

STATE OF NEW JERSEY

REPORT
OF THE
COMMISSION ON REVISION
OF THE
NEW JERSEY CONSTITUTION

Appointed pursuant to Laws of 1941
Joint Resolution No. 2

Submitted to the Governor, the Legislature and the
People of New Jersey, May, 1942

Trenton, New Jersey

718
262
C757
942

Excerpt from

LAWS OF 1941

JOINT RESOLUTION No. 2, approved November 18, 1941
by which the Commission was constituted

"4. The commission shall be charged with the duty of inquiring into the subject of constitutional revision and of suggesting in what respects the constitution of New Jersey should be changed and make recommendations to provide for the more effective working of present-day representative processes."

NOTE: The Commission was continued and reconstituted, with its original membership, by Laws of 1942, Joint Resolution No. 1, approved January 24, 1942.

SEP 8 1942

STATE OF NEW JERSEY

**THE COMMISSION ON REVISION OF THE
NEW JERSEY CONSTITUTION**

ROBERT C. HENDRICKSON, Chairman

Senator, Gloucester County

by appointment of the President of the Senate

JOHN E. SLY

Director, Princeton Surveys

by appointment of the President of the Senate

WALTER J. FREUND

Freeholder and former Assemblyman,
Bergen County

by appointment of the Speaker of the House

CRAWFORD JAMIESON

Senator, Mercer County
by appointment of the Governor

JAMES KERNEY, JR.

Editor, Trenton Times Newspapers
by election by the appointed members

WALTER D. VAN RIPER

Judge, Court of Common Pleas
by appointment of the Speaker of the House

ARTHUR T. VANDERBILT

County Counsel, Essex County
by appointment of the Governor

CHARLES R. ERDMAN, JR., Secretary

Director, State Municipal Aid Administration

Mayor of Princeton

by appointment of the Commission

STAFF

JOSEPH H. FUHRMAN, Public Relations

WILLIAM MILLER, Research and Drafting

TRENTON, N. J.

MAY, 1942

CONTENTS

	PART I	PAGE
Statement of Transmittal		9
The Commission's Recommendations		11
Highlights of the Proposed Constitution		13
Summary and Explanation		15
Rights and Privileges		15
State Government		16
Legislature		16
Executive		19
Judicial		21
Public Officers		25
Finance		26
Elections and Suffrage		27
Amendments		28
General Provisions		29
Schedule		29

PART II

Constitution (full text)	33
Source Table	58
Distribution Table	59

PART I

STATEMENT OF TRANSMITTAL

with

HIGHLIGHTS OF THE PROPOSED CONSTITUTION

and

SUMMARY AND EXPLANATION

STATEMENT OF TRANSMITTAL

To the Governor, the Legislature, and the People of New Jersey:

The document submitted in this report for your consideration is not a model constitution. It does not purport to embody the most advanced thinking of political scientists. It sets forth, instead, what your commission believes to be the requirements to secure to New Jersey the benefits of experience in public affairs extending over a century and a half. The commission has sought the best informed State opinion, has examined the constitutions and constitutional experience of other States, and has attempted to avoid the ~~compromises~~ which might impede or destroy the fundamental precepts of government in New Jersey. The result, it believes, is a document which can meet the demands of sound government.

The citizens of this State look to their constitution for the embodiment of principles designed to produce a well-ordered commonwealth. These principles are interpreted to the individual in terms of his liberty, his security, his protection, and in guarantees of unprejudiced administration of all public affairs. He expresses his acceptance of constituted authority by contributing to its support, by rendering his services when called, and by voting effectively. These benefits, in terms of rights and obligations, are the things that a good constitution secures to every one, without favor or privilege.

As an instrument of government, the constitution allocates authority, defines powers and sets up procedures. It does not prescribe details—these are supplied by the laws, orders, rulings, and regulations of the various public agencies operating under its general provisions, including the Governor, the Legislature, the courts, the administrative agencies and local authorities. In the American Federal system, a State constitution is a complementing document to the Constitution of the United States. It operates in a clearly defined sphere—at times supplementing, at times implementing, but most often providing the means of putting into effect the powers reserved to the State.

As the foundation upon which organized social life rests in a body politic, the constitution must be both a stabilizer and a shock-absorber. The flexibility demanded in the constitution is a requirement of progress. Changes in personal habits, economic pursuits, social needs, and political horizons are the marks of a progressive people. The constitution must keep pace with these changes, if it is to establish the conditions of order and stability which make progress possible. It becomes, therefore, a reflection of experience of the past, knowledge of the present, and a program for the future.

If the commission has succeeded in expressing these principles in the proposed revision,

THIS CONSTITUTION WILL NOT:

1. Disturb the civil rights secured to individuals throughout our constitutional history;
2. Stifle future development by a clutter of untempered devices and untried political fads; nor
3. Contain details, where legislative and executive discretion will produce a more flexible working pattern.

THIS CONSTITUTION WILL:

1. Guarantee basic rights and obligations, fundamental structures and procedures;
2. Confer power commensurate with the responsibility placed upon public officials; and
3. Provide for public scrutiny and control of the conduct of public affairs.

New Jersey's particular needs controlled the construction of the revised constitution. Where existing requirements were consonant with need, they were retained. Where provisions had become obsolete through practice, they were deleted. And where developments needed constitutional recognition to give them a formalized status, they were added. Those provisions which confused the legislative process were clarified and adjusted. Those which defeated real executive control and supervision were abandoned and in their place was set forth the basis of a strong and efficient administration. Those perpetuating an archaic, inflexible, and cumbersome judicial organization were superseded by provisions for a responsible, flexible, and unified court system. In these ways, the groundwork has been laid for an efficient, simplified, and competent State government. The constitutional machinery, however, can be no better than those who operate it. The transformation from a program—the constitution—to a government functioning with adequacy and integrity, and in the public interest, can only be carried out by an intelligent, conscientious, and observant electorate.

The commission sees its responsibility as twofold: (1) to the Governor and Legislature from whom it derived its immediate authority, and (2) to the people of New Jersey in whom reside the sovereign power in State affairs and the political right of self-government. The recommendations contained in this report are thus respectfully submitted to the Governor, to the Legislature and to the people of the State of New Jersey.

**THE COMMISSION ON REVISION OF THE
NEW JERSEY CONSTITUTION.**

THE COMMISSION UNANIMOUSLY RECOMMENDS

A REVISED CONSTITUTION FOR THE STATE OF NEW JERSEY, THE TEXT OF WHICH IS SET FORTH IN PART II OF THIS REPORT;

That through suitable enabling legislation, the Legislature at the primary election in September, next, shall request authority from the people to submit a revised constitution at the general election of November, 1942;

That upon a favorable vote of the people on this question at the primary election a revised constitution shall be incorporated in a legislative bill and be enacted as a law;

That this law shall set in motion the machinery for submission of the constitution to the people at the general election in November, 1942;

That the law also provide for such distribution and publication of the revised constitution as the Legislature may deem appropriate;

That submission of the revised constitution shall be in such form that the people will vote either for or against the document as a whole.

The commission is of the opinion that the foregoing procedure is the most efficient, economical and speedy method for ascertaining the will of the sovereign people to adopt a new constitution. It also conforms to the best accepted American constitutional theory and tradition. It is impractical to utilize the amending method provided by Article IX of the present constitution. The great number of interdependent changes which under this article would have to be submitted to the people separately should not be torn apart by piece-meal acceptance if we are to have a workable constitution. In addition, under Article IX it would be necessary to submit separate amendments in a special election at an estimated cost to the State of \$700,000. Furthermore, at no special election in the history of the State have a majority of the voters ever participated, and it is inimicable to the democratic process that a minority of the people should pass upon comprehensive revision of the fundamental law. In the unanimous opinion of the commission, the only feasible alternative to the method which it recommends is a constitutional convention.

HIGHLIGHTS OF THE PROPOSED CONSTITUTION:

THE LEGISLATURE:

Membership and Organization: No changes are made in the basis of representation and organization of the legislative branch of the government. The terms of office and salaries of legislators are increased, and sessions are limited to every other year for a ninety-day period. A new feature—a legislative council—is added to guide, plan and co-ordinate the legislative program. Eligibility of legislators for appointive State offices is restricted, the confirmation of gubernatorial nominations is expedited and the activities of lobbyists curtailed. All appointments to office with the exception of the State Treasurer and the State Comptroller are vested in the executive department subject to the power of the Senate with respect to confirmation.

Powers and Duties: Many technical refinements of existing legislative limitations are made, and the power of investigation is improved. Fiscal procedures are regulated by the abolition of dedicated funds, and of supplementary appropriations except upon compliance with rigid conditions. A single budget appropriation bill for the support of State government is made mandatory, and limitations upon the borrowing power are modernized without removing the necessity for a referendum. Finally, restrictions upon mandatory local expenditures and special legislation are made more stringent.

THE GOVERNOR:

Executive Office: The Governor's term of office is extended to four years, and eligibility restricted to one term. The veto power is redefined, a two-thirds vote being required to override vetoes of spending items, while in other cases the present practice is continued. The Governor is given the power of pardoning and commuting sentence, after having received the recommendation of a Parole Commission. The Parole Commission, which is set up in the constitution, is given exclusive power over paroles. The Governor's control over the militia is redefined and these sections modernized.

Administration: Nine major departments are set forth, and the Governor is required to allocate all existing agencies within these departments. Functions, powers and duties may be reallocated by the Governor among and within the nine departments. A single executive will head each administrative department, unless the Legislature provides otherwise. All heads of departments are appointed by the Governor to serve at his pleasure, except the Treasurer and Comptroller who are elected in joint session of the Legislature, as heretofore, so that legislative representatives may audit and check expenditures authorized by that body. A merit system in the civil service is required, and pension rights in funds maintained by the State are given contractual status.

THE COURTS:

Organization: The present structure of State courts and the county courts, are superseded by an entirely new system. A court of seven justices, with appellate jurisdiction only, becomes the highest tribunal in the State, called the Supreme Court. A single State-wide court with law and equity sections, for the trial of all civil and criminal cases, called the Superior Court, replaces nine different existing courts. Appellate divisions of the Superior Court, each consisting of three justices, are established to hear appeals from trial courts.

Administration: The Chief Justice of the Supreme Court is made the administrative head of all courts in the State. He will appoint an executive director to assist him in handling the business affairs of the courts. The system is designed to afford efficiency in administration and prompt trials before specialized judges, to expedite appeals and to permit the assignment of judges to each county as they are needed.*

AMENDMENTS:

The present amending process is changed in only two respects: (1) the requirement of passage by two successive Legislatures is replaced by one Legislature and a two-thirds vote; and (2) submission of amendments at a special election, now mandatory, is changed to submission at a general election.

* A report on a survey of the work of the courts, prepared by Dr. Ralph Temple under direction of the commission, is in course of completion and will be available shortly.

