

A PRIMER ON NEW JERSEY STATE GOVERNMENT

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 endeavors to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this Constitution.

Preamble

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.

Article I-1

QuickTime™ and a decompressor are needed to see this picture.

NEW JERSEY TEA PARTY COALITION

OVERVIEW

- New Jersey closely resembles the Federal government with
 - A *Constitution*
 - A bicameral *Legislature* composed of a Senate and an Assembly, charged with enacting laws
 - A governor with strong *Executive* powers, who carries out the laws with the Lieutenant Governor and State agencies
 - A *Judiciary* appointed by the Governor and confirmed by the Senate, which punishes violators, arbitrates disputes, and is the final State authority on the meaning and constitutionality of laws

New Jersey's Constitution

- The current Constitution, adopted in 1947, is the State's third; the first was adopted July 2, 1776 and the second in 1844
- Reinforces basic rights of the US Constitution (Article I, "Rights and Privileges"
 - Article I 2a specifies recall for political grounds
 - No specific provision in Article I regarding firearms
- Creates three separate branches of government (Articles III-VI, establishes procedures and dates for elections (Article II)
- Amendment procedures are established in Article IX, and Article XI ("Schedule") is the list of such amendments
 - Amendment requires 3/5 vote of both Senate and Assembly and vote by the people, but no action by the Governor, or
 - *majority* legislature passage for two consecutive years and vote by the people

Constitutional Amendments

- There have been few amendments to the State Constitution since 1947
- The first four Amendments (Sections I-IV) were adopted with the new Constitution itself and dealt with the transition matters (validity of existing laws, commencement of new Legislative session, terms of office, creation of a Supreme Court, etc)
- Section V (1966) dealt with legislative elections in 1967 and reapportionment pending the 1970 census
- Section VI (1978) abolished the county courts and replaced them with State Superior Court
- Section VII (2006) clarified the procedure in the event of a vacancy in the office of Governor (e.g., the President of the Senate succeeds but must vacate the Senate Presidency)
 - This last Amendment was a direct response to the McGreevey resignation

The Legislature

- The **Senate** is comprised of 40 members, while the **Assembly** has 80 members
 - The **Senate** has a **President**, and the **Assembly** has a **Speaker**
- The Legislature sits for a two year term beginning in January of each even-numbered year
 - All unfinished business at the end of the two year term expires
- Legislators are elected from 40 equally-populated districts across the State, which are redrawn after each decennial Federal census
 - Legislative elections are held in November of each odd-numbered year
- Each legislative district is represented by **one Senator** and **two Assembly members**, who must be district residents
- Senators serve four year terms except for a two-year term at the beginning of a decade ('2-4-4 cycle')
 - Senators must be 30 year old and State residents for four years
- Assembly members serve two year terms
 - Assembly members must be 21 years old and State residents for two years

The Legislature

- The Legislature's main duty is to propose and formulate new laws or the repeal of existing laws
 - lawmaking can emanate from either the *Senate* or the *Assembly* in the form of a Bill
- The Legislature also proposes amendments to the State Constitution
 - Amendments do not arise from voter initiatives
- Additional Legislature powers include;
 - Senatorial approval of the Governor's appointments of judges and other officials;
 - ratification of amendments to the US Constitution;
 - appointment of the State Auditor
 - Impeach State officials
 - monitor and discipline members of the Legislature and their election

Legislative Bills

- To become law, a Bill must pass both Houses by majority vote and be approved by the Governor
 - A Bill is drafted in either House, and introduced during a session ('**First Reading**')
 - The President or Speaker can send a bill directly to **Second Reading**, but usually refers the Bill to committee for review, which will consider the bill at a publicly open meeting and then 'report' the bill to the House as is, with amendments, or as a substitute bill
 - If not considered or reported, the bill remains in committee
 - At **Second Reading**, the bill can be amended on the House floor
 - Upon **Third Reading** the bill is considered on the House floor, and if majority approved is sent to the other House
 - After Third Reading, a House vote is necessary to return a bill to Second Reading for further amendments
 - Bills cannot undergo Second and Third Readings on the same day except by emergency vote of 3/4 of the House
 - The same process is then repeated in the second House
 - If amended, the bill is returned to the first House for a vote on the changes
 - A bill can only receive legislative approval when it passes both Houses in identical form
 - The bill becomes law upon the Governor's signature, or after 45 days if no action is taken
 - -the Governor can veto, veto conditionally (return bill for changes), or veto line items of appropriation bills
 - Veto can be overridden by Legislature with 2/3 vote by both Houses

