

**ASSEMBLY CONCURRENT
RESOLUTION No. 154**

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman BRIAN E. RUMPF

District 9 (Atlantic, Burlington and Ocean)

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District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Proposes temporary constitutional amendment to provide for State constitutional convention to reduce government spending and to reform system of property taxation.

CURRENT VERSION OF TEXT

As introduced.



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

3
4 **BE IT RESOLVED** *by the General Assembly of the State of New*
5 *Jersey (the Senate concurring):*

6
7 1. The following proposed amendment to the Constitution of
8 the State of New Jersey is hereby agreed to:

9
10 **PROPOSED AMENDMENT**

11
12 Amend Article IV, Section VI by the addition of a new
13 paragraph 5 as follows:

14 5. (a) The people of this State find and declare that:

15 **WHEREAS,** All political power is inherent in the people and
16 government exists for the protection, security and benefit of the
17 people; and

18 **WHEREAS,** The people of this State have reserved to themselves, as
19 part of their intrinsic sovereignty, the right to alter or reform the
20 State Constitution when the public good may require it; and

21 **WHEREAS,** The current system of property taxation in this State is
22 unfair because it is not based on the ability to pay and is applied
23 in an inequitable and nonuniform manner; and

24 **WHEREAS,** There is a need to revise and amend the State
25 Constitution and the statutes to lessen the dependence of local
26 government on property taxes, reduce property taxes as a share
27 of overall public revenue, and find alternative means of funding
28 local government services; and

29 **WHEREAS,** There is a need to revise and amend the State
30 Constitution and the statutes to reduce government spending by
31 revising the spending priorities of the State and local
32 governments and providing other opportunities to reduce
33 spending by government; and

34 **WHEREAS,** The Legislature, when considering proposals for broad
35 restructuring of revenue sources, recognizes that there is great
36 political risk in making recommendations which the general
37 public might perceive as increasing taxes; and

38 **WHEREAS,** It is, therefore, essential that the citizens of New Jersey
39 are fully engaged in the effort to restructure taxes; and

40 **WHEREAS,** The most effective way to have maximum participation
41 is a public vote on whether or not to proceed with the process of
42 reducing government spending and reforming property taxes and,
43 if this question is approved, another vote by the public to ratify
44 the recommendations for tax and spending reform; and

45 **WHEREAS,** The convening of a constitutional convention for the
46 purpose of recommending amendments to the New Jersey
47 Constitution and changes to the statutes is the most appropriate
48 method for building a consensus for, and implementing, reform.

1 (b) A constitutional convention shall convene in New
2 Brunswick at Rutgers, the State University, or if a suitable facility
3 at Rutgers is unavailable at a location selected by the Governor, on
4 a date next following voter approval of this paragraph, to be
5 selected by the Attorney General, for the purpose of proposing
6 amendments to the New Jersey Constitution, and changes to the
7 statutes, which revise the system of property taxation and reduce
8 government spending in this State, following approval by the voters
9 of the holding of such a convention and the election of delegates
10 thereto in the manner provided herein.

11 (c) The convention shall recommend amendments to the New
12 Jersey Constitution and revisions to the statutes that reduce
13 government spending by revising the spending priorities of the State
14 and local governments, and providing other opportunities to reduce
15 spending by government, and which, while revenue neutral in their
16 overall impact, eliminate inequities in the current system of
17 property taxation, ensure greater uniformity in the application of
18 property taxes, reduce property taxes as a share of overall public
19 revenue, provide alternatives which lessen the dependence of local
20 government on property taxes, and provide alternative means of
21 reducing local government spending. As used in this paragraph,
22 "revenue neutral" means that the aggregate amount of all revenues
23 enacted under the powers of the State, as accurately as can be
24 estimated and measured, shall be the same after changes
25 recommended by the convention as they were before such changes.
26 The convention shall not consider or recommend any proposal
27 providing for a Statewide equalized school property tax. The
28 convention shall be limited to considering and making
29 recommendations in regard to the aforesaid matters and the
30 implementation thereof.

31 (d) The convention shall complete and agree upon its proposals
32 on a date in August selected by the Attorney General next following
33 its convening and provide for the submission thereof at the next
34 general election, for approval or rejection by the voters. The
35 convention shall have the authority to propose for voter approval at
36 the general election the amendment or repeal of existing statutes or
37 the enactment of new statutes which are within the scope of the
38 convention's mandate. Any such changes to the statutory law
39 approved by the voters may thereafter be amended or repealed by
40 the Legislature by law.