A Summary and Explanation

of

What Is New In The Revised Constitution

(Arranged in the same order as the Revised Constitution)

The questions facing the Constitutional Revision Commission were those which have occurred to most Jerseymen during the prolonged discussions of constitutional change in New Jersey. What is the purpose of revision? What should be the legislative, executive and judicial functions of state government? Any worthwhile constitutional revision depends on the answer to these questions. The revised constitution answers them as follows:

Article I. Rights and Privileges.	Article VII. Finance.
II. State Government.	VIII. Elections.
III. Legislature.	IX. Amendments.
IV. Executive.	X. General Provisions.
V. Judiciary.	XI. Schedule.
VI. Public Officers.	

ARTICLE I RIGHTS AND PRIVILEGES

Summary:

A new paragraph guarantees every citizen or taxpayer the right to restrain any violation of the constitution. There is no other substantial change.

Explanation:

No change has been made in the time-tested provisions of the bill of rights, with the exception of the addition of a provision guaranteeing every citizen and taxpayer the right to restrain any violation of the constitution. Any citizen who believes an act of the Legislature authorizing an expenditure of public money violates the constitution cannot now prevent the expenditure, unless he can show that the injury to him is different in kind or degree from what every other citizen suffers. The new provision wipes out this legal impediment and brings the State government under effective public scrutiny and control.

ARTICLE II STATE GOVERNMENT

Summary:

1. All powers of government, except as expressly limited by the constitution, shall be embraced within the legislative power.
2. The procedure of administrative agencies shall, where private rights are concerned, conform to published regulations which, so far as practicable, shall be uniform.

Explanation:

The Legislature is definitely freed of any implication that, like the Congress, it cannot serve the people unless the power it wishes to exercise is spelled out in the constitution. Our present theory of American state government, that state constitutions, unlike the Federal document, do not grant but merely limit sovereign powers, is given formal expression by the new clause.

In order to serve the people effectively administrative agencies which combine all three types of powers have become a permanent part of the machinery of government. Viewed in the light of the development of administrative agencies, the threefold division of powers has been saved only through intelligent judicial interpretation. In recognition of this situation, the new clause sets up fundamental standards of responsibility that the people demand of such agencies. The new clause guarantees, first, that the public business handled by administrative agencies will be subject to uniform published procedures barring secret and irregular transactions, and secondly, that all citizens shall receive fair and uniform treatment from such agencies.

ARTICLE III LEGISLATURE

Summary:

1. The Legislature shall meet in a ninety-day session once every other year.
2. Special sessions shall meet on call for a single, specific purpose and shall last no longer than fifteen days.
3. The terms of Senators shall be four years and Assemblymen two years, with elections in odd-numbered years, in order to remove the influence of presidential and congressional elections.
4. The salaries of members of the Legislature shall be \$1,500 a year.
5. No member of the Legislature shall be eligible for appointment to a State office during the term for which he was elected and for one year thereafter.
6. The Legislature cannot appoint or elect any executive, administrative or judicial officer except the State Treasurer and State Comptroller.
7. The Senate shall act upon all nominations within thirty days and vote in public on all nominations.

8. Lobbying shall be prohibited in legislative chambers, and shall be regulated through a system of compulsory registration.

9. A seven-man legislative council shall be established consisting of the Governor (or, in his absence, the Attorney-General), the President of the Senate, the Speaker of the House, the majority and minority leaders of the Senate, and the majority and minority leaders of the House.

The duties of the legislative council shall be to carry on legislative work between sessions, make studies, prepare legislative programs and act as a contact between the legislative and executive branches of government. The six legislative members of the legislative council shall receive compensation of \$1,500 a year for their services on the council.

10. The right of labor to organize and bargain collectively shall not be impaired.

11. The zoning and condemnation clauses are changed to safeguard public property and permit highway beautification and the building of parkways.

12. Mandatory expenditures are curbed by strengthening the prohibitions against special legislation.

Explanation:

Comparisons with other states disclose that New Jersey has long and complicated legislative sessions, underpaid legislators, rare meetings of legislative committees, and little discussion of legislative problems. One of the basic purposes which the revision is designed to accomplish is to stabilize the legislative process.

The present system, based upon a practice of unlimited sessions of the Legislature, meeting on but one day a week, inadequate compensation for the people's representatives and free rein for all kinds of lobbying, is encouraged by the present constitutional framework. The system results in the breakdown of the best features of the committee system and the necessity for disposing of major legislation through the hazardous proceedings of party caucuses. Legislative exercise of the power of appointment to public office—an essentially executive power—has also contributed to reduce the effectiveness of the Legislature as a law-making body.

The revision of the legislative article attacks all of these weaknesses at their source. While there may be disadvantages to the biennial session in financial planning, they are far outweighed by advantages in legislative effectiveness under New Jersey's special conditions. The constitutions of all States except Rhode Island, New York, South Carolina and New Jersey call for sessions every other year. In South Carolina an amendment to effect biennial sessions is pending. This plan, including the ninety-day limit on the duration of the session, will concentrate legislative attention on important proposals, compel a short businesslike and continuous session, and curtail the mass of unnecessary laws. It will also encourage more men of ability, whose time is limited, to seek seats in the Legislature.

With a Legislature meeting every two years it would, of course, be absurd to elect Assemblymen every year or Senators every three years as at present. Their terms are for this reason increased to two and four years, respectively, which are

the usual terms of office for legislators in other States. New Jersey is now the only State in the country that elects Assemblymen for a one-year term.

The compensation of legislators should be more commensurate with time and service rendered. Salaries paid in neighboring states are informative; for example, Massachusetts, \$2,000 a session; New York, \$2,500 a year; Ohio, \$2,000 a year; and Pennsylvania, \$3,000 a session. These figures make the recommended increases for this state most conservative.

A major cause of legislative confusion has been the lack of opportunity for full and careful consideration of legislative matters. Each member of the Legislature is expected to be familiar with criminal laws, state departmental needs, the tax structure and a host of other intricate and involved questions. Meanwhile, most committees in the Legislature meet neither long nor often. To aid in consideration of legislative affairs, many states have set up legislative councils which devote all their time to the study of proposed legislation, with a full-time research staff assisting.

The council as established in the proposed constitution promises guidance, coordination and planning for the legislative process. Between biennial sessions, the council would investigate important legislative problems which require technical competence. During the session, its program would form a guide for the most efficient use of legislative time. After each session, the council will follow up important new legislation to check upon its practical results in operation.

Since the Legislature has all powers which are not taken from it by express constitutional provision, true innovations, insofar as the recommendations of the commission are concerned, would consist only of further limitations upon legislative power or the deletion of existing restrictions. The commission, after careful study of the subject of mandatory local expenditures, concluded that this problem cannot practically be solved through constitutional provision without confusing the present system of state and local relationships. The commission has, however, tightened up that part of existing restrictions on special legislation which relates to salaries and other rights of public employees in a manner which will eventually compel uniform treatment of all public employees whose responsibilities and situations are similar.

The inalienable right of the working man and woman to organize and bargain collectively is recognized.

Other changes, such as those relating to protection of public property and beautification of highways and the building of parkways, are included so as to remove any possible implication from present provisions in the constitution that such power does not already exist.

ARTICLE IV EXECUTIVE

Summary:

1. The Governor shall serve for four years, starting the fifteenth of December after his election.
2. The Governor shall be eligible to hold office for only one term.
3. The heads of all administrative departments, except the Treasurer and the Comptroller, shall be appointed by the Governor with the advice and consent of the Senate.
4. Unless the Senate confirms or rejects an appointment by the Governor within thirty days, the appointment shall be deemed confirmed.
5. The heads of all administrative departments shall serve at the pleasure of the Governor.
6. All administrative and executive offices, boards, bureaus, commissions and departments of the State government shall be placed by the Governor within nine administrative departments as follows: Agriculture, Commerce, Education and Civil Service, Labor, Law, Public Works, Social Welfare, State, and Taxation and Finance.
7. The functions, powers and duties of executive and administrative offices and agencies may be reallocated by the Governor within and among the nine civil departments, but the Legislature may veto any executive order of allocation within thirty days after the order is transmitted to both houses.
8. The Governor shall have the right to remove all State officials, except members of the Legislature, officers elected or appointed by the Legislature and judicial officers, for malfeasance or malfeasance in office after a public hearing.
9. Three days shall elapse between the veto of any legislative act and reconsideration by either house of the Legislature. The Governor's veto of any item in an appropriation bill shall require a two-thirds vote of each house of the Legislature for passage over the veto.
10. The power to pardon and commute sentences, after conviction, is vested in the Governor. A commission on parole, appointed by the Governor, shall have State-wide jurisdiction to grant paroles and supervise parolees. The commission shall also make recommendations to the Governor upon applications for executive clemency.
11. The militia remains under the Governor with an Adjutant-General to serve at his pleasure. All officers shall be commissioned by the Governor after selection upon a merit basis according to Federal standards.

Explanation:

The functions of modern executives in all forms of business organization contrast sharply with the office of Governor of New Jersey, who can be an executive in name only. Hampered by whimsical laws and inadequate constitutional authority, the Governor of New Jersey suffers as an executive from the multiplicity of offices, commissions, boards, bureaus, and other agencies, and from lack of authority to control his most important departments. Our greatest need, to which the revision is directed, is to strengthen the executive authority.

This has been achieved by redefining the role of the executive as head of the administrative organization, by making possible the simplification of the subordinate administrative structure and by clarifying the relationship of the Governor to the Legislature.

As chief executive officer, the Governor is responsible for the efficient, orderly, and co-ordinated conduct of governmental business. The extent of his accountability depends upon his power to obtain from all of his subordinates an adequate performance of their duties. This in turn means that these subordinates must be rendered accountable to him. Under the existing constitution, the Attorney-General, Secretary of State and keeper of the State prison are given five-year terms which place them outside the line of executive control. In addition to these officials, numerous state officers, boards and commissions have been established without any concerted plan of synchronizing their terms of office, their appointment to office, or their functions within a properly co-ordinated and responsible executive department. The result is that the office of Governor has been deprived of real managerial functions and executive responsibility has been scattered among executive agencies created and filled by legislative authority.

The first remedy for this situation is supplied by providing for the nomination and appointment of the heads of all administrative departments by the Governor with the advice and consent of the Senate. The hand of the Governor is strengthened in this respect by a provision requiring senatorial action within thirty days on such nominations as the Governor may make. Only the State Treasurer and the Comptroller remain legislative offices, in the sense of appointment and responsibility, in order to give the Legislature a check upon the expenditure of appropriations which it has authorized. By fixing the term of all such department heads to coincide with that of the Governor, and by authorizing their removal at his pleasure, the Governor is appropriately granted the power essential to secure smooth-running state government.

The second remedy is provided in administrative organization. Provision is made for the allocation of all executive and administrative offices together with their powers, duties and functions, within nine major departments. The responsibility to achieve this allocation by executive order is placed upon the Governor. Any reallocation of functions, however, is made subject to veto by the Legislature within thirty days. Such a reorganization will bring into a compact administrative organization more than ninety agencies at present performing administrative functions. No constitutional allocation is attempted because of the special treatment demanded by the variety in type, size, term, and duties of these agencies. By combining administrative activities into nine departments, there will be created a responsible and accountable corps of administrative officers to function as a gubernatorial cabinet. In order to allow for situations where a plural executive has proved advantageous, the Legislature is authorized to make an exception to the general requirement of a single executive at the head of each administrative department. The Governor is thus provided with the means of securing control over administrative activity. His program can be planned in consultation with his chief administrative assistants, and his policies can be carried out under his supervision. Within

the field of administration, duplication of effort can thus be eliminated, conflicting spheres of action can be avoided and purposes co-ordinated.

