

[Second Reprint]

SENATE CONCURRENT RESOLUTION No. 40

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senators SCHLUTER and Inverso

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

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

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

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10 PROPOSED AMENDMENT

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12 Amend Article I, paragraph 2 to read as follows:

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

17 b. The people reserve unto themselves the power to recall, after at least
18 one year of service but not later than six months prior to the election to be held
19 for the next succeeding term of office of the official, any elected official in this
20 State or representing this State in the United States Congress. The Legislature
21 shall enact laws to provide for such recall elections. Any such laws shall
22 include a provision that a recall election shall be held upon petition of
23 registered voters in the electoral district of the official sought to be recalled
24 equal in number to¹ at least [25%] ¹[15%] 25%¹ of the registered voters in
25 ¹[the] that¹ electoral district ¹[of the] who voted in the last preceding election
26 held to fill for a full term the office from which recall of that¹ official ¹is¹ sought
27 ¹[to be recalled]¹. If legislation to implement this constitutional amendment is
28 not enacted within one year of the adoption of the amendment, the Secretary

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SSG committee amendments adopted May 15, 1997.

² Senate floor amendments adopted May 22, 1997.

1 of State shall, by regulation, implement the constitutional amendment, except
 2 that regulations adopted by the Secretary of State shall be superseded by any
 3 subsequent legislation consistent with this constitutional amendment governing
 4 recall elections. The sufficiency of any statement of reasons or grounds
 5 procedurally required shall be a political rather than a judicial question.
 6 (cf: Amended November 2, 1993, effective January 1, 1994)

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

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

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

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

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

26 b. In every municipality the following question:

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28 29 30 31 32 33 34 35 36 37 38	YES	<p style="text-align: center;">REDUCING NUMBER OF REQUIRED RECALL PETITION SIGNATURES AND LIMITING PERIOD OF RECALL DURING LAST YEAR OF TERM</p> <p>Shall Article I, paragraph 2 of the Constitution be amended, as proposed by the Legislature, to reduce the number of signatures required on petitions to recall elected public officials and to limit the period of recall during the last year of a term of office?</p>
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1		INTERPRETIVE STATEMENT
2		<p>This amendment to the Constitution reduces the number of signatures required on a petition seeking the recall of any elected public official in this State or representing this State in the Congress of the United States from at least 25% of the registered voters in the electoral district of the official sought to be recalled to at least ¹[15%] <u>25%</u>₁ of ¹[such] <u>the</u>¹ <u>number of</u>² registered voters <u>who voted</u>² <u>in the electoral district in the last preceding election at which the office of the official sought to be recalled was filled for a full term</u>¹. The amendment also prohibits the recall of an official beginning six months prior to the election to be held for the next succeeding term of office of the official.</p>
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SCHEDULE

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22 This constitutional amendment shall become part of the Constitution on
 23 January 1 following the election at which it is approved, but if a petition for the
 24 recall of an elected official was officially approved prior to that date for
 25 circulation, the provisions of Article I, paragraph 2 in effect at the time of
 26 approval shall continue to be applicable to that recall.

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31 Amends Constitution to reduce number of signatures required on petition to
 32 recall elected public official and to prohibit recall during specified period in last
 33 year in office.