41 (e) Following approval by the voters of the holding a
42 constitutional convention, a special election shall be held on a date
43 selected by the Attorney General in March next thereafter for the
44 purpose of electing two delegates from each legislative district, for
45 a total of 80 elected delegates, to the convention. The special
46 election to elect delegates to the convention shall be held during the
47 same hours, at the same places, using the same records and facilities
48 as at the general election and shall be conducted by the same

1 officers and employees who generally conduct the general election.

2 (f) Each candidate for the office of delegate shall be a registered
3 voter in the legislative district from which the candidate seeks
4 election and shall have been a citizen and resident of the State for
5 not less than two years preceding the date of the special election.
6 Each candidate shall be nominated by a separate petition filed with
7 the Attorney General by a date selected by the Attorney General.
8 Each nominating petition shall be signed by at least 500 legally
9 qualified voters registered to vote within the legislative district from
10 which the delegate seeks election.

11 (g) A candidate for the office of delegate shall be subject to the
12 provisions of "The New Jersey Campaign Contributions and
13 Expenditures Reporting Act," P.L.1973, c.83 (C.19:44A-1 et seq.),
14 which apply to a candidate for the office of member of the
15 Legislature, except joint candidate committees shall not be
16 permitted, the limit on an individual contribution to a candidate
17 committee shall be \$500, the limit on a contribution by a county
18 committee of a political party to a candidate committee shall be
19 \$5,000 and the aggregate limit on contributions by all committees
20 of a political party shall be \$10,000. If the candidate for delegate
21 also maintains a continuing political committee or a candidate
22 committee, separate accounts shall be maintained in connection
23 with each campaign and neither of those two committees shall
24 contribute to the candidate's delegate committee. The Election Law
25 Enforcement Commission shall adopt rules to effectuate the
26 purposes of this subparagraph.

27 (h) Each nominating petition shall set forth the name, place of
28 residence and post-office address of the candidate nominated by
29 that petition, that the nomination is for the office of delegate to the
30 State constitutional convention to be convened in accordance with
31 the provisions of this act, that the signers of the petition are legally
32 qualified to vote for that candidate and pledge to support and to
33 vote in favor of that candidate for the office of delegate, and that
34 the signers have not signed more than one other nominating petition
35 for the office of delegate. Each voter signing a nominating petition
36 shall add thereto the voter's place of residence and post-office
37 address.

38 (i) Each nominating petition shall include the name of any
39 political party, as defined in R.S.19:1-1, with which the candidate
40 nominated by the petition was affiliated on the preceding November
41 2. The petition of a candidate who does not have such an affiliation
42 with a political party shall not indicate that the nominee is affiliated
43 with a political party. A petition shall not include any designation,
44 slogan or statement of affiliation other than as permitted by this
45 section. Each petition shall name three persons as a vacancy
46 committee. In the event a vacancy in the nomination occurs for any
47 reason, the committee shall have the power to file a certificate of
48 nomination with the Attorney General to fill the vacancy.

1 (j) Each nominating petition, at the time it is filed with the
2 Attorney General, shall be accompanied by a written acceptance of
3 the nomination signed by the nominee. In the acceptance, the
4 nominee shall certify that the nominee meets the residency and
5 citizenship requirements set forth herein, that the nominee consents
6 to stand as a candidate for election to the office of delegate to the
7 constitutional convention, and that, if elected, the nominee agrees to
8 take office and serve as a delegate from the legislative district from
9 which elected.

10 (k) Each nominating petition shall be signed by the circulator
11 thereof who shall certify that the petition was signed by the signers
12 thereof, that to the circulator's best knowledge and belief the signers
13 meet the qualifications required herein of signers, and that the
14 petition is prepared and filed in good faith for the sole purpose of
15 nominating the person named therein for the office of delegate to
16 the constitutional convention.

17 (l) A nominating petition filed with the Attorney General as
18 provided in this paragraph shall be a public record pursuant to
19 P.L.1963, c.73 (C.47:1A-1 et seq.). An objection to the validity of
20 a petition shall conform to the provisions of Title 19 of the Revised
21 Statutes regarding petitions directly nominating a candidate for
22 election to public office at the general election. A vacancy in a
23 nomination occurring for any reason shall be filled by the vacancy
24 committee named in the nominee's petition.

25 (m) The Attorney General, on or before the 48th day before the
26 special election for the election of delegates, shall deliver to each
27 county clerk a notice of the names of persons nominated as
28 delegates to be elected from each legislative district located in
29 whole or in part within that county and it shall be the duty of the
30 Attorney General and the county clerks to arrange for the election
31 of delegates to the constitutional convention in accordance with the
32 provisions of this act and of Title 19 of the Revised Statutes to the
33 extent that the provisions of Title 19 are not inconsistent with this
34 paragraph.