The principle of strengthening the executive does not occasion a corresponding weakening of the Legislature. When the Governor is made a powerful and responsible head in his own sphere of administration, the Legislature can be relieved of executive functions and its attention confined solely to legislation. The relation of the Governor to the Legislature is thus defined more clearly by retaining each branch in its own sphere and preserving the traditional checks and balances. Only in connection with budgetary matters is this relationship altered in the proposed revision. The item veto over appropriation bills, now possessed by the Governor as the responsible budgetary officer, is strengthened by requiring a two-thirds vote in the Legislature before it may be overridden.

It is not in the best interest of the state to give the Governor power to dominate the Legislature through any other increase in the veto power. For the same reason, the opportunity for political control over the Legislature is minimized by the provision that hereafter no Governor may serve more than one term. This limitation on the Governor's term eliminates the possibility of a Governor perpetuating himself in office through the creation of a strong political machine. On the other hand, the Governor's term of office is lengthened to four years in order to provide him with ample opportunity to carry out his program.

ARTICLE V JUDICIAL

Summary:

1. The highest court in New Jersey shall be a Supreme Court, to be the appellate court of last resort and to replace the present Court of Errors and Appeals. The Supreme Court shall also make rules as to pleading, practice and evidence in all the courts.
2. The Supreme Court shall consist of a Chief Justice and six associate justices, to be appointed by the Governor with the advice and consent of the Senate.
3. There shall be a State-wide trial court of general jurisdiction in law and equity, to be known as the Superior Court. This court shall replace the present Supreme Court, Court of Chancery, Prerogative Court, Circuit Courts, orphans' courts, common pleas courts, courts of oyer and terminer, courts of special sessions and courts of quarter sessions.
4. The Superior Court shall have a total membership of not less than twenty-five justices, and shall hold sessions in each county.
5. Appeals shall be heard by appellate divisions of the Superior Court. Further appeals to the Supreme Court shall be taken in certain specified classes of cases.
6. Every controversy shall be completely determined by any justice before whom it is heard, and upon appeal the appellate court shall exercise all jurisdiction necessary to do full justice.

7. The Chief Justice shall be the responsible supervisory head of all the courts, and shall enforce rules of administration to be adopted by the Supreme Court.

8. The Chief Justice shall appoint an executive director of the courts who shall handle the business affairs of the courts.

9. The Chief Justice shall annually prepare a public report on the work of the courts.

10. The justices of the Supreme Court shall in the first instance be appointed by the Governor with the advice and consent of the Senate from among the Chief Justice, the Chancellor, the justices of the Supreme Court, judges of the Court of Errors and Appeals who are counsellors-at-law of at least ten years' standing, Circuit Court judges and Vice-Chancellors. All of the foregoing members of the judiciary who are not appointed to the Supreme Court shall be justices of the Superior Court, each for the balance of his unexpired term. No member of the judiciary shall receive any increase or decrease in his salary by virtue of his transfer to the Superior Court.

11. All justices of the Superior Court shall be appointed for a term of seven years and, if reappointed, shall have tenure during good behavior.

12. All justices of the Supreme Court shall be chosen from among the justices of the Superior Court and shall have tenure during good behavior.

13. All members of the judiciary shall retire upon reaching the age of seventy years.

Explanation:

New Jersey has the most complicated scheme of courts existing in any English speaking state. These courts were modeled after the chief English courts of the period before the American Revolution. They were continued here first under the Constitution of 1776 and then under the Constitution of 1844. Indeed, the jurisdiction of these courts can only be ascertained even today by an historical inquiry into the jurisdiction before the Revolution of their predecessor courts in England. In England three-quarters of a century ago, and in nearly every other American State as well, the court structure was simplified into a simple system consisting generally of (1) a Supreme Court with appellate jurisdiction only, (2) a trial court of general jurisdiction with appellate divisions, and (3) lower courts of limited jurisdiction created by the Legislature with local or special jurisdiction. Of all the common law jurisdictions New Jersey alone has lagged, due to the difficulties of amendment under the present constitution, in simplifying its judicial system.

Due also to the same cause, New Jersey is the only common law State except Delaware in which the highest judges have a multiplicity of duties in different courts. Thus, the Chancellor is not only the Court of Chancery, and the Ordinary or Surrogate General, but he also is a member of and part of the time the presiding judge in the Court of Errors and Appeals, as well as a member of the Court of Pardons, as it is popularly called. The nine Supreme Court Justices are not only members of the Court of Errors and Appeals, but they also sit in the appellate terms of the Supreme Court three terms a year, and in addition thereto they have responsibilities of presiding justices in the courts of the twenty-one counties. The special judges of the Court of Errors and Appeals, popularly called "lay judges,"

are not only judges of that court but members of the Court of Pardons, and in addition, they are permitted to practice law or engage in private business. That such multiplicity of function is unbusinesslike and results not only in diminution of judicial efficiency but delay in the disposition of the business of the courts is too obvious to require argument. Not only is a simplification of the judicial system essential; a simplification of the functions of each judge is needed.

The courts of New Jersey also suffer through the lack of a single responsible head. Thus, while the Chancellor is designated as the president judge of the Court of Errors and Appeals, because he is the Court of Chancery he cannot sit on appeals from his court. In such appeals, which comprise a substantial part of the work of that court, the court is presided over by the Chief Justice. Again, while the Chancellor has limited rights of supervision over the Vice-Chancellors and his Advisory Masters, he has no jurisdiction whatsoever over the numerous judges of the law courts. Neither has the Chief Justice, or even the entire Supreme Court for that matter, any substantial power of direction as to the work of the judges of the law courts. What is needed, therefore, to effect a businesslike administration of the courts is a single responsible executive head with competent administrative assistance. In this field the Federal courts with a Director of the Administrative Office of the United States Courts have set an example which the several States would do well to emulate.

Another matter in which the courts of New Jersey have lagged has been in the tradition of separate courts of law and equity, resulting frequently in resorting to two trial courts to dispose of a single controversy. Law and equity have long since been merged in every State except New Jersey and Delaware. In the United States courts under the Federal rules of civil procedure legal and equitable controversies are disposed of in a single case. A merger of law and equity in this State would tend to bring our practice in line with that of the Federal courts and other American jurisdictions.

A citizen when obliged to litigate is entitled to have his right to a speedy disposition of his case guaranteed by the constitution. The present constitution sets up no standards as to what constitutes a reasonable time within which to try a case or dispose of an appeal. There is no provision under the present constitution making it easy to send the judges where they are most necessary to relieve any congestion in litigation. Nor is there any provision for setting up temporarily appellate and trial courts when the work of either system of courts falls in arrears. Without the power in the Chief Justice to assign judges to areas where litigation is congested, and without any provision for setting up temporary special courts to meet emergencies, a citizen's right to a speedy disposition of his case becomes recognized only in the breach.

The chief requirement of any judicial system is honest, independent, capable judges. The existence of such a bench depends in the first instance upon the appointing and confirming powers and more indirectly upon an alert and courageous bar and enlightened public opinion. Constitutional provisions with respect to the appointment and terms of judges may either help or hinder in the attainment of these

paramount objectives. The elimination of short terms with the consequent fear of failure of reappointment would make judges more independent. The requirement of previous judicial experience for appointment to the high court will insure not only great care in the selection of trial judges, but will also guarantee the recognition of meritorious service on the bench.

The proposed constitution seeks to overcome these defects with reference to the judicial system by fundamental changes which have stood the test of time in other jurisdictions:

For a most complicated scheme of courts there is substituted (1) a Supreme Court of seven justices selected from among the judges of the Superior Court and appointed during good behavior with appellate jurisdiction only in capital cases and in cases involving the constitutionality of statutes, ordinances or administrative rulings, and cases that may be certified by an appellate division of the Superior Court to it, or certified by it from an appellate division, (2) a Superior Court of general trial jurisdiction with judges appointed first for a term of seven years and if reappointed with tenure during good behavior, this court being divided into a law section with civil, criminal and matrimonial jurisdiction, and an equity and probate section exercising all other jurisdictions, each section having an appellate division of three justices to which an appeal from any decision may be taken as of right, and (3) lower courts of limited jurisdiction such as the district courts and the recorder's courts, which continue to be within the control of the Legislature but which may be integrated with the Superior Court by appropriate legislation.

The Chief Justice is given the power to assign the justices of the Superior Court annually to the end that each judge may be delegated to the type of work for which he is best fitted by temperament and training. In this manner all of the advantages of judges with specialized training are retained without the disadvantages of a cumbersome scheme of courts. Each judge will function in but one court at one time.

The Supreme Court is given complete power (and responsibility) with respect to making rules as to administration, pleading, practice and evidence in all of the courts of the State.

The Chief Justice is made the administrative head of all of the courts and empowered to supervise their work. He is authorized to appoint an executive director of the courts to serve at his pleasure. This executive director shall assist the Chief Justice in all matters of the administration and personnel of the courts, publishing annually a statistical record of judicial services prescribing reports and audits for all the courts.

If the Supreme Court fails to hear any case within two months after an appeal is perfected, or fails to decide any case within two months after it has been argued or submitted, the Chief Justice is required to certify that fact to the Governor and the Governor may appoint a special term of the Supreme Court from among the justices of the Superior Court to act until the congestion of cases has been over-

come. Under the same conditions the Chief Justice may request the Governor to appoint a special term of the Superior Court for temporary service not to exceed one year.

On December 1st of each year the Chief Justice shall file with the Governor and Legislature a report of the work of the courts for the preceding court year. This public document will be the accounting of the courts to the people of the State.

No effort has been spared to simplify the judicial system, to avoid conflicting judicial duties, to provide a responsible head, to insure the selection of experienced and independent judges, and to provide for speedy trials and prompt appeals.

ARTICLE VI PUBLIC OFFICERS

Summary:

1. The merit system of appointment and promotion in civil service, with uniform salaries for similar work, shall be compulsory.
2. Benefits payable to employees under State pension and retirement funds shall be a contractual obligation on the part of the State.
3. In any official investigation, every public officer or employee must answer all questions relating to his conduct in office. If he refuses to answer, or to waive immunity from prosecution with respect to any matter upon which he may testify, he shall immediately be removed from office.
4. Sheriffs may hereafter succeed themselves in office.

Explanation:

In this article are collected all of the provisions relating generally to public officers and employees, as distinguished from those provisions which are peculiar to, and may be found within, the legislative, executive or judicial articles.

The new provision which gives constitutional status to the merit system in public service will have threefold effect: first, it will complement the executive article in that the Governor's extensive powers are tempered by restricting appointments of the great mass of public employees to a merit basis; secondly, it will eliminate an existing cause of great dissatisfaction amongst employees in the State service by requiring a complete job analysis and classification and the establishment of uniform pay for similar work, regardless of department; thirdly, it will encourage the Legislature to bring more county and municipal employees into the State Civil Service system wherever that is practical. The latter effect has, at least, been observed in the State of New York.

