THE GOVERNMENT OF NEW JERSEY

A Handbook Prepared for and by

AMERICAN LEGION
JERSEY BOYS STATE
“A Week That Shapes the Future”

www.aljbs.org    www.boysstate.com

Sponsored by
THE AMERICAN LEGION DEPARTMENT OF NEW JERSEY
Proudly established in 1946
FOREWORD

Congratulations on becoming a statesman at American Legion Jersey Boys State (ALJBS), a week that we know will shape your future. In participating fully in this program, you are commencing your preparation for civic leadership in New Jersey.

The contents of this Handbook, which sets forth the essentials of our form of government (Local, County, and State), will act as a guide as you embark on this adventure. Obviously, this work is of importance to you for there exists no higher vocation or calling than that of a leader of one's fellow citizens. Moreover, it is important to your country, because there is nothing more vital to America than to maintain a government “of the People, by the People and for the People.” Only if that is the case will our government reach the ideal envisioned by our founding fathers. Only if our citizens take an active and intelligent interest in their government, and rule themselves through their duly elected representatives will we have a true American form of government, a government recognized as a world leader for democracy and humanitarianism.

The attention that the average citizen pays to his government is definitely his responsibility. We have had a great tradition over the past two centuries. Let us make it even better in the future.

In view of the importance to yourself and to our state and nation of you becoming an active, intelligent leader, this Handbook is dedicated to you, the Boys Statesmen, and to the American Legion, which has made Boys State a reality throughout our land.

The Staff, Officers and Trustees of American Legion Jersey Boys State want to thank the members of our Staff who revised and edited this edition of the ALJBS Handbook: Bill Baig, Jim Bracchitta, Ty Clark, John Migaleddi, Steve Miller, Adam Polhemus, and Dominic Santillo.

David S. Bagatelle
Director, American Legion Jersey Boys State

Updated: June 2015
The first Director of ALJBS was Harold A. Eaton. Mr. Eaton (known as “Chief” to everyone ever connected with ALJBS) was born in Oswego, New York on June 1, 1899. He married Lillian McFadden in 1922. He and Lillian had two children (Harold, Jr. and Constance), five grandchildren, and three great grandchildren.

He attended New York State University and Rutgers University.

He taught in both Irvington and at Hastings-on-the-Hudson in New York, and was the Director of the Bonnie Brea School from 1927 to 1929. He taught at the Oranges and at Morristown High Schools from 1930 to 1952. While at Morristown, he coached basketball and served as Vice-Principal. He served as Dean of Admissions at Rutgers University in Camden from 1952 to 1963.

His scouting activities included serving as Scoutmaster of Troop No. 50 and Troop No. 20 -- which set world records in the Obstacle Course while he was its Scoutmaster. He served as President of the Morris-Sussex Boy Scout Council. He was a Commissioner for the Boy Scouts of America. He served on the National Executive Board of the Boy Scouts of America. He received the Silver Beaver and the Silver Antelope awards.

He was a member of the Exchange Club of Morristown and its President for two years. He was a member of the Lions Club in Riverton, New Jersey and in Dunedin, Florida. He was selected “Man of the Year” in 1959 by the Riverton Lions Club. He was a Director of Camp Kill Kare in the State of Vermont. He was honored by the State of Kentucky and given the title of “Kentucky Colonel.”

His American Legion activities included membership in Post 59 in Morristown, New Jersey wherein he was elected Post Commander in 1945. He was honored by Post 59 with a Life Membership. He was also honored as “Veteran of the Year” in 1980 by the Morristown Township Memorial and Veteran’s Day Association.

Chief Eaton was appointed the first Director of ALJBS in 1946 and served as the Director through 1984. During his Directorship, more than 25,000 young men of New Jersey attended ALJBS. Under his Directorship, ALJBS grew into one of the finest Boys State programs in the Nation.

Chief Eaton was also instrumental in founding Boys Nation (indeed, he is known as the “Dean” of American Legion Boys Nation), and served as its Director from 1946 through 1970.

Chief Eaton died on November 4, 1984.

This edition of the American Legion Jersey Boys State Handbook is dedicated to the memory of our dear “Chief” and to the members of the American Legion Department of New Jersey and the hundreds of dedicated men and women who have served on the ALJBS Staff since the inception of this outstanding program.

ALJBS DIRECTORS

Harold A. Eaton .................................................. 1946-1984
Stanley McGraw, Jr. ............................................... 1985-1986
Kenneth Groome .................................................. 1987-1988
W. Robert Bohn .................................................. 1989-1990
William T. Wilkins .............................................. 1991-2005
David S. Bagatelle .............................................. 2006-Present
AN INTRODUCTION TO AMERICAN LEGION BOYS STATE

The national program in the United States known as “BOYS STATE” is a program of citizenship training sponsored by the National Americanism Commission of The American Legion. Originated by the Department of Illinois in 1934, the plan was adopted by the national organization in 1935 and has since been put into operation in all of the states (except Hawaii) and the District of Columbia. By authority of a mandate of the 1944 Department of New Jersey Convention, the Jersey Boys State Corporation was organized in 1945. The first session of ALJBS convened at Douglass College in June 1946, with 244 delegates in attendance.

