

SENATE CONCURRENT RESOLUTION No. 10

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator ADLER

1 **A CONCURRENT RESOLUTION** proposing to amend Article I, paragraph 2,
2 Article IV, Section III, paragraphs 1 and 2 and Article V, Section IV,
3 paragraphs 1, 3 and 6 of the Constitution of the State of New Jersey and
4 providing a schedule therefor.

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

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

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12 PROPOSED AMENDMENT

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14 a. Amend Article I, paragraph 2 to read as follows:

15 2. a. All political power is inherent in the people. Government is instituted
16 for the protection, security, and benefit of the people, and they have the right
17 at all times to alter or reform the same, whenever the public good may require
18 it.

19 b. The people reserve unto themselves the power to recall, after at least
20 one year of service, any elected official in this State or representing this State
21 in the United States Congress. The Legislature shall enact laws to provide for
22 such recall elections. Any such laws shall include a provision that a recall
23 election shall be held upon petition of at least 25% of the registered voters in
24 the electoral district of the official sought to be recalled. [If legislation to
25 implement this constitutional amendment is not enacted within one year of the
26 adoption of the amendment, the Secretary of State shall, by regulation,
27 implement the constitutional amendment, except that regulations adopted by
28 the Secretary of State shall be superseded by any subsequent legislation
29 consistent with this constitutional amendment governing recall elections.] The
30 sufficiency of any statement of reasons or grounds procedurally required shall

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 be a political rather than a judicial question.

2 (cf: Art.I, par.2, amended effective January 1, 1994)

3 b. Amend Article IV, Section III, paragraph 1 to read as follows:

4 1. After the next and every subsequent decennial census of the United
5 States, the Senate districts and Assembly districts shall be established, and the
6 senators and members of the General Assembly shall be apportioned among
7 them, by an Apportionment Commission consisting of ten members, five to be
8 appointed by the chairman of the State committee of each of the two political
9 parties whose candidates for Governor receive the largest number of votes at
10 the most recent gubernatorial election. Each State chairman, in making such
11 appointments, shall give due consideration to the representation of the various
12 geographical areas of the State. Appointments to the Commission shall be
13 made on or before November 15 of the year in which such census is taken
14 and shall be certified by the [Secretary of State] Attorney General on or before
15 December 1 of that year. The Commission, by a majority of the whole number
16 of its members, shall certify the establishment of Senate and Assembly districts
17 and the apportionment of senators and members of the General Assembly to
18 the [Secretary of State] Attorney General within one month of the receipt by
19 the Governor of the official decennial census of the United States for New
20 Jersey, or on or before February 1 of the year following the year in which the
21 census is taken, whichever date is later.

22 (cf: Art.IV, Sec.III, par.1, amended effective December 8, 1966)

23 c. Amend Article IV, Section III, paragraph 2 to read as follows:

24 2. If the Apportionment Commission fails so to certify such establishment
25 and apportionment to the [Secretary of State] Attorney General on or before
26 the date fixed or if prior thereto it determines that it will be unable so to do, it
27 shall so certify to the Chief Justice of the Supreme Court of New Jersey and
28 he shall appoint an eleventh member of the Commission. The Commission so
29 constituted, by a majority of the whole number of its members, shall, within
30 one month after the appointment of such eleventh member, certify to the
31 [Secretary of State] Attorney General the establishment of Senate and
32 Assembly districts and the apportionment of senators and members of the
33 General Assembly.

34 (cf: Art.IV, Sec.III, par.2, amended effective December 8, 1966)

35 d. Amend Article V, Section IV, paragraph 1 to read as follows:

36 1. All executive and administrative offices, departments, and
37 instrumentalities of the State government, including the [offices of Secretary of
38 State and] office of Attorney General, and [their] its respective functions,
39 powers and duties, shall be allocated by law among and within not more than
40 twenty principal departments, in such manner as to group the same according
41 to major purposes so far as practicable. Temporary commissions for special
42 purposes may, however, be established by law and such commissions need
43 not be allocated within a principal department.