The rights of public employees are also stabilized by the section giving contractual status to benefits in State pension funds. The State has always recognized its moral obligation in this respect and constitutional status merely eliminates uncertainty from the situation. The freedom of the State government, on the other hand, to manage its financial problems as need arises is in no way affected. For the sake

of prudence, of course, the State pension funds should be continued on a sound actuarial basis.

Many municipal pension funds are not now on such a basis and they never can achieve it at a reasonable cost because they are too small. Pension funds, like insurance, really spread the risk—in this case, of economic life expiring before natural life—among all the participants in the fund. It follows that the greater the number of sound risks included in a fund, the broader is its actuarial basis. For this reason municipalities and counties are permitted by law to join the State Employees' Retirement System on an actuarial basis. Thus far only Bergen and Ocean counties, the boroughs of Butler, Mantoloking, North Arlington and Princeton and Teaneck township have availed themselves of this valuable privilege. The new assurance that State funds confer benefits that can never be impaired whereas local funds must face the possibility of being unable to meet promised benefits, will tend to accelerate participation in the State plan. As this result is achieved, realization of the public desire for sound pension systems at reasonable cost will finally have been effected.

Strengthening of the legislative power of investigation, on the other hand, will directly result in improved accountability of public officers and employees for the faithful performance of their trust. The new provision on this subject requires any public officer who may be called upon to testify with respect to his official duties to answer all legitimate questions and either to waive his privilege against self-incrimination or lose his privilege of continuing in the public service.

Since the reason for originally prohibiting sheriffs from succeeding themselves—that is, their former extensive powers—has long since disappeared, this restriction is removed from the constitution.

ARTICLE VII FINANCE

Summary:

1. All dedicated funds shall be abolished.
2. All appropriations for support of the State government shall be made in a single budget appropriation bill.
3. No supplementary appropriations may be made unless restricted to a single object or purpose and approved by a two-thirds vote of the membership of each house of the Legislature.
4. State borrowing shall be further limited to serial bonds which call for an annual reduction in the principal amount of the loan.
5. The State shall be free to repay its debts out of any revenue it may have available but whenever debt charges fall due the State Treasurer must set apart a sufficient sum from the first revenue he receives.

Explanation:

So long as the State's left hand is not permitted to know what its right hand is doing in a fiscal sense, the State's financial management is obviously under a

severe handicap. The provision abolishing so-called dedicated funds will remedy this situation by preventing separate little treasuries for favored projects from being established, regardless of the demands of pressure groups.

The matter of dedicated funds is related primarily to the revenue side of State government, while appropriations, also regulated by a new provision, deal with public expenditures. In order to compel careful planning of this vital matter, the Legislature is required to gather together all appropriations in a single budget appropriation bill so that the real cost of all State government will be plainly apparent. There are, of course, emergencies and truly unforeseeable contingencies that may arise during the fiscal year. These may be dealt with through supplemental appropriations but only upon a two-thirds vote of each house upon a bill which directs its attention to an item for some single object or purpose. The latter provision will eliminate log-rolling to raise the necessary vote. Finally, the requirement that funds must be available will give pause to supplementary appropriations made without thought of the source of payment. These provisions should lead to greater economy and efficiency.

The history of State government has proved the wisdom of rigid restrictions upon State borrowing. For this reason the requirement of a referendum upon all indebtedness exceeding \$100,000 is carefully retained. Serial bonds which call for amortization of the debt each year are made mandatory because they eliminate the need for State sinking funds. The former requirement that the law which authorizes the bonds must pledge the source of payment is deleted because it imposes an unfair rigidity to the State's fiscal policies for as much as thirty-five years. In order to protect the State's credit position, however, a substitute for the old provision requires the State Treasurer to pay the annual public debt charges out of the first moneys he receives.

ARTICLE VIII ELECTIONS AND SUFFRAGE

Summary:

1. Elective State officers shall be chosen in odd-numbered years.
2. All questions upon which a vote of the people may be taken shall be submitted at a general election, or in the case of local propositions, at a regular county or municipal election.
3. All qualified voters who are properly registered shall be entitled to vote for offices that are elective by the people and upon all questions which may be submitted to the people. Men in the armed services shall be provided with means for casting absentee ballots.

Explanation:

The provisions of the revised constitution which relate to elections are restricted to the most fundamental standards. Many of the changes are clarifications of this kind. The requirement which, in effect, keeps questions from being sub-

mitted at a special election is a departure from past practice. It was once thought that the voters' attention could be concentrated on a particular question by holding a special election. Experience has proved, however, that the added and substantial expense of special elections is unwarranted because all such elections have been but lightly attended by voters. The new requirement of submission at general elections will assure that the true sense of the greatest possible number of qualified voters will be taken on public questions.

ARTICLE IX AMENDMENTS

Summary:

1. Proposed amendments shall, if approved by a vote of two-thirds of the members of each house of the Legislature, be submitted to the people at the next general election to be held not less than three months after such approval by the Legislature.

2. The five-year limitation on resubmission of amendments, contained in the present constitution, is retained, but it is clarified so as definitely to apply to the same amendment or one dealing with the same subject matter, which may not be submitted more than once in five years.

Explanation:

The new amending provision requires passage of proposed amendments by one Legislature instead of two, as in the past, but a two-thirds vote is required instead of the simple majority now used. The difficulty of sustaining interest in a proposal through two Legislatures has caused many needed amendments to fail in the past. The old practice apparently was based upon the notion that the people could commit their representatives on pending constitutional amendments at the time that the second Legislature was being elected. This is completely contradictory to modern theories of a constituent assembly, as well as obviously impractical in light of the election of only one-third of the Senators each year and of the complex issues upon which legislators would have to commit themselves without reference to any given piece of legislation. Since the people are the ultimate sanction for any change in the fundamental law, the procedure which precedes their action should, in the democratic process, be made as simple as possible. In order to guard against thoughtless submission of an excessive number of amendments, however, the two-thirds vote will be advantageous.

Elimination of the existing requirement of a special election on amendments will save the people \$700,000 each time amendments are submitted as well as assure consideration by the largest possible proportion of the voters at a general election. Experience in this State has shown that a majority of the people have never participated in a special election, however vital the issue may have been. The change to general elections is made in recognition of this historical fact.

ARTICLE X—ARTICLE XI

GENERAL PROVISIONS—SCHEDULE

Summary:

1. The new constitution is made to take effect on January 1, 1943, and the Legislature is required to pass all laws that may be necessary to place it in full operation.

2. Transition of offices and agencies, personnel and laws from the old constitution to the new is effected.

Explanation:

The provisions of Article X are of a technical nature and are required by good legal practice. Article XI is of a temporary nature and relates to transitional matters, such as the transfer of officers and employees, the displacement of existing courts by the new court system and special effective dates for various provisions involving preparatory steps.

PART II

TEXT OF THE PROPOSED CONSTITUTION

with

SOURCE TABLE

and

DISTRIBUTION TABLE

CONSTITUTION OF
THE STATE OF NEW JERSEY

Preamble.—We, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavours to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this constitution.

ARTICLE I.

RIGHTS AND PRIVILEGES

1. All men are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.
2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.
3. No person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor under any pretence whatever be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes, or other rates for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged to perform.
4. There shall be no establishment of one religious sect in preference to another; no religious test shall be required as a qualification for any office or public trust; and no person shall be denied the enjoyment of any civil right merely on account of his religious principles.
5. Every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

6. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the papers and things to be seized.

7. The right of trial by jury shall remain inviolate; but the Legislature may authorize the trial of civil suits, when the matter in dispute does not exceed fifty dollars, by a jury of six persons.

8. In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel in his defense.

9. No person shall be held to answer for a capital or other infamous crime, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or arising in the army or navy, or in the militia, when in actual service in time of war or public danger.

10. No person shall, after acquittal, be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or presumption great.

11. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety may require it.

12. The military shall be in strict subordination to the civil power.

13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war except in a manner prescribed by law.

14. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

15. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

16. Private property shall not be taken for public use without just compensation. Possession of land may be taken by any agency, instrumentality or political subdivision of the State, but not by any individual or private corporation, pending and prior to the determination and payment of such compensation.

17. No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.

18. The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

19. Any citizen or taxpayer may restrain the violation of any provision of this constitution by a suit with leave of the Superior Court upon notice to the Attorney-General.

20. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

ARTICLE II

STATE GOVERNMENT

1. The functions, powers and responsibilities of the government of this State shall be divided among three distinct branches—the Legislative, Executive and Judicial. No person belonging to or constituting one of these branches shall exercise any of the powers properly belonging to either of the others, except as expressly provided in this constitution.

2. All powers of government which are not by this constitution vested in the Executive or Judicial branches, nor in conflict with rights reserved by the people, nor specifically proscribed to the Legislative branch, shall be embraced within the legislative power and may be exercised in such manner as may be provided by law.

3. The exercise of any powers or discharge of any responsibilities of a legislative or executive character by administrative agencies shall be limited to the effectuation of declared general standards or principles set forth by law and, to the extent that private rights are affected or privileges conferred or withheld, shall conform to established and published practices and procedures which, so far as practicable, shall be of uniform character.

ARTICLE III

LEGISLATIVE

SECTION I: General

1. The legislative power shall be vested in a Senate and General Assembly.

2. No person shall be a member of the Senate who shall not have attained the age of thirty years, and have been a citizen and inhabitant of the State for four years, and of the county for which he shall be chosen one year, next before his election; and no person shall be a member of the General Assembly who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the State for two years, and of the county for which he shall be chosen one year next

before his election, but no person shall be eligible as a member of either house of the Legislature who shall not be entitled to the right of suffrage.

3. The two houses of the Legislature shall meet separately, in regular session, biennially on the second Tuesday in January, and shall adjourn sine die not exceeding ninety calendar days thereafter, except as provided in the executive article of this constitution. The Senate shall, however, remain in continuous session and shall convene from time to time at the call of the President of the Senate or of the Governor for the sole purpose of receiving and acting upon nominations to office made by the Governor.

4. Special sessions of the Legislature shall be called by the Governor upon petition of two-thirds of the members of each house and may be called by the Governor at such other times as in his opinion the public interest may require. In either event, the call for a special session shall specify the matter or matters to be considered and no other matter shall be considered at such session. No special session shall exceed fifteen calendar days in duration, except as provided in the executive article of this constitution.

SECTION II: *Composition*

1. The Senate shall be composed of one Senator from each county in the State elected by the legally qualified voters of the counties, respectively, for a term of four years beginning on the second Tuesday in January next following his election.

2. The members of the Senate shall be elected in two classes so that, as nearly as may be, one-half of the total number shall be elected biennially. The first classification for the purposes of this section shall be effectuated as provided in the schedule of this constitution.

3. The General Assembly shall be composed of members from each county elected biennially by the legally qualified voters of the counties, respectively, for a term of two years beginning on the second Tuesday in January next following their election.

4. Members of the General Assembly shall be apportioned among the several counties in proportion, as nearly as may be, to population, as determined by the latest census of the United States, except that each county shall at all times be entitled to one member and the whole number of members shall never exceed sixty. An apportionment of members of the General Assembly shall be made by the Legislature at its first session after each Federal census, and shall remain unaltered until the next Federal census shall have been taken.

