

**ASSEMBLY CONCURRENT
RESOLUTION No. 12**

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Co-Sponsored by:

Assemblyman Wirths

SYNOPSIS

Proposes constitutional amendment removing gubernatorial appointment of certain municipal court judges.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **A CONCURRENT RESOLUTION** proposing to amend Article VI,
2 Section VI, paragraph 1 of the Constitution of the State of New
3 Jersey.

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

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

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11 PROPOSED AMENDMENT

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13 Amend Article VI, Section VI, paragraph 1 to read as follows:

14 1. The Governor shall nominate and appoint, with the advice
15 and consent of the Senate, the Chief Justice and associate justices of
16 the Supreme Court**[,] and** the Judges of the Superior Court**[,] and**
17 the judges of the inferior courts with jurisdiction extending to more
18 than one municipality**];** except that upon the abolition of the
19 juvenile and domestic relations courts or family court and county
20 district courts as provided by law, the judges of those former courts
21 shall become the Judges of the Superior Court without nomination
22 by the Governor or confirmation by the Senate. No nomination to
23 such an office shall be sent to the Senate for confirmation until after
24 7 days' public notice by the Governor.

25 Judges of the inferior courts with jurisdiction extending to more
26 than one municipality shall be appointed as may be provided by
27 law.

28 (cf: Art. VI, Sec. VI, para.1 amended effective Dec. 8, 1983)

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

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

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

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

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.

1 If you favor the proposition printed below make a cross (X), plus
2 (+), or check (✓) in the square opposite the word "Yes." If you are
3 opposed thereto make a cross (X), plus (+) or check (✓) in the
4 square opposite the word "No."
5 b. n every municipality the following question:
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	YES	<p>CONSTITUTIONAL AMENDMENT TO PROVIDE THAT CERTAIN MUNICIPAL COURT JUDGES BE APPOINTED AS SET BY STATUTE</p> <p>Do you approve amending the Constitution to allow the Legislature to provide by law a method of appointing municipal court judges in municipal courts that have jurisdiction over more than one municipality?</p> <p>This would replace the current appointment process required by the Constitution. That process requires the judges to be appointed by the Governor with the advice and consent of the Senate.</p>
	NO	<p>INTERPRETIVE STATEMENT</p> <p>Currently, the Constitution requires that judges appointed to courts that hear cases from more than one municipality be nominated by the Governor and approved by the Senate.</p> <p>This amendment would allow the Legislature to enact laws creating a new method of appointment. The Legislature could enact a law that continues the existing process or create a new process. The new process need not involve the Governor and the Senate.</p> <p>The change would apply to judges for certain courts known as joint municipal courts and central municipal courts. The change would not apply to judges of courts of single municipalities.</p> <p>A “yes” vote would amend the Constitution to allow the Legislature to create an appointment process for judges of joint and central municipal courts.</p> <p>A “no” vote would leave the Constitution unchanged. These judges would continue to be appointed by the Governor with the advice and consent of the Senate.</p>

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STATEMENT

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11 This concurrent resolution proposes an amendment to Article VI,
12 Section VI, paragraph 1 of the New Jersey Constitution which
13 would eliminate the Governor and the Senate from involvement in

1 the appointment of certain municipal court judges. The
 2 constitutional amendment would provide that judges of municipal
 3 courts with jurisdiction extending to more than one municipality
 4 would be appointed as provided in law rather than as provided in
 5 the Constitution, which requires these judges to be nominated by
 6 the Governor and appointed with the advice and consent of the
 7 Senate.

8 The statutes currently provide for three types of municipal
 9 courts: municipal courts of single municipalities, joint municipal
 10 courts, and central municipal courts. A municipal court of a single
 11 municipality is created by a single municipality and has jurisdiction
 12 over cases from that municipality. A judge of a municipal court of a
 13 single municipality is appointed at the municipal level. A joint
 14 municipal court is created by two or more municipalities and has
 15 jurisdiction over cases from these municipalities. A central
 16 municipal court is created by a county and has jurisdiction over
 17 cases from all municipalities in that county. The Constitution
 18 requires judges of joint municipal courts and central municipal
 19 courts to be nominated and appointed at the State level by the
 20 Governor with the advice and consent of the Senate.

21 This constitutional amendment would give the Legislature the
 22 option to enact a statute that takes the Governor and the Senate out
 23 of these appointments and allows these judges to be appointed by
 24 another method. For example, judges of a joint municipal court
 25 could be appointed solely by the municipalities that created the joint
 26 municipal court, and judges of a central municipal court could be
 27 appointed solely by the county that created the central municipal
 28 court. This constitutional amendment would not preclude the
 29 possibility that a statute would continue to provide for nomination
 30 by the Governor with the advice and consent of the Senate but it
 31 does permit a statute to set forth another method of selection and
 32 appointment.