Local Legislative Districts

- District 32 - (Bergen and Hudson)** East Newark, Fairview, Harrison (Hudson), Jersey City, Kearny, North Bergen, Secaucus

Senator [Sacco](#); Assemblyman [Prieto](#), Assemblywoman [Quigley](#)
- District 33 - (Hudson)** Guttenberg, Hoboken, Jersey City, Union City, Weehawken, West New York
Senator [Stack](#); Assemblyman [Ramos](#), Assemblywoman [Rodriguez](#)
- District 34 - (Essex and Passaic)** Clifton City, East Orange, Glen Ridge, Montclair, West Paterson
Senator [Gill](#); Assemblyman [Giblin](#), Assemblywoman [Oliver](#)
- District 35 - (Bergen and Passaic)** Glen Rock, Haledon, Hawthorne, North Haledon, Paterson, Prospect Park, Totowa
Senator [Girgenti](#); Assemblywoman [Evans](#), Assemblywoman [Pou](#)
- District 36 - (Bergen, Essex and Passaic)** Carlstadt, East Rutherford, Garfield, Lyndhurst, Moonachie, North Arlington, Nutley, Passaic, Rutherford, Wallington, Wood-Ridge
Senator [Sarlo](#); Assemblyman [Schaer](#), [Assemblyman Scalera retired; position vacant](#)
- District 37 - (Bergen)** Bergenfield, Bogota, Englewood, Englewood Cliffs, Hackensack, Leonia, Maywood, Palisades Park, Ridgefield Park, Rochelle Park, Teaneck, Tenafly
Senator [Weinberg](#); Assemblyman [Johnson](#), Assemblywoman [Huttle](#)
- District 38 - (Bergen)** Cliffside Park, Edgewater, Elmwood Park, Fair Lawn, Fort Lee, Hasbrouck Heights, Little Ferry, Lodi, Paramus, Ridgefield, Saddle Brook, South Hackensack, Teterboro
Senator [Gordon](#); Assemblywoman [Voss](#), Assemblywoman [Wagner](#)
- District 39 - (Bergen)** Allendale, Alpine, Closter, Cresskill, Demarest, Dumont, Emerson, Harrington Park, Haworth, Hillsdale, Ho-Ho-Kus, Montvale, New Milford, Northvale, Norwood, Old Tappan, Oradell, Park Ridge, Ramsey, River Edge, River Vale, Rockleigh, Saddle River, Upper Saddle River, Waldwick, Washington, Westwood, Woodcliff Lake
Senator [Cardinale](#); Assemblyman [Schroeder](#), Assemblywoman [Vandervalk](#)
- District 40 - (Bergen, Essex and Passaic)** Cedar Grove, Franklin Lakes, Little Falls, Mahwah, Midland Park, Oakland, Ridgewood, Ringwood, Verona, Wanaque, Wayne, Wyckoff

Senator [O'Toole](#); Assemblyman [Rumana](#), Assemblyman [Russo](#)

The Judiciary

- New Jersey has four levels of courts and judges
- State **Supreme Court**, **Superior Court**, and **Tax Court** judges are each nominated by the Governor and confirmed by the Senate to an initial seven year term
 - These judges can be reappointed via Governor's renomination and Senate vote
 - Upon reappointment these judges have tenure and can serve until the Constitutionally mandated retirement age of 70
- But local **Municipal Courts** handle the majority of cases in New Jersey
 - 539 Municipal Courts hear 86% of seven million cases filed each year
 - Motor vehicle, minor 'disorderly persons' crimes, disputes, boating laws etc
 - Municipal Court judges are appointed to three year terms by the town or boro
 - Municipal judges may be reappointed but there is no tenure
- State **Tax Court** has the most limited jurisdiction of the State court system and handles approximately 15,000 cases per year
 - Tax Court judges review decisions of county boards of taxation (property taxes) or the State Division of Taxation (income, sales, business taxes)
 - There are 12 Tax Court judges in New Jersey