5. Vacancies in the office of Senator or Assemblyman shall be filled for the remainder of the unexpired term by election at the next general election held not less than sixty days after the occurrence of the vacancy.

SECTION III: *Legislative Office*

1. Members of the Senate and General Assembly shall receive annually the sum of one thousand five hundred dollars during the time for which they shall have been elected, and while they shall hold their office, and no other allowance or emolument, directly or indirectly, for any purpose whatever, except for service on the legislative council and as presiding officer of either house. The President of the Senate and the Speaker of the House of Assembly shall, by virtue of their offices, receive an additional compensation, equal to one-third of their allowance as members.

2. Members of the Senate and General Assembly shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sitting of their respective houses, and in going to and returning from the same. For any speech or debate, in either house, they shall not be questioned in any other place.

3. No member of the Senate or General Assembly shall, during the time for which he or she was elected and for one year thereafter, be eligible to hold any appointive office under the authority of this State, including the offices of State Treasurer and State Comptroller.

4. The seat of any member of the Legislature shall be vacated by his acceptance of any office, position or appointment of profit under the government of this State or of the United States.

5. No person possessed of any office, position or appointment of profit under the government of this State or of the United States and no judge of any court shall be entitled to a seat in the Legislature. Such office, position or employment under the government of this State or any judicial office held under the laws thereof shall be deemed to have been vacated, however, by the acceptance of a seat in either house of the Legislature.

6. Each member of the Legislature shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation to support the constitution of this State and of the United States and faithfully to discharge the duties of his office according to the best of his ability. Members-elect of the Senate or General Assembly may administer to each other such oath or affirmation.

SECTION IV: *Procedure*

1. Each house shall direct writs of election for supplying vacancies, occasioned by death, resignation, or otherwise; but if vacancies occur during the recess of the Legislature, the writs may be issued by the Governor, under such regulations as may be prescribed by law.

2. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to com-

pel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

3. Each house shall choose its own officers, determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, may expel a member.

4. Each house shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

5. Neither house, during the session of the Legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

6. The Senate shall vote in public on the question of confirmation of any nominations to office made by the Governor.

7. Lobbying in the legislative chambers of either house shall be prohibited. Persons or associations who engage to influence legislative action shall register with the Secretary of State, disclosing the names and interest of those for whom they may act, the compensation received or agreed, the measures which they may be engaged in promoting or opposing and all expenditures made or incurred in connection therewith. All such information shall constitute a public record. The Legislature shall impose suitable penalties for violations of these provisions.

SECTION V: *Legislative Council*

1. There shall be a legislative council consisting, ex officio, of the Governor or, in his absence, the Attorney-General, the President of the Senate and the Speaker of the House of Assembly, the majority leaders and the leaders of the ranking minority party, for the time being, of each house of the Legislature. Members of the legislative council except the Governor and Attorney-General, shall receive the sum of one thousand five hundred dollars per annum while they serve as members thereof.

2. The legislative council shall: (a) make or cause to be made sound technical studies of the governmental needs of the State, and shall plan and formulate a program of necessary legislative measures predicated thereon in the form of draft bills, for consideration during each session of the Legislature; (b) provide independent research and consultative services in aid of its other powers and duties, within the limits of available appropriations, and co-operate with such other legislative agencies as may be established by law; (c) hold its first meeting at the call of the President of the Senate at such time and place as he shall designate, organize for the transaction of its business, adopt such rules of procedure as it may deem necessary, except as such rules may be established by law, and report at the opening session of each Legislature, and at such times thereafter and with respect to such matters as the council may deem in the public interest; (d) have such other powers and duties, not inconsistent with the foregoing, as may be from time to time prescribed by law.

SECTION VI: *Legislation*

1. The laws of this State shall begin in the following style, "Be it enacted by the Senate and General Assembly of the State of New Jersey."

2. All bills for raising revenue shall originate in the House of Assembly; but the Senate may propose or concur with amendments, as on other bills.

3. All bills and joint resolutions shall be read three times in each house, before the final passage thereof; and no bill or joint resolution shall pass, unless there be a majority of all the members of each body personally present and agreeing thereto; and the yeas and nays of the members voting on such final passage shall be entered on the journal.

4. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title. This paragraph shall not, however, be given effect to invalidate any law constituting a compilation, consolidation, revision or rearrangement of all or part of the laws heretofore or hereafter enacted upon recommendation of any permanent law revision agency, nor to invalidate any law enacted upon recommendation of the legislative council.

5. No law shall be revived or amended by reference to its title only, but the act revived, or the section or sections amended, shall be inserted at length.

6. No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of the act or which shall enact that any existing law, or any part thereof, shall be applicable, other than by inserting it in such act, except as otherwise provided in this section.

7. The Legislature may by law, notwithstanding any express or implied limitation of this constitution, incorporate by reference with present and future effect any provision of Federal public law or any Federal administrative rule or regulation relating to the regulation of industry or commerce, or to taxation, or establishing technical standards of any kind.

8. All the statutory law shall be continuously revised by such permanent agency as may be designated by law. The Legislature shall, from time to time upon recommendation of such agency and otherwise, enact revisions of such parts of the statutory law as need appears, to the end that all the law shall be completely revised at least once every ten years.

SECTION VII: *Legislative Powers*

1. Neither the Legislature nor either house thereof shall elect or appoint any executive, administrative or judicial officers, except the State Treasurer and the State Comptroller.

2. The right of labor to organize and bargain collectively shall not be impaired.

3. No divorce shall be granted by the Legislature.

4. The Legislature shall not pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or depriving a party of any remedy for enforcing a contract which existed when the contract was made.

5. It shall be lawful to hold, carry on, and operate in this State race meetings whereat the trotting, running or steeplechase racing of horses only may be conducted between the hours of sunrise and sunset on week days only and in duly legalized race tracks, at which the pari-mutuel system of betting shall be permitted. No lottery, roulette, or game of chance of any form shall be authorized by the Legislature in this State, and no ticket in any lottery shall be bought or sold within this State, or offered for sale; nor shall pool-selling, bookmaking, or gambling of any kind be authorized or allowed within this State, except pari-mutuel betting on the results of the racing of horses only, from which the State shall derive a reasonable revenue for the support of government, nor shall any gambling device, practice, or game of chance, or pari-mutuel betting thereon now prohibited by law, except as herein stated and otherwise provided, be legalized, or the remedy, penalty, or punishment now provided therefor be in any way diminished.

6. The Legislature may enact general laws under which municipalities and counties may limit and restrict to specified districts and regulate therein, land uses, buildings and structures according to their construction, and the nature and extent of their use. The Legislature may similarly limit and restrict the uses of property adjacent to any public parkway, highway, other public improvement or public place for the protection and conservation thereof. Such laws shall be deemed to be within the police power of the State and shall be subject to repeal or alteration by the Legislature.

7. Any agency of the State or any political subdivision thereof which is empowered to take or otherwise acquire private property for any public highway, parkway, other public improvement or public place, may acquire the fee or any lesser interest, and may be empowered by law to take or otherwise acquire the benefit of a fee or restrictions or easements upon abutting property to preserve and protect the public highway, parkway, other public improvement or public place.

8. The fund for the support of free schools, and all money, stock, and other property, which may hereafter be appropriated for that purpose, or received into the treasury under the provision of any law heretofore passed to augment the said fund, shall be securely invested, and remain a perpetual fund; and the income thereof, except so much as it may be judged expedient to apply to an increase of the capital, shall be annually appropriated to the support of public free schools, for the equal benefit of all the people of the State; and it shall not be competent for the Legislature to borrow, appropriate, or use the said fund or any part thereof, for any other purpose, under any pretence whatever. The Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in this State between the ages of five and eighteen years.

9. No general law shall embrace any provision of a private, special or local character. The Legislature shall not pass any private, special or local laws:

(1) Authorizing the sale of any lands belonging in whole or in part to a minor or minors or other persons who may at the time be under any legal disability to act for themselves.

(2) Creating, increasing or decreasing the emoluments, term, tenure or pension rights of public officers or employees.

(3) Relating to taxation or exemption therefrom.

(4) Laying out, opening, altering and working roads or highways.

(5) Vacating any road, town plot, street, alley or public grounds.

(6) Regulating the internal affairs of towns and counties; appointing local offices or commissions to regulate municipal affairs.

(7) Selecting, drawing, summoning or impaneling grand or petit jurors.

(8) Changing the law of descent.

(9) Granting to any corporation, association or individual any exclusive privilege, immunity or franchise whatever.

(10) Granting to any corporation, association or individual the right to lay down railroad tracks.

(11) Providing for changes of venue in civil or criminal cases.

(12) Providing for the management and support of free public schools.

The Legislature shall pass general laws providing for the cases enumerated in this paragraph, and for all other cases which, in its judgment, may be provided for by general laws. The Legislature shall pass no special act conferring corporate powers, but shall pass general laws under which corporations may be organized and corporate powers of every nature obtained, subject, nevertheless, to repeal or alteration at the will of the Legislature.

10. No private, special or local bill shall be passed, unless public notice of the intention to apply therefor, and of the general object thereof, shall have been previously given. The Legislature, at the next session after the adoption hereof, and from time to time thereafter, shall prescribe the time and mode of giving such notice, the evidence thereof, and how such evidence shall be preserved.

ARTICLE IV

EXECUTIVE AND ADMINISTRATIVE

SECTION I: *Executive Office*

1. The executive power shall be vested in a Governor.

2. The Governor shall be elected in odd-numbered years by the legally qualified voters of this State. The person receiving the greatest number of valid votes shall be the Governor; but if an equal and greatest number of votes are received by more than one candidate, one of such candidates shall be chosen Governor by the

votes of a majority of the members of both houses of the Legislature in joint meeting. Contested elections for the office of Governor shall be determined in such manner as may be provided by law.

3. The Governor shall serve for a term of four years, beginning on the fifteenth day of December next following his election, and no person hereafter elected shall be eligible for more than one term.

4. The Governor shall be not less than thirty years of age, and shall have been for twenty years at least a citizen of the United States, and a resident of this State seven years next before his election, unless he shall have been absent during that time on the public business of the United States or of this State.

5. No member of Congress, or person holding an office under the United States, or this State, shall exercise the office of Governor except during his temporary absence from the State or temporary disability as specifically provided in this constitution; and in case the Governor, or person administering the government, shall accept any office under the United States or this State, his office of Governor shall thereupon be vacant. Nor shall he be elected by the Legislature to any office under the government of this State or of the United States during the term for which he shall have been elected Governor.

6. In case of impeachment of the Governor, his absence from the State, or temporary inability to discharge the duties of his office, the powers, duties and emoluments of the office shall devolve to the head of the Department of Taxation and Finance until such time as the Governor shall be acquitted, or shall return to the State, or the temporary inability shall cease. In case of any vacancy in the office of Governor caused by death or removal of the Governor, by death or resignation of the Governor-elect, or his failure to qualify, or from any other cause, the powers, duties and emoluments of the office shall devolve to the head of the Department of Taxation and Finance who shall serve until a new Governor shall have been elected and qualified. The new Governor shall be elected, in the manner provided by this constitution, at the next general election to be held, in an odd-numbered year, not less than ninety days after the occurrence of the vacancy.