35 (n) Each county clerk shall include in all ballots prepared for the
36 primary election, including sample, military service, and civilian
37 absentee ballots, provisions for the election of delegates to the
38 constitutional convention.

39 (o) Each county clerk shall arrange for the placement of
40 nominees for the office of delegate in the following manner. The
41 county clerk shall list the nominees in random order on the ballot
42 for one election district in a legislative district, or part thereof,
43 within the county. In each succeeding election district, the county
44 clerk shall move the name at the top of the list in the preceding
45 district to the bottom of the list in the subsequent district and shall
46 continue in like manner in each succeeding election district so that
47 the order in which the names of nominees appear on the ballot
48 rotates by one name in each succeeding election district within the

1 legislative district, or part thereof, located within that county. A
2 nominee shall not be bracketed with any other nominee on the
3 ballot and no designation, slogan or affiliation shall be printed on
4 the ballot except that a nominee shall have printed next to the
5 nominee's name in parenthesis and in upper case the first letter of
6 the name of any political party, as defined in R.S.19:1-1, with
7 which the nominee was affiliated on the date that this paragraph is
8 approved by the voters. If the nominee does not have such a party
9 affiliation, no letter shall appear next to the candidate's name. The
10 ballot shall instruct the voter to "vote for two" nominees as
11 delegates to the constitutional convention.

12 (p) The votes cast for delegates in each legislative district shall
13 be counted, and the results thereof returned by the election officials,
14 and a canvas of such election made as provided by law in the case
15 of members of the General Assembly. The two nominees who
16 receive the greatest number of votes in each legislative district shall
17 be the delegate from that district to the constitutional convention.
18 The Attorney General shall determine and declare the persons
19 elected as delegates to the constitutional convention.

20 (q) The Governor shall open the convention and preside at its
21 first session and until permanent officers are selected. The
22 convention shall be the judge of the qualifications of its members
23 and their election or selection. The convention shall choose, by a
24 majority vote of its membership, a president and a secretary and all
25 other appropriate officers from among the delegates, prescribe their
26 functions, powers, and duties, and make rules and regulations for
27 the conduct of its business. Before entering upon office, each
28 delegate shall take and subscribe an oath or affirmation, before any
29 person qualified to administer an oath, that the delegate will
30 faithfully discharge the duties of delegate.

31 (r) If any delegate shall die, resign, remove from the State or
32 the legislative district from which elected or otherwise become
33 disqualified from serving, or if a vacancy occurs in the office of
34 delegate for any reason, the delegate's vacancy committee,
35 designated in the candidate's nominating petition, shall fill the
36 vacancy.

37 (s) When the convention by a majority vote of its members shall
38 have agreed upon a proposal of amendments to the State
39 Constitution reducing government spending and reforming the
40 system of property taxation, as well as any necessary revisions to
41 the statutes, and the manner of submitting the proposal to the
42 voters, an original and two true copies thereof shall be prepared,
43 signed by the president and the secretary of the convention and filed
44 with the Attorney General and the Chief Justice of the New Jersey
45 Supreme Court. The Chief Justice shall appoint a committee of
46 three retired members of the Judiciary, no more than two of whom
47 shall be of the same political party, to review the convention's
48 proposal and, within two days, determine whether the convention

1 has complied with its instructions as voted by the people and not
2 exceeded those instructions or its limited purpose in any way.
3 Upon determining that the convention has complied with its
4 instructions and not exceeded those instructions or its limited
5 purpose, the committee shall certify to the convention that it is in
6 compliance with its instructions. Upon receipt of the certification,
7 the convention shall form the question and interpretive statement to
8 be placed upon the ballot. The convention shall prepare an address
9 to the people consisting of a summary and an explanation of the
10 proposed constitutional amendments and statutory revisions. The
11 address shall be distributed together with the sample ballots for the
12 general election, and shall be in addition to any other summary or
13 statement which may be required by law. The convention may
14 make such directions to officials and others for the submission to
15 the people of the proposed amendments and revisions and for notice
16 and publication of the same and of the address, and for the
17 distribution of copies thereof to such persons, places and
18 institutions through the office of the Attorney General or other
19 persons and at such times and in such manner as it shall determine.
20 The convention may direct that its provisions for notice, publication
21 and distribution shall be in lieu of any other such provisions of law
22 relating to public questions.

