided in Article II of this Constitution,  
7 and punish its members for disorderly behavior. It may expel a member with  
8 the concurrence of two-thirds of all its members.

9 (cf: Art. IV, Sec. IV, para. 3)

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

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

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

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

25 If you favor the proposition printed below make a cross (X), plus (+) or  
26 check (O) in the square opposite the word "Yes."

27 If you are opposed thereto make a cross (X), plus (+) or check (O) in the  
28 square opposite the word "No."

1 b. In every municipality the following question.

2		ESTABLISHES AN INITIATIVE PROCESS
3		
4		Shall the amendment to Article I, paragraph 2,
5		Article II and Article IV, Section 4, paragraph 3 of
6	YES	the Constitution, agreed to by the Legislature,
7		establishing an initiative process in the State, be
8		adopted?
9		INTERPRETIVE STATEMENT

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	NO	<p>Adoption of this amendment would establish an initiative process in this State whereby proposed constitutional amendments and proposals that new laws be enacted or existing laws be repealed would be submitted to the Legislature for action. If introduced by a member thereof in the form of a bill or resolution, it would be referred to a committee for a series of three public hearings and then released by the committee for a vote by the house in which it was introduced. If passed thereby, the bill or resolution would go to the other house, be referred to a committee for two additional hearings, be released from the committee and then be voted on by that house. A constitutional amendment which passed both houses would then go on the ballot for approval by the voters at the general election. A bill which passed both houses would go to the Governor for either approval or veto; nothing in this amendment, however, would prohibit the Legislature from overriding an absolute veto by the Governor. The number of signatures required to submit a proposed constitutional amendment to the Legislature would be at least 12% of the votes cast in the State in the preceding gubernatorial election, and the number of signatures required to submit a proposed law to the Legislature would be at least 8% of the votes cast in that election. In each case, a proportional number of the signatures would have to come from each of two-thirds of the counties of the State.</p>
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## 1 STATEMENT

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3 This concurrent resolution proposes to amend the State Constitution to  
4 provide the people of the State with the power of initiative.

5 This constitutional amendment provides the citizenry with the ability to  
6 propose to the Legislature a constitutional amendment or new law and the  
7 repeal of any existing law, or section or part thereof. The Legislature (and the  
8 Governor, in the case of a bill to enact or repeal a law) can respond to such  
9 a proposal but is not obligated to do so. If the proposal is introduced in the  
10 Legislature in the form of a bill or a resolution, it would be referred to  
11 committee and the committee shall hold no fewer than three public hearings on  
12 the legislation. At the conclusion of the last hearing, or at a meeting to be held  
13 no later than one week after the last scheduled hearing, the members would  
14 vote to release the bill or resolution "Favorably" or "Without  
15 Recommendation," but could not change it in any way or impede its release  
16 from committee. Within one month of release, the bill or resolution would go  
17 to the full house for a vote. If defeated, no further action could be taken on  
18 it for the remainder of the biennial session; if passed, it would be referred to  
19 the other house for assignment to a committee, two additional public hearings,  
20 automatic release and consideration by the full house within one month of  
21 release from committee. If a bill is declared passed in both houses of the  
22 Legislature, it goes to the Governor for approval or veto. Any bill which  
23 receives a veto shall be deemed to have failed and shall not be subject any  
24 further action for the remainder of the biennial session of the Legislature,  
25 except that nothing in this constitutional amendment shall prohibit the  
26 Legislature from overriding an absolute veto of the Governor.

27 To qualify a constitutional amendment for submission to the Legislature, the  
28 petition which proposes it must contain a number of signatures equal to at least  
29 12% of the number of votes cast for the office of Governor in the State in the  
30 gubernatorial election preceding certification of the petition for circulation. To  
31 qualify a law of enactment or repeal proposed by an initiative petition for  
32 submission to the Legislature, the petition must contain a number of signatures  
33 equal to at least 8% of the number of votes cast for the office of Governor in  
34 the State in the gubernatorial election preceding certification of the petition for  
35 circulation. These signature requirements would also apply in each of  
36 two-thirds of the counties in the State. A limit on the time allowed for  
37 collecting the required number of signatures may be established by law but  
38 shall not be less than six months.

39 Before a petition could be submitted to the Legislature, it is to be filed with  
40 the Secretary of State, who is to have 60 days to determine whether the  
41 petition was signed by sufficient numbers of registered voters. The Secretary  
42 of State is authorized to make this determination on the basis of a sample of  
43 the signatures to the petition chosen in accordance with appropriate random

1 sampling techniques. If not found within the 60-day period to have been  
2 signed by insufficient numbers of registered voters, the petition would be  
3 submitted to the Legislature. The introduction of a bill or resolution that has  
4 been submitted to the Legislature by an initiative petition shall be in the manner  
5 provided by law or the joint rules of the Legislature.

6 Each bill or resolution which has been introduced in the Legislature as a  
7 result of an initiative petition during the last six months of the second annual  
8 session of one Legislature would be permitted, if necessary, to carry over into  
9 the first annual session of the next Legislature without the need to be  
10 re-introduced therein and would continue to be considered during that biennial  
11 session until either its passage or defeat.

12 If a law proposed by initiative petition is enacted by the Legislature and the  
13 Governor as a result of such a petition, or if an existing law which is the subject  
14 of an initiative petition is repealed by the Legislature and the Governor, any  
15 revision or repeal of the law so enacted, or reenactment of the law so  
16 repealed, would require a three-fourths vote in each house of the Legislature  
17 during the first two years following that enactment or repeal or a three-fifths  
18 vote in each house during the three years following that two-year period.

19 The constitutional amendment states that if conflicting constitutional  
20 amendments proposed to the Legislature by the initiative process are  
21 approved by the people at the same election, the one receiving the highest  
22 number of affirmative votes shall be deemed approved.

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27 Proposes constitutional amendment to establish an initiative process.