SECTION II: General

1. The Governor shall take care that the laws be faithfully executed, convene the Legislature or the Senate alone whenever, in his opinion, public necessity so requires, communicate a message to the Legislature relating to the condition of the State at the opening of each session and at such other times and with respect to such legislative measures or other public matters as he may deem in the public interest. He shall be commander-in-chief of all the military and naval forces of the State, and shall grant, under the great seal of the State, commissions to all civil and military officers elected or appointed pursuant to requirements of this constitution. The Governor shall also nominate and appoint, by and with the advice and consent of the Senate, all officers so subject to appointment by this constitution and all other officers whose election or appointment is not otherwise provided for by law.

2. The Senate shall either confirm or reject the Governor's nominations for appointive offices within thirty days after they are submitted. If the Senate fails to act upon a nomination, the nominee shall be deemed confirmed at the expiration of thirty days from the date of submission of his name by the Governor. But the Governor shall make no nominations to the Senate during the last month of his term.

3. Every bill which shall have passed both houses shall be submitted to the Governor for approval. If the Governor shall approve, he shall sign the bill and it shall thereupon become a law. If any bill submitted to the Governor shall contain one or more items of appropriation of money, he may approve and sign the bill, but may specially disapprove by a written statement appended thereto of one or more of such items, and the items so disapproved shall not take effect. If the Governor shall disapprove a bill, or an item or items of appropriation which may be contained therein, he shall return it, with a written statement of his objections, to the house in which the bill originated. The Governor's objections shall be entered at large in the journal of the proceedings of that house and a copy thereof shall be sent to the other house.

4. Any bill shall become a law notwithstanding disapproval by the Governor if, upon reconsideration on or after the third day following return thereof to the house of origin, it shall receive the affirmative votes of a majority of the membership of each house of the Legislature, except that a supplementary appropriation bill may so become a law only by the affirmative votes of two-thirds such membership. Any item of appropriation specially disapproved by the Governor shall become effective notwithstanding such disapproval if, upon being separately reconsidered on or after the third day following return of the bill in which it is contained to the house of origin, it shall receive the affirmative votes of two-thirds of the membership of each house of the Legislature.

The vote taken upon reconsideration of any bill or item of appropriation after disapproval by the Governor shall be by yeas and nays and there shall be entered upon the journal of each house, respectively, the names of the members voting for and against.

5. At noon, on the seventh day, Sundays excepted, following the date of submission of any bill to the Governor, if he shall not prior thereto have returned it to the house of origin, the bill shall become a law with like effect as if he had signed it. If the Legislature shall by adjournment prevent return of a bill within seven days as aforesaid, the bill shall not become a law unless the Governor shall sign it within twenty days after such adjournment.

6. The Governor may, upon complaint submitted to him by at least twenty reputable citizens, cause an investigation to be made of the conduct in office of any State officer, except a member of the Legislature, an officer appointed or elected by the Legislature or a judicial officer. The Governor may remove any such officer after notice and an opportunity to be heard, whenever, in his opinion, such investigation discloses misfeasance or malfeasance in office.

7. The Governor may grant pardons and commute sentences after receiving recommendations of the parole commission established by this article. He may also suspend the collection of fines and forfeitures and may grant reprieves which may not extend beyond ninety days after conviction; but neither these powers nor the pardoning power shall apply to cases of impeachment.

SECTION III: *Administration*

1. There shall be nine administrative departments in the State government designated as Agriculture, Commerce, Education and Civil Service, Labor, Law, Public Works, Social Welfare, State, and Taxation and Finance, which shall be under the supervision and control of the Governor, and a State Treasurer and a State Comptroller who shall be appointed by and be responsible to the Legislature. The Governor shall, by executive order, from time to time allocate all executive and administrative offices, agencies and instrumentalities of the State government among and within the foregoing departments and offices.

2. Executive and administrative functions, powers and duties in the State government as authorized by law shall from time to time be allocated by the Governor, by executive order, among and within the departments and offices prescribed by this constitution in such manner as to promote efficiency and economy in the operation of the State government, and to group, co-ordinate and consolidate the offices, agencies and instrumentalities thereof according to major purposes, as nearly as may be. No executive order shall, however, allocate functions, powers and duties of receipt and disbursement of public moneys other than to the State Treasurer, nor of accounting, audit and control other than to the State Comptroller.

3. Any executive order which allocates or reallocates functions, powers or duties pursuant to paragraph two of this section shall be transmitted by the Governor to each house of the Legislature while it is in regular or special session. Such order shall take effect in accordance with its terms, provided that it has been before the Legislature for thirty calendar days and prior to the expiration thereof the Legislature has not, by concurrent resolution, disapproved of the order. In the event of such disapproval, the order shall be void and of no effect. Limitations imposed by this constitution upon the duration of regular and special sessions of the Legislature shall, solely for the purposes of this paragraph, be suspended to allow consideration of an executive order, but not exceeding thirty calendar days in any event.

4. The heads of all administrative departments shall comprise a single executive, unless otherwise provided by law. All such department heads and the members of all boards, councils and commissions, except the State Comptroller and the State Treasurer, shall be nominated and appointed by the Governor, by and with the advice and consent of the Senate.

5. The heads of all administrative departments shall serve during the term of the Governor appointing them, at his pleasure, and until their successors have been appointed and qualified.

6. The State Comptroller and the State Treasurer shall be appointed by the Senate and General Assembly in joint meeting. They shall hold their offices, respectively, for four years. The Governor may, whenever in his opinion it would be in the public interest, require from the Comptroller or the Treasurer written statements under oath of information on any matter relating to the conduct of their respective offices.

7. The Governor and the heads of executive and administrative departments of the State government shall, at stated times, receive for their services such compensation as may be fixed by law which shall be neither increased nor diminished during their respective terms.

8. Appointive officers and employees of the State government shall receive no compensation for their public services in addition to such annual salary as may be fixed by law. Any other moneys or fees received by any such officer or employee by virtue of or in connection with his office or position, except as reimbursement for expenses actually incurred in the course of his public duties, shall be forthwith paid into the State treasury.

9. No rule or regulation made by any executive or administrative agency of the State government except such as relates to the organization or internal management of an executive or administrative agency of the State government shall be effective until it is filed with the Secretary of State. The Legislature shall provide by law for the speedy publication of such rules and regulations.

SECTION IV: *Militia*

1. The Legislature shall provide by law for enrolling, organizing and arming the militia, of which the Governor shall be commander-in-chief.

2. An Adjutant-General, who shall be chief of staff of the militia with the rank of Major-General, shall be nominated and appointed by the Governor with the advice and consent of the Senate. The Adjutant-General shall serve at the pleasure of the Governor.

3. Officers of the militia shall be appointed and commissioned by the Governor according to merit and fitness which shall be determined in such manner and upon such standards as now are or hereafter may be applied by the War Department of the United States for officers of equivalent rank.

4. No commissioned officer shall be removed from office other than by sentence of a court martial, or by a board constituted and empowered by law, except that all general officers may be suspended for cause by the Governor.

SECTION V: *Parole Commission*

1. There shall be a Commission on Parole in the executive branch of the government. The commission shall comprise three members, at least one of whom

shall be a member of the bar of this State, who shall be nominated and appointed by the Governor, by and with the advice and consent of the Senate. Members of the commission shall hold office for a term of four years, but of those first appointed one shall be appointed for a term of two years, one for four years and one for six years. Members of the commission may be removed by the Governor, for cause upon notice and hearing, prior to the expiration of their respective terms. They shall receive such fixed annual compensation for their services as may be provided by law.

2. The Commission on Parole shall grant paroles and supervise parolees, as may be provided by law. The commission may remit fines and forfeitures and shall make recommendations to the Governor upon applications for executive clemency after conviction, in all cases except impeachments.

3. The Commission on Parole shall meet at stated times, and all hearings and proceedings of the commission shall be public. Every order of the commission remitting, reducing or affecting any fine, forfeiture or sentence, recommending or disapproving any application for executive clemency, with the reasons set forth at length, shall be filed with the clerk of the Supreme Court at least ten days before it may become effective, and shall constitute a public record.

ARTICLE V

JUDICIAL

SECTION I: *Judicial Power*

1. The judicial power shall be vested in a Supreme Court and a Superior Court, and in inferior courts of original jurisdiction which may from time to time be established, altered and abolished by law. Such inferior courts may be integrated with the Superior Court in such manner and to any extent, not inconsistent with this constitution, as may be provided by law.

2. In all matters in which there is any conflict or variance between equity and common law, equity shall prevail, and subject to rules of the Supreme Court every controversy shall be fully determined by the justice hearing it.

3. The Supreme Court shall sit at the State Capitol and the Superior Court shall sit in each county. The Supreme Court and appellate divisions of the Superior Court shall hold at least ten monthly terms each year, and all trial courts shall hold such terms as may be fixed by rules of the Supreme Court.

SECTION II: *Supreme Court*

1. The Supreme Court shall consist of a Chief Justice and six associate justices. Five members of the court shall constitute a quorum. The presiding justice of the court shall designate a justice of the Superior Court to serve temporarily when necessary to constitute a quorum.

2. The Supreme Court shall exercise appellate jurisdiction in the last resort in all causes subject to the limitations imposed by this constitution. The court may, upon leave granted by a justice thereof, review any indictment before trial by certiorari. The court shall also have jurisdiction of the admission and discipline of attorneys and counsellors.

3. The Supreme Court shall make rules as to the administration of all of the courts, and, subject to law, as to pleading, practice and evidence in all the courts.

SECTION III: *Superior Court*

1. The Superior Court shall consist of such number of justices as may be authorized by law, but not less than twenty-five, each of whom may exercise the powers of the court, subject to rules of the Supreme Court. The Superior Court shall have original general jurisdiction throughout the State in all cases.

2. The Superior Court shall be divided into a law section, to exercise civil, criminal, and matrimonial jurisdiction, and an equity and probate section, to exercise all other jurisdiction of the court, each section having such parts as may be provided by rules of the Supreme Court.

3. Any justice of the Superior Court may grant prerogative writs, returnable in an appellate division which shall otherwise have original jurisdiction relating thereto, and shall determine in such manner as the rules of the Supreme Court may prescribe, and without a jury, questions of fact arising therein; or the hearing may be in the first instance before a single justice, whose decision, both as to law and fact, shall be reviewable by the appellate division.

SECTION IV: *Appeals and Appellate Divisions*

1. There shall be established in the Superior Court at least two appellate divisions. Each appellate division shall consist of three justices of the Superior Court designated by rules of the Supreme Court who shall hear appeals from designated sections of the Superior Court and such additional appeals from inferior courts as may be provided by law. Such justices shall be annually assigned for that purpose by the Chief Justice of the Supreme Court.

2. An appeal to an appellate division may be taken as a matter of right from any order of the Superior Court. Appeals in cases involving restraints or the appointment of receivers shall, in whatever court pending, be preferred as to argument and disposition.