23 (t) The question aforesaid shall be submitted to the people at
24 the next general election in such manner that the voters shall
25 approve or disapprove of all the amendments and statutory revisions
26 proposed by the convention and shall not be permitted to approve
27 some, but not all, of the conventions proposals. The ballots shall be
28 counted, and the results thereof determined, in accordance with the
29 provisions of Title 19 of the Revised Statutes for the submission to
30 the people of public questions to be voted upon by the voters of the
31 entire State, except as such provisions are inconsistent with this act
32 or the directions of the convention; and except as stated, all the
33 provisions of that Title are made applicable to the provisions hereof
34 and the acts to be performed hereunder.

35 (u) If a majority of all votes cast for and against the adoption of
36 the convention's proposal shall be in favor of its adoption, such
37 amendments and revisions shall become a part of the Constitution
38 and the statutes.

39 (v) The Attorney General shall certify the results of the election
40 to the Governor. If the proposal shall have been adopted in
41 accordance with the provisions of this act, the Governor shall
42 thereupon issue a proclamation which shall set forth the full text of
43 the proposal adopted.

44 (w) The proposal submitted to the people for approval or
45 rejection shall provide in what manner and at what time such
46 proposal shall take effect, if adopted at the general election.

47 (x) The convention shall have power to incur such expenses as
48 may be necessary in order to exercise the powers conferred and to

1 perform its duties. The convention may retain such professional
2 personnel and clerical and technical assistants as it may require and
3 may provide for the printing, advertising and publication of its
4 proceedings and of any proposals considered or adopted by the
5 convention.

6 Delegates to the convention shall serve without compensation
7 but shall be entitled to be reimbursed for their actual expenses
8 incurred in the performance of their duties.

9 All expenses shall be approved by the president and the secretary
10 of the convention and shall be submitted to the Treasurer of the
11 State upon vouchers or warrants.

12 (y) Upon the approval by the voters of this constitutional
13 amendment, the Legislative Services Commission shall undertake a
14 series of research tasks for the benefit of the convention in advance
15 of the convening of the convention which shall include, but not be
16 limited to:

17 (1) an update of the research data provided to the New Jersey
18 Tax Policy Committee of 1972, the State and Local Expenditure
19 And Revenue Policy Commission of 1985-88, and the Governor's
20 Property Tax Commission of 1997;

21 (2) an analysis of existing State revenues, including sales,
22 income, business and other taxes, as well as fees, assessments and
23 bond financing;

24 (3) an analysis of the proportion of income paid by taxpayers at
25 varying income levels for the gross income tax, sales and use tax,
26 and property tax;

27 (4) an analysis of the volatility of various revenue sources under
28 a range of economic conditions;

29 (5) a comparison of New Jersey's tax structure and revenue
30 streams with those of other states;

31 (6) an analysis of factors, including but not limited to
32 information technology, economic transformations, and
33 demographic shifts, which might differentially impact particular
34 revenue sources in the future;

35 (7) a review and analysis of the property tax assessment system
36 by area and by type of property;

37 (8) an analysis of the social, land use and other effects of the
38 State's heavy reliance on property taxes;

39 (9) an analysis of alternative revenue sources and structures,
40 including but not limited to tax base sharing, municipal surcharge
41 on income tax, personalty tax on intangibles, and increased rates of
42 present taxes, as well as a review of various alternative sources and
43 adjustment of existing sources;

44 (10) an evaluation of the appropriate allocation of responsibilities
45 between the State and units of local government in providing and
46 financing services, including but not limited to county prosecutors,
47 use of county correctional facilities to house State prisoners, county
48 colleges, and the coordination of land-use planning; and

1 (11) an analysis of methods of reducing government spending
2 by providing alternative means of funding public schools, revising
3 the laws governing the tenure of public employees, including but
4 not limited to teachers, judges and justices, and civil service
5 employees at all levels of government, revising the spending
6 priorities of the State and local governments, and providing other
7 opportunities to reduce spending by government.

8 (z) In addition, the Legislative Services Commission shall begin
9 the recruitment process of qualified employees who may be
10 employed by the convention.

11 (aa) All procedural requirements of this paragraph, all
12 provisions and requirements of Title 19 of the Revised Statutes
13 made applicable hereunder and all directions of the convention as to
14 the manner of the submission to the people of the proposal agreed
15 upon, shall be directory only, and failure to comply or faulty
16 compliance therewith shall not in any manner prevent the
17 submission thereof.

18 (bb) In order that any additional costs to be incurred in the
19 several counties in connection with the conduct of the primary
20 election for the general election or the general election shall be
21 provided from State funds, the Attorney General shall ascertain the
22 costs to be so incurred by the several counties for the purpose of
23 reimbursing the counties.

