

**SENATE CONCURRENT
RESOLUTION No. 12**

STATE OF NEW JERSEY

215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator GERALD CARDINALE

District 39 (Bergen and Passaic)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Senator A.R.Bucco

SYNOPSIS

Proposes a constitutional amendment abolishing tenure for Supreme Court justices and establishing retention elections as part of the reappointment process.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 A CONCURRENT RESOLUTION proposing an amendment to Article
2 VI, section VI, paragraph 3 and adding a new section to Article
3 VI of the Constitution of the State of New Jersey.
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5 BE IT RESOLVED by the Senate of the State of New Jersey (the
6 General Assembly concurring):
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8 1. The following proposed amendments to the Constitution of
9 the State of New Jersey are hereby agreed to:
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11 PROPOSED AMENDMENT
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13 a. Amend Article VI, Section VI, paragraph 3 to read as
14 follows:

15 3. a. The Justices of the Supreme Court shall hold their offices
16 for an initial term of 5 years and upon reappointment and approval
17 by the voters as provided in Article VI, Section IX hold office for
18 an additional term of 5 years beginning on the date of the justice's
19 reappointment. There shall be no limitation on the number of terms
20 which a justice may serve; provided, however, that a justice shall be
21 retired upon attaining the age of 70 years. Provisions for the
22 pensioning of the Justices of the Supreme Court shall be made by
23 statutory law.

24 b. The **Justices of the Supreme Court and the** Judges of the
25 Superior Court shall hold their offices for initial terms of 7 years
26 and upon reappointment shall hold their offices during good
27 behavior; provided however, that, upon the abolition of the juvenile
28 and domestic relations courts or family court and county district
29 courts as provided by law, the judges in office in those former
30 courts who have acquired tenure and the Judges of the Superior
31 Court who have acquired tenure as a judge in those former courts
32 prior to appointment to the Superior Court, shall have tenure as
33 Judges of the Superior Court. Judges of the juvenile and domestic
34 relations courts or family court and county district courts who have
35 not acquired tenure as a judge of those former courts shall hold their
36 offices for the period of their respective terms which remain
37 unexpired and shall acquire tenure upon reappointment to the
38 Superior Court. Such **justices and** judges shall be retired upon
39 attaining the age of 70 years. Provisions for the pensioning of the
40 **Justices of the Supreme Court and the** Judges of the Superior
41 Court shall be made by statutory law.

42 (cf: Article VI, Section VI, paragraph 3; effective December 8,
43 1983)

44 b. Amend Article VI of the Constitution by the addition of the
45 following section:

EXPLANATION – Matter enclosed in bold-faced brackets **thus** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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Section IX

1. a. Whenever a justice of the Supreme Court has been reappointed the question of whether the justice shall be retained in office shall be submitted by referendum to the people at the general election next following that reappointment.

The question of whether a justice should be retained in office shall be included on the ballot as follows:

"Shall . . . (insert name of justice) of the Supreme Court who has served on the Supreme Court since . . . (insert date of initial appointment) be retained in office? Yes No

b. If a majority of those voting on the question vote against retaining a justice in office, a vacancy shall exist as of the date the results of the election are certified by the Secretary of State.

c. If a majority of voters vote against retaining a justice in office, that justice shall not be eligible for any subsequent appointment to the Supreme Court or any other court.

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

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

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

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

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

b. In every municipality the following question:

SCR12 CARDINALE, OROHO

		ABOLISHMENT OF TENURE FOR SUPREME COURT JUSTICES AND ESTABLISHMENT OF RETENTION ELECTIONS FOR THE PURPOSE OF DETERMINING WHETHER JUSTICES OF THE SUPREME COURT SHOULD REMAIN IN OFFICE.
	YES	Shall the amendments to Article VI of the State Constitution, agreed to by the Legislature, abolishing tenure for Supreme Court Justices and establishing retention elections as the method for re-appointing Justices of the Supreme Court be approved?
		INTERPRETIVE STATEMENT
	NO	Presently, Supreme Court justices receive tenure, after serving an initial seven year term, upon reappointment by the Governor with the advice and consent of the Senate. This amendment would eliminate tenure for Supreme Court justices and provide that a justice would serve a five year term. After the initial five year term, if a justice is reappointed by the Governor with the advice and consent of the Senate, the question of whether that justice remains in office shall be submitted by referendum to the voters. If the voters decide to retain the justice in office, the justice would receive an additional term of five years. There would be no limitation on the number of terms a justice could serve but, as under present law, justices would be retired at 70 years of age.

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SCHEDULE

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This constitutional amendment shall, if approved, take effect on January 1 next following the general election at which it was approved and shall be applicable to Supreme Court justices whose initial term expires on or after that date.

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STATEMENT

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Presently, Supreme Court justices serve an initial seven-year term and receive tenure upon reappointment by the Governor with the advice and consent of the Senate. This concurrent resolution

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SCR12 CARDINALE, OROHO

1 proposes a constitutional amendment eliminating tenure for
2 Supreme Court justices and providing for retention elections as the
3 method for determining whether Supreme Court justices shall
4 remain in office.

5 Under the proposed amendment, a justice would serve a five year
6 term. After serving an initial five year term, if a justice is
7 reappointed by the Governor and confirmed by the Senate, the
8 question of whether that justice would be retained in office would
9 be submitted by referendum to the voters at the next general
10 election. If the reappointment is approved, the justice would serve
11 an additional five year term. There would be no limitation on the
12 number of terms which a justice could serve but as under present
13 law, a justice would be retired upon reaching 70 years of age.