3. Judgments and orders of an appellate division shall be final, subject to an appeal to the Supreme Court. Appeals to the Supreme Court may be taken only:

- (1) In capital cases and cases involving a constitutional question, which appeals shall be taken directly to the Supreme Court and shall be preferred as to argument and disposition;
- (2) In the event of a dissenting opinion in an appellate division;
- (3) On certification of an appellate division; or,
- (4) On certification by the Supreme Court to any court.

4. The appellate courts, in addition to considering questions of law, may also set aside judgments, wholly or in part, where the finding of fact is against the weight of the evidence, or the verdict is excessive or inadequate. The appellate courts may exercise such original jurisdiction as may be incident to the complete determination of the controversy.

SECTION V: *Judicial Officers*

1. The Governor shall nominate and appoint, by and with the advice and consent of the Senate, the Chief Justice and associate justices of the Supreme Court, the justices of the Superior Court, and the judges of any inferior court with jurisdiction extending to more than one municipality. The Legislature shall provide by law for a uniform method of appointment of all other judges.

2. Each justice of the Supreme Court shall, prior to his appointment, have been a justice of the Superior Court for at least one year. Justices of the Superior Court shall, prior to their appointment have been counsellors at law in good standing for at least ten years.

3. The Chief Justice and associate justices of the Supreme Court shall be appointed to hold office during good behavior. Justices of the Superior Court shall hold office for a term of seven years and if reappointed shall thereafter hold office during good behavior. The issue of good behavior shall, with respect to justices of the Supreme Court, be triable by the Senate, and with respect to all other justices or judges of any court shall be triable by the Supreme Court. No justice or judge of any court shall continue in office after he has attained the age of seventy years.

4. Justices and judges of every court shall, at stated times, receive for their services such salary as may be provided by law, which shall not be diminished during the term of their appointment. They shall hold no other office or position of profit in the government of this State, or of the United States, nor of any instrumentality or political subdivision of either of them.

5. Any judge or justice of any court in this State who shall become a candidate for an elective office under authority of this State or of the United States shall thereby vacate his judicial office. The justices of the Supreme Court, of the Superior Court and such other judicial officers as may be provided by law shall not during their continuance in office engage in the practice of law or other gainful occupation.

6. A justice of the Superior Court may exercise the powers of a judge of any court established by law in the county or counties to which he may be assigned, and may hold any such court with like jurisdiction, powers and duties as a judge thereof.

SECTION VI: *Administration*

1. The Chief Justice of the Supreme Court shall be the administrative head of all the courts, and shall supervise their work. He shall appoint an executive director of the courts to serve at his pleasure. The executive director shall:

- (1) Assist the Chief Justice in all matters related to the administration, finance and personnel of the courts;
- (2) Publish annually a statistical record of the judicial services of all the courts, justices and judges in the State, and of the costs thereof;
- (3) Prescribe records, reports and audits for the inferior courts;
- (4) Have such other duties as may be delegated by the Chief Justice.

2. The Supreme Court shall appoint a court reporter and a clerk of the court, each of whom shall hold office at the pleasure of the court. Within each county, respectively, the county clerks and, as to probate matters, the surrogates, shall be clerks of the Superior Court.

3. The Chief Justice of the Supreme Court shall annually assign justices of the Superior Court to counties, divisions, sections or parts thereof, and may from time to time transfer justices from one assignment to another as need appears.

4. Whenever the Supreme Court fails to hear any case within two months after an appeal therein is perfected or fails to decide any case within two months after it has been argued or submitted, the Chief Justice shall certify that fact to the Governor. The Governor may thereupon appoint a special term of the Supreme Court, from among the justices of the Superior Court, to exercise concurrently the jurisdiction of the court until the delay is cured.

5. Special judges may, upon request of the Chief Justice, be nominated and appointed by the Governor, by and with the advice and consent of the Senate, for temporary service not exceeding one year whenever and so long as any court fails to try or hear any case within two months after notice of trial has been filed or an appeal therein perfected, or fails to decide any case within two months after it has been argued or submitted. Such special judges may exercise all the powers and shall have all of the duties of a justice or judge of the court to which they are appointed.

6. On or before December first in each year the Chief Justice shall file with the Governor and the Legislature a report of the work of the courts during the year ending September first next preceding.

ARTICLE VI
PUBLIC OFFICERS
SECTION I: *Generally*

1. Every appointive officer of the State government shall, before entering upon the duties of his office, take and subscribe an oath or affirmation to support the constitution of this State and of the United States and faithfully, impartially and justly to perform the duties of his office to the best of his ability.

2. In the civil service of the State and all of its civil divisions, all offices and positions shall be classified according to duties and responsibilities, salary ranges shall be established for the various classes, and all appointments and promotions shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive.

3. The Legislature or either house thereof may by resolution constitute and empower a committee thereof or any public officer or agency to investigate any and all phases of State and local government, or any part thereof, the fidelity of any public officer or employee, or the performance of any public office, employment or trust. No person shall be privileged from testifying in relation to any such matters and upon so testifying he shall be immune from criminal prosecution with respect to any matter to which such testimony may relate. Any public officer or employee who shall refuse or willfully fail to obey any subpoena lawfully issued by such investigating committee, officer or agency, or who shall refuse to testify or to answer any questions relating to any matter properly under investigation, or who shall refuse to waive immunity from prosecution with respect to any matter upon which he may testify, shall thereby become disqualified to continue in his office, position or employment, which shall forthwith be deemed vacant. Any such person shall not thereafter be eligible for any public office, position or employment.

4. County clerks and surrogates shall be elected by the people of their respective counties at a general election. They shall hold office for a term of five years. Whenever a vacancy occurs in the office of clerk or surrogate of any county, the Governor shall fill such vacancy by appointment for a term to expire when a successor is elected and qualified.

5. Sheriffs and coroners shall be elected by the people of their respective counties at a general election. They shall hold office for a term of three years.

6. After July first, one thousand nine hundred and forty-three, benefits payable by virtue of membership in any State pension or retirement system shall constitute a contractual relationship and shall not be diminished or impaired.

7. All civil officers elected or appointed pursuant to the provisions of this constitution shall be commissioned by the Governor.

8. The term of office of all officers elected or appointed pursuant to the provisions of this constitution, except when herein otherwise directed, shall commence on the day of the date of their respective commissions; but no commission for any office shall bear date prior to the expiration of the term of the incumbent of said office.

SECTION II: *Impeachments*

1. The Governor and all other civil officers of the State government shall be liable to impeachment for misdemeanor in office during their continuance in office and for two years thereafter.

2. The House of Assembly shall have the sole power of impeaching by a vote of a majority of all the members. Except as otherwise provided by this constitution with respect to judicial officers, all such impeachments shall be tried by the Senate, and members, when sitting for that purpose, shall be on oath or affirmation "truly and impartially to try and determine the charge in question according to evidence;" and no person shall be convicted without the concurrence of two-thirds of all the members of the Senate. The presiding officer, respectively, of each house of the Legislature may call it into session for the purpose of impeachment proceedings.

3. Judgment in cases of impeachment shall not extend farther than to removal from office, and to disqualification to hold and enjoy any office of honor, profit or trust under this State; ~~at the~~ party convicted shall nevertheless be liable to indictment, trial and punishment according to law.

ARTICLE VII
FINANCE

1. The credit of the State shall not be directly or indirectly loaned in any case.

2. No political subdivision or special district shall give any money or property, or loan its money or credit, to or in aid of any individual association or corporation, or become security for or be directly or indirectly the owner of any stock or bonds of any association or corporation.

3. Neither the State nor any municipal corporation shall make any donation of land or appropriation of money to or for the use of any society, association or corporation.

4. All revenues of the State government from whatever source derived, including revenues of all departments, agencies and offices, except the income of the fund for the support of free schools, shall be paid into a single fund, to be known as the General State Fund, subject to appropriation for any public purpose, except that separate funds may be maintained for revenues realized from any tax levied specifically for the purpose of maintaining free public schools, for the proceeds of

bond issues, earnings of self-liquidating public improvements, revenues of restricted use under or in compliance with federal law, and revenues held in trust for retirement of the public debt, for the benefit of State or local public officers or employees or for a specific public purpose required by a private donation.

5. No money shall be drawn from the State treasury but for appropriations made by law.

All appropriations for the support of the State government, and for the several public purposes for which appropriations are made, shall be contained in one general appropriation bill enacted for each biennium and indicating the amounts appropriated for each fiscal period in the biennium. No other bill appropriating public money for any purpose shall be enacted unless it shall (1) provide for some single object or purpose, (2) receive the affirmative votes of two-thirds of the membership of each house of the Legislature, and (3) together with all prior appropriations for the same fiscal period, shall not exceed the total amount of revenue available therefor.

6. Property shall be assessed for taxes under general laws, and by uniform rules, according to its true value.

7. Except for purposes of war, or to repel invasion, or to suppress insurrection, no debt or liability shall be contracted by or on behalf of the State in an amount which, singly or in the aggregate with any previous debts or liabilities, shall at any time exceed one hundred thousand dollars, unless authorized by a law which shall, at a general election, have been submitted to the people, and have received the sanction of a majority of all the votes cast for and against it.

8. Any such law shall provide for some single object or work, to be distinctly specified therein, and for the payment of the debt or liability thereby authorized in equal annual installments, the first of which shall be payable not more than one year, and the last of which shall be payable not more than thirty-five years after such debt or liability, or any portion thereof, shall have been contracted. In contracting any debt or liability, however, the privilege of paying all or any part thereof prior to maturity may be reserved to the State in such manner and upon such terms as may be provided by law.

9. All money to be raised by authority of any law authorizing the contracting of a debt or liability by or on behalf of the State shall be applied only to the specific object or work stated therein or to the payment of such debt or liability. Such law shall provide the ways and means, exclusive of loans, to pay and discharge the principal and interest of the debt or liability thereby authorized. If such law should be repealed prior to such payment and discharge, the Legislature shall make adequate provision for payment of the remaining annual installments of principal and interest, and upon failure thereof a sufficient sum shall be set apart by the State Treasurer from the first revenues received and shall be applied to such purpose.

ARTICLE VIII

ELECTIONS AND SUFFRAGE

1. General elections shall be held annually on the first Tuesday after the first Monday in November. The Governor, members of the Legislature and such local officers as may be provided by law shall be chosen at a general election.

2. All questions which may be subject to a vote of the people shall be submitted at a general election, or, in the case of local propositions, at a regular county or municipal election.

3. Every citizen of the United States who shall have attained the age of twenty-one years, been a resident of this State one year and of the county in which the vote is claimed five months, next before an election, and who shall have been duly registered as a voter pursuant to law, shall be entitled to vote therein for all officers that are now or hereafter may be elective by the people, and upon all questions which may be submitted to a vote of the people.

4. No pauper, idiot, insane person, or person convicted of a crime which at common law would have excluded him from being a witness, unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector. Persons convicted of bribery may be deprived by law of the right of suffrage.

5. No person shall, for the purpose of the suffrage, be deemed to have become a resident of, nor to have abandoned prior residence in this State or any county thereof by reason of his presence in or absence therefrom during active service in the military or naval service of this State or of the United States.