24 (cc) The State House Commission shall make necessary advance
25 arrangements for the holding of the constitutional convention and
26 may avail itself and provide for the use by the convention of such
27 services and facilities of any State department, officer or agency as
28 it deems appropriate and as may be available in connection
29 therewith and as the convention may require.
30

31 2. When this proposed amendment to the Constitution is finally
32 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
33 shall be submitted to the people at the next general election
34 occurring more than three months after the final agreement and
35 shall be published at least once in at least one newspaper of each
36 county designated by the President of the Senate, the Speaker of the
37 General Assembly and the Attorney General, not less than three
38 months prior to the general election.
39

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

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

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

47 If you favor the proposition printed below make a cross (X), plus
48 (+), or check (T) in the square opposite the word "Yes." If you are

1 opposed thereto make a cross (X), plus (+) or check (T) in the
2 square opposite the word "No."

3 b. In every municipality the following question:

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YES	<p>TEMPORARY CONSTITUTIONAL AMENDMENT PROVIDING FOR CONSTITUTIONAL CONVENTION TO REFORM PROPERTY TAXATION</p> <p>Do you approve a temporary change to the New Jersey Constitution to create a Constitutional Convention? The purpose of the convention would be to propose changes to the Constitution and statutes that would reform property taxes. Any changes would have to be approved by the voters.</p>
NO	<p>INTERPRETIVE STATEMENT</p> <p>This temporary constitutional amendment provides for a State Constitutional Convention. The convention would review government spending and the fairness of property taxation. The convention would propose changes to the State Constitution and existing laws. The convention would not be allowed to consider any other issues. The convention could not look at any proposal providing for a Statewide equalized school property tax.</p> <p>The convention's proposals could not change the total amount of revenue the State and local governments collect, but could reduce local governments' dependence on property taxes.</p> <p>The changes could provide for other ways of funding local government services. These other ways could include possible increases in taxes other than the property tax.</p> <p>The convention's proposals would be placed on the ballot at the next general election. This temporary constitutional amendment would expire after the convention finishes its work.</p>

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SCHEDULE

This constitutional amendment shall become part of the New

1 Jersey Constitution upon approval by the voters and shall expire 30
2 days following the general election at which the convention's
3 proposal appears on the ballot.

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STATEMENT

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8 This concurrent resolution proposes a temporary amendment to
9 the New Jersey Constitution which would provide for the convening
10 of a State constitutional convention for the purpose of reducing
11 government spending and reforming the system of property taxation
12 in this State.

13 Upon approval by the electorate of the holding of the convention,
14 two delegates to the convention would be elected from each
15 legislative district, for a total of 80 delegates, at a special election
16 held in March thereafter. The names of candidates for delegate on
17 the ballot would rotate in successive election districts in order to
18 mitigate any potential impact of ballot position on voter choice.
19 Candidates for the position of delegate to the convention would be
20 subject to special campaign contribution limits.

21 The convention would convene in April thereafter and complete
22 its work in August. It would be the duty of the convention to
23 prepare a proposal consisting of amendments to the New Jersey
24 Constitution and revisions to the statutes, which reduce government
25 spending by revising the spending priorities of the State and local
26 governments, and providing other opportunities to reduce spending
27 by government and which, while revenue neutral in their overall
28 impact, eliminate inequities in the current system of property
29 taxation, ensure greater uniformity in the application of property
30 taxes, reduce property taxes as a share of overall public revenue,
31 provide alternatives which lessen the dependence of local
32 government on property taxes, and provide alternative means of
33 reducing local government spending. Any revisions of the statutes
34 recommended by the convention and approved by the voters at the
35 following general election would thereafter be subject to
36 amendment or repeal by the Legislature and the Governor in the
37 same manner as other laws.

38 The convention's proposal would be submitted to the voters for
39 their approval at the next general election. The voters would
40 approve or disapprove of all the amendments and statutory revisions
41 proposed by the convention and would not be permitted to approve
42 some, but not all, of the convention's proposals. The convention
43 would be limited to considering the issues of reducing government
44 spending and tax reform. It would not be permitted to consider any
45 other issues. The concurrent resolution provides that the Chief
46 Justice would appoint a committee of three retired members of the
47 Judiciary to review the convention's proposal prior to its placement
48 on the ballot for the purpose of verifying that the convention has

1 complied with its instructions and not exceeded those instructions
2 in any way. It also directs the Legislative Services Commission to
3 undertake relevant research tasks for the benefit of the convention
4 prior to the convening of the convention and to recruit qualified
5 employees who may be employed by the convention.

6 The temporary constitutional amendment proposed by this
7 concurrent resolution would expire 30 days following the general
8 election at which the convention's proposal appears on the ballot.