1 (cf: Art.V, Sec.IV, par.1)

2 e. Amend Article V, Section IV, paragraph 3 to read as follows:

3 3. The [Secretary of State and the] Attorney General shall be nominated
4 and appointed by the Governor with the advice and consent of the Senate to
5 serve during the term of office of the Governor.

6 (cf: Art.V, Sec.IV, par.3)

7 f. Amend Article V, Section IV, paragraph 6 to read as follows:

8 6. No rule or regulation made by any department, officer, agency or
9 authority of this state, except such as relates to the organization or internal
10 management of the State government or a part thereof, shall take effect until
11 it is filed [either with the Secretary of State or] in such [other] manner as [may]
12 shall be provided by law. The Legislature shall provide for the prompt
13 publication of such rules and regulations. The Legislature may review any rule
14 or regulation to determine if the rule or regulation is consistent with the intent
15 of the Legislature as expressed in the language of the statute which the rule or
16 regulation is intended to implement. Upon a finding that an existing or
17 proposed rule or regulation is not consistent with legislative intent, the
18 Legislature shall transmit this finding in the form of a concurrent resolution to
19 the Governor and the head of the Executive Branch agency which
20 promulgated, or plans to promulgate, the rule or regulation. The agency shall
21 have 30 days to amend or withdraw the existing or proposed rule or
22 regulation. If the agency does not amend or withdraw the existing or
23 proposed rule or regulation, the Legislature may invalidate that rule or
24 regulation, in whole or in part, or may prohibit that proposed rule or regulation,
25 in whole or in part, from taking effect by a vote of a majority of the authorized
26 membership of each House in favor of a concurrent resolution providing for
27 invalidation or prohibition, as the case may be, of the rule or regulation. This
28 vote shall not take place until at least 20 calendar days after the placing on the
29 desks of the members of each House of the Legislature in open meeting of the
30 transcript of a public hearing held by either House on the invalidation or
31 prohibition of the rule or regulation.

32 (cf: Art.V, Sec.IV, par.6, amended effective December 3, 1992)

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

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

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

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

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

10 b. In every municipality the following question:

<p>11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p>YES</p>	<p>CONSTITUTIONAL AMENDMENT ABOLISHING THE OFFICE OF SECRETARY OF STATE AND TRANSFERRING CERTAIN DUTIES TO THE ATTORNEY GENERAL</p> <p>Shall the amendment to Article I, paragraph 2, Article IV, Section III, paragraphs 1 and 2 and Article V, Section IV, paragraphs 1, 3 and 6 of the Constitution of the State of New Jersey, agreed to by the Legislature, providing for the abolishment of the office of Secretary of State and the transfer of certain duties and responsibilities to the Attorney General, be approved?</p>
<p>25 26 27 28 29 30 31 32 33 34 35 36 37 38</p>	<p>NO</p>	<p>INTERPRETIVE STATEMENT</p> <p>This Constitutional amendment provides for the abolishment of the office of Secretary of State and the transfer of certain duties and responsibilities to the Attorney General. Such duties include the certification of the appointments made to the Apportionment Commission and certification of the establishment of legislative districts. Currently, the Secretary of State and the Attorney General are the only two executive-branch officers referred to in the Constitution, other than the Governor.</p>

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SCHEDULE

This Constitutional amendment shall become a part of the Constitution on

1 January 1 next following the general election at which it is approved by the
2 voters.

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STATEMENT

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6 This Constitutional amendment provides for the abolishment of the office
7 of Secretary of State and the transfer of certain duties and responsibilities to
8 the Attorney General. Such duties include the certification of the appointments
9 made to the Apportionment Commission and certification of the establishment
10 of legislative districts.

11 Currently, the Secretary of State and the Attorney General are the only two
12 executive-branch officers referred to in the Constitution, other than the
13 Governor. Each is nominated and appointed by the Governor with the advice
14 and consent of the Senate to serve during the term of office of the Governor.

15 This Constitutional amendment would become a part of the Constitution on
16 January 1 next following the general election at which it is approved by the
17 voters.

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22 Proposes Constitutional amendment abolishing office of Secretary of State.