6. The Legislature shall provide by law the manner in which, and the time and place at which ballots may be cast by electors absent in the actual service of the military or naval forces of this State or of the United States, and for the return and canvass of such absentee votes in the election district in which the voters respectively reside. The Legislature may also provide for voting by other absent electors and for the like return and canvass of their votes.

7. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the privilege of the suffrage and for the registration of all qualified voters. Registration shall be upon personal application in the case of the first registration of any voter, and shall remain effective for such period as the Legislature may prescribe.

ARTICLE IX

AMENDMENTS

1. Any specific amendment or amendments to the constitution may be proposed in the Senate or General Assembly, and if the same shall be approved by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon.

2. The Legislature shall publish any approved amendment once in at least one newspaper of each county, if any be published therein, not less than three months prior to its submission to the people.

3. Approved amendments which have been published as required by this section shall be submitted to the people at a general election held not more than four months after the date of publication thereof. Submission shall be in such manner as the Legislature may prescribe.

4. If a majority of the qualified voters who vote thereon shall approve and ratify any amendment, it shall become part of the constitution.

5. If more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for or against each amendment separately and distinctly. The same amendment or one effecting the same change in the constitution shall not be submitted to the people more often than once in five years.

ARTICLE X GENERAL PROVISIONS

1. The provisions of this constitution shall be self-executing, to the fullest extent that their respective natures permit. Legislation shall be enacted in furtherance of their purposes and to facilitate their operation.

2. Any recital of specific functions, powers or duties in this constitution, shall not be construed in any manner to restrict by implication any general functions, powers or duties of government not inconsistent therewith.

3. The seal of the State shall be kept by the Governor or person administering the government, and used by him officially, and shall be called the great seal of the State of New Jersey.

4. All grants and commissions shall be in the name and by the authority of the State of New Jersey, sealed with the great seal, signed by the Governor or person administering the government, and countersigned by the Secretary of State, and shall run thus: "The State of New Jersey, to Greeting." All writs shall be in the name of the State; and all indictments shall conclude in the following manner, viz.: "against the peace of this State the government and dignity of the same."

5. This constitution shall take effect on the first day of January, one thousand nine hundred and forty-three, subject to the provisions of the schedule hereinafter set forth.

ARTICLE XI SCHEDULE

SECTION I: *General*

1. This constitution shall supersede the constitution of 1844 as amended, and the Legislature shall enact all laws necessary to make this constitution fully effective.

2. No office, position or employment existing on the effective date of this constitution shall be altered or abolished by virtue of the adoption hereof, except as otherwise provided herein.

3. All persons holding office upon the effective date of this constitution shall continue in office and to exercise their respective powers and duties except as otherwise provided herein. The adoption of this constitution shall not cause the term of office of any incumbent to be either extended or reduced, except as otherwise provided herein.

4. All the statutory and common law in force on the effective date hereof, which is not inconsistent with this constitution, shall remain in full force and effect until it expires by its own limitation or is altered or repealed by law. All causes of action, indictments, prosecutions, rights, claims, demands, duties and obligations, of individuals and of bodies corporate, and of the State, and all charters and franchises shall continue unabated by the adoption of this constitution. All indictments heretofore or hereafter found for any crime or offense committed before the adoption of this constitution, may be proceeded upon as if no change had taken place.

SECTION II: *Legislative*

1. The first biennial session of the Legislature under this constitution shall be held in the year one thousand nine hundred and forty-four.

2. Members of the Legislature shall be elected for the term of office provided in this constitution at the election held in one thousand nine hundred and forty-three and at each biennial election thereafter, except as otherwise provided in this schedule.

3. The two classes of Senators required to be elected under the constitution shall be first established as follows:

Seats in the Senate that, had this constitution not been adopted would have been filled by election in the years one thousand nine hundred and forty-three and one thousand nine hundred and forty-five, respectively, shall remain elective in those years. The terms of the incumbents of those seats in the Senate that would have become elective in the year one thousand nine hundred and forty-four, had this constitution not been adopted, shall be extended for an additional year. Three of the seats thereby made elective in the year one thousand nine hundred and forty-five shall be chosen by the Senate to be filled in that year for a term of two years and thereafter for the four-year term provided by this constitution.

4. The compensation for members of the Legislature provided by this constitution shall be paid from and after the effective date hereof.

SECTION III: *Executive*

1. On or before July first, one thousand nine hundred and forty-three, the Governor shall complete the first allocation of executive and administrative agencies, offices and instrumentalities of the State government within and among the departments and offices required by this constitution. Prior to such allocation, each agency, office, and instrumentality shall continue to function as heretofore, except as may be otherwise provided by law.

2. Appropriation balances, personnel, property and records may be transferred as need appears by provision in any executive order allocating executive or administrative agencies, offices or instrumentalities, or their functions, powers and duties.

3. In case of death, resignation, removal or disability of the Governor or of his absence from the State prior to his appointment of the heads of civil departments required by this constitution, all the powers, duties and emoluments of the office shall, as heretofore, devolve upon the President of the Senate and the Speaker of the House of Assembly, in that order.

SECTION IV: *Judicial*

1. Immediately after the adoption of this constitution, the Governor shall nominate and appoint, by and with the advice and consent of the Senate, from the persons then holding the offices of Chancellor, Chief Justice, justices of the Supreme Court, such judges of the Court of Errors and Appeals as are counsellors at law of ten years' standing, vice-chancellors and Circuit Court judges, a Chief Justice and six associate justices of the new Supreme Court.

The remaining judicial officers above enumerated and the judges of the courts of common pleas shall constitute the justices of the new Superior Court, each for the unexpired period of his original term. If reappointed thereafter, any such justice shall have tenure during good behavior as provided in this constitution. Nothing in this section shall be construed, however, to permit any justice to continue in office after attaining the age of seventy years.

2. The compensation of any judicial officer as fixed by law immediately prior to his transfer by this constitution to either the new Supreme or Superior Courts shall not be increased or diminished during the term for which he was originally appointed. Common pleas judges shall be justices of the Superior Court for the remainder of the term for which they were originally appointed, at the same salary, with the same privileges, and assigned to the county from which they were appointed, and shall be eligible for reappointment on the same basis as all other Superior Court justices.

3. All causes pending in the Court of Errors and Appeals shall be transferred to the new Supreme Court. All other causes pending on appeal and all pending causes involving prerogative writs shall be transferred to the appellate division of the Superior Court. All causes pending in any other county or State courts, which are superseded, shall be transferred to the Superior Court.

4. All property, funds, records, files, books, papers and documents of the Court of Errors and Appeals, of the Prerogative Court, of the Court of Chancery and of the Supreme Court or in custody of any of these courts, shall be turned over by their respective clerks to the clerk of the new Supreme Court, who shall dispose of them as the court may by rule direct.

5. The circuit courts, courts of common pleas, oyer and terminer, quarter sessions, special sessions and the orphans' courts are superseded, and all their jurisdiction, functions, powers and duties are transferred to the Superior Court. Causes pending in such superseded courts shall be heard in the Superior Court sitting in the same county. All property, funds, records, files, books, papers and documents of the orphans' courts, or in custody thereof, shall be turned over by their respective clerks to the clerk of the Superior Court in their respective counties.

6. All the functions, powers and duties conferred by statute or rule upon justices and judges of courts superseded by this constitution, to the extent that such functions, powers and duties are not inconsistent herewith, are hereby transferred to and may be exercised by justices of the Superior Court until otherwise provided by law or rule of court.

7. Appropriations made by law for judicial expenditures during the fiscal year 1942-1943 may be transferred to similar objects and purposes required by the judicial article. Restrictions upon supplemental appropriations contained in this constitution shall not apply to any appropriations which may be required to finance the new judicial system prior to the fiscal year 1943-1944.

8. Article V shall take effect on the first day of July, one thousand nine hundred and forty-three, except that any provision of this constitution which may require any act to be done prior thereto or in preparation therefor shall take effect immediately upon its adoption.

SOURCE TABLE

Proposed New Constitution			Source Constitution of 1844			Proposed New Constitution			Source Constitution of 1844		
Art.	Sec.	Par.	Art.	Sec.	Par.	Art.	Sec.	Par.	Art.	Sec.	Par.
I	—	1	I	—	1	IV	III	1	new		
	2			2				2	new		
	3			3				3	new		
	4			4				4	new		
	5			5				5	new		
	6			6				6	new		
	7			7	rev.		VII	II	2 rev.		
	8			8				V	5 rev.		
	9			9						new	
	10			10						new	
	11			11						new	
	12			12						new	
	13			13						new	
	14			14						new	
	15			15						new	
	16			16	rev.					new	
	17		IV	VII	8		V	I	1 rev.		
	18				9					new	
	19				10			VII	1	1 rev.	
	20		I	—	21					new	
II	—	1	III	—	1 rev.		III	1		new	
	2				2			2		new	
	3				3			3		new	
	4				4			4		new	
	5				5			5		new	
	6				6			6		new	
	7				7			7		new	
	8				8			8		new	
	9				9			9		new	
	10				10			10		new	
	11				11			11		new	
	12				12			12		new	
	13				13			13		new	
	14				14			14		new	
	15				15			15		new	
	16				16			16		new	
	17				17			17		new	
	18				18			18		new	
	19				19			19		new	
	20				20			20		new	
	21				21			21		new	
	22				22			22		new	
	23				23			23		new	
	24				24			24		new	
	25				25			25		new	
	26				26			26		new	
	27				27			27		new	
	28				28			28		new	
	29				29			29		new	
	30				30			30		new	
	31				31			31		new	
	32				32			32		new	
	33				33			33		new	
	34				34			34		new	
	35				35			35		new	
	36				36			36		new	
	37				37			37		new	
	38				38			38		new	
	39				39			39		new	
	40				40			40		new	
	41				41			41		new	
	42				42			42		new	
	43				43			43		new	
	44				44			44		new	
	45				45			45		new	
	46				46			46		new	
	47				47			47		new	
	48				48			48		new	
	49				49			49		new	
	50				50			50		new	
	51				51			51		new	
	52				52			52		new	
	53				53			53		new	
	54				54			54		new	
	55				55			55		new	
	56				56			56		new	
	57				57			57		new	
	58				58			58		new	
	59				59			59		new	
	60				60			60		new	
	61				61			61		new	
	62				62			62		new	
	63				63			63		new	
	64				64			64		new	
	65				65			65		new	
	66				66			66		new	
	67				67			67		new	
	68				68			68		new	
	69				69			69		new	
	70				70			70		new	
	71				71			71		new	
	72				72			72		new	
	73				73			73		new	
	74				74			74		new	
	75				75			75		new	
	76				76			76		new	
	77				77			77		new	
	78				78			78		new	
	79				79			79		new	
	80				80			80		new	
	81				81			81		new	
	82				82			82		new	
	83				83			83		new	
	84				84			84		new	
	85				85			85		new	
	86				86			86		new	
	87				87			87		new	
	88				88			88		new	
	89				89			89		new	
	90				90			90		new	
	91				91			91		new	
	92				92			92		new	
	93				93			93		new	
	94				94			94		new	
	95				9						



MICROFORM DIVISION
GREENWOOD PUBLISHING COMPANY
WESTPORT, CONNECTICUT 06880

END



24:1