The Judiciary, continued

- State **Superior Court** comprises three Divisions, including the Appellate Division
- Often known as 'Trial Court' because it carries the main burden of trying criminal, civil, and family law cases
- Chancery Division primarily handles civil and family matters
 - Probate Part (wills and guardianships)
 - Family Part (following the Constitutional amendment abolishing county-level juvenile and domestic relations courts)
 - General Equity Part (non-monetary equitable relief; injunctions, specific performance)
- Law Division is the venue for criminal cases and monetary damages
 - Civil Part (all civil cases where primary relief sought is legal, involving damages; may include incidental equitable relief to decide a case in a single forum)
 - Special Civil Part (claims under \$15,000; small claims under \$3,000; landlord-tenant section; replaces former county district courts)
 - Criminal Part (all indictable criminal cases and appeals from **Municipal Court** convictions)
- Administratively, **Superior Court** operates in 15 'vicinages' across the 21 counties
 - Most vicinages comprise a single county
 - Two two-county vicinages (Atlantic/Cape May; Morris/Sussex)
 - Two three-county vicinages (Somerset/Hunterdon/Warren; Gloucester/Cumberland/Salem)
 - There are approximately 360 Superior Court judges in New Jersey

The Appellate Judiciary

- There are three successive courts of recourse in New Jersey for appeals
- Municipal Court convictions may be appealed in **Superior Court's** Law Division, Criminal Part
- The **Appellate Division of Superior Court** is the court of appeal for decisions handed down by the Superior Court Chancery or Law Divisions, or Tax Court
 - Cases are decided by panels of two or three judges, with no new evidence, witnesses, or juries
 - Attorneys present their arguments directly to the panel of judges
 - There are 36 Appellate Division judges in New Jersey
- The **Supreme Court** is the final arbiter of cases in New Jersey
 - Decisions from the Appellate Division may be considered by the Supreme Court
 - As with the Appellate Division, arguments are presented directly to the Court by attorneys without juries or new evidence
 - The Supreme Court comprises a Chief Justice and six Associate Justices

The Executive Branch

- The Executive comprises the **Governor**, Lieutenant Governor, and various State departments, agencies, boards, and commissions
 - New Jersey's **Constitution** grants the Governor strong powers
 - oversees State agencies and departments
 - signs bills into law, or exercises full or conditional veto thereof
 - line-item veto for appropriation bills is particularly important
 - calls the Legislature into special session
 - grants pardons
 - has sole authority over the National Guard
 - ***makes many key appointments***, with Senate consent
 - Attorney General
 - Secretary of State
 - State Treasurer
 - Supreme, Superior, and Tax Court Judges
 - County Prosecutors
 - County Boards of Election and Taxation
 - Other Boards and Commissions
 - e.g., Turnpike Authority
 - Sports Authority
 - State Departmental Secretaries and Commissioners
- Agriculture
 - Banking and Insurance
 - Children and Families
 - Community Affairs
 - Corrections
 - Education
 - Environmental Protection
 - Health and Senior Services
 - Human Services
 - Labor and Workforce Development
 - Veterans and Military Affairs
 - Transportation

Things to Consider

- The Governorship counts for much, because of the powers of appointment and line-item appropriations veto
 - can you imagine the orientation of the people that Corzine and McGreevey installed?
 - e.g., Lisa Jackson, now trying an end-run around Congress on carbon dioxide
- The tenure of State judges upon re-appointment is a real concern
 - essentially, we're stuck with these people for life
- The committee review process and multiple 'Readings' for each bill (three in each Legislative house) should provide ample opportunity for citizen organization and action against objectionable legislation
 - this requires a degree of organization and on-the-floor intelligence gathering
- Seriously--why do we need counties again?
- Are there too many bills? Should the Senate and Assembly do less?
- Next election is the beginning of the 2-4-4 cycle--*all* Senators and Assemblymen are up for office

Action Items

- Write to Governor Christie and assert your demand that he appoint judges who are conservative, who respect the United States and New Jersey Constitutions, and who refrain from legislating from the bench. Tell him you consider his urgent because of the lifetime tenure of judges, and that he must accordingly exercise extreme care in re-appointments that trigger this tenure
- Also, when writing to Governor Christie, urge him to use the same care with appointments to the many state offices and authorities. Here, appointees must be at a minimum fiscally conservatives.
- Write to your local Senator and Assembly members, tell them that you support Governor Christie's agenda for smaller, less intrusive, and more fiscally conservative state government. Urge them to work with Governor Christie, and tell them that you will be watching their votes, and will work against them in the next election if they fail you.