Boys State has been developed on the fundamental assumption that youth can best “learn to do by doing.” In the main, the mechanics in ALJBS are patterned after the established agencies of the city, county, and state government in New Jersey. Such deviations as have been made are due to the exigencies of the situation. For all practical purposes, ALJBS may be regarded as a mythical fifty-first state with a constitution, a body of law, and practices peculiar to it alone.

Boys State is a pure democracy. All of its citizens may vote and are eligible to hold office. Its government is operated “of, by, and for the people.” It aims at all times to make its program of training in functional citizenship effective through creating a wide range of opportunities for participation by its citizens in all phases of governmental procedure. The amount of good that may come to a citizen is limited only by the extent of his willingness to participate in the various citizenship activities that are made available to him. From the point of view of the young citizen, the success of the week's work will be determined very largely by the attitude of the boy himself toward the program.

If our form of government is to continue to best serve our people, it is necessary for our citizens to look to its origins, understand its operation, appreciate the opportunities it offers, and understand our individual and collective obligations to it.

Since its inception, we have witnessed the positive effect the program has had on the young men who have participated. In Boys State, good citizenship implies participation, loyalty, good sportsmanship, cooperation, dependability, responsiveness, and a keen interest in the week's activities.

The size and composition of the staff varies in accordance with the number of young men attending the annual session. We require a large part-time staff for administrative and instructional activities, as well as a full-time, on-campus staff of between 125 and 150 people to direct the activities of approximately 1,000 delegates.

Funds for operating the program of ALJBS are obtained by charging the sponsor of each boy a nominal fee for the week. This sum provides food, housing, books, and other materials. There is no expense to the boy after he arrives at ALJBS except what he might want to spend for personal things. A complete detailed annual report of all income and expenditures is made annually by the Board of Trustees to The American Legion, Department of New Jersey.

ALJBS educates our youth in the duties, privileges, rights, and responsibilities of American citizenship. It endeavors to provide a foundation for understanding self-government, a rational approach toward the solution of public questions, and a live faith in the ideals and processes of democracy. The program attempts to acquaint our students with fundamental American ideals, the underlying principles of government organization, and, by means of active participation, a hands-on understanding of all phases of representative government. A complete program of educational and recreational activity is provided. A newspaper is published daily. A concert is performed. A portion of each afternoon is given over to an organized program of intramural sports activities under supervision. Outstanding speakers and specialists contribute to rounding out the annual sessions.

The instructional program of ALJBS has three phases: lectures, functional activities, and general assemblies. Lectures are held in general subjects such as government, law enforcement, legislative and election procedures. The heart of the instructional program is functional activity of citizenship practice, such as the operation of the courts, legislative assemblies, administration of law enforcement, public welfare, etc. These activities take a considerable portion of the time allotted for instructional purposes and constitute the primary means through which citizens “learn by doing.”

From the first day and extending throughout the program, general assemblies of all citizens are held. The purpose of these assemblies is to hear lectures on subjects which are pertinent to the program. The timetable for all of these activities is found in the daily schedule.

ALJBS is in no sense a recreational camp. Only boys with outstanding qualifications in character and leadership are selected. Consequently, it is assumed that all boys who are accepted and report for the annual session will give their wholehearted cooperation to the program of instruction and functional citizenship made available to them. The civic and fraternal organizations as well as the Legion Posts which sponsor our boys do so with the expectation that those who accept citizenship will fully participate in the program. ALJBS would fail in its objectives if this were not the case.
ALJBS GOVERNMENTAL ORGANIZATION

SEAT OF GOVERNMENT. The State Capitol of American Legion Jersey Boys State shall be the land and buildings designated by the Trustees and staff.

COMPONENT UNITS. The ALJBS state is composed of “Counties;” each county has two “Cities;” and each city has three “Wards.” Each city has a population of approximately sixty citizens, and each county has a population of approximately one hundred twenty citizens.

In order to create a naturalness in organization, the cities and counties are given names. In ALJBS it has been the practice to name the counties after nationally prominent military leaders, and the cities after American presidents. For convenience of administration, both counties and cities are also given a number as follows:

<table>
<thead>
<tr>
<th>COUNTY NAME &amp; NUMBER</th>
<th>CITY NAME &amp; NUMBER</th>
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<tbody>
<tr>
<td>Halsey 100</td>
<td>Washington 1</td>
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<tr>
<td>Marshall 200</td>
<td>Adams 2</td>
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<tr>
<td>Nimitz 300</td>
<td>Jefferson 3</td>
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<tr>
<td>MacArthur 400</td>
<td>Madison 4</td>
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<tr>
<td>Ridgeway 500</td>
<td>Monroe 5</td>
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<tr>
<td>Vandenberg 600</td>
<td>Jackson 6</td>
</tr>
<tr>
<td>Eisenhower 700</td>
<td>Van Buren 7</td>
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<tr>
<td>Bradley 800</td>
<td>Harrison 8</td>
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<tr>
<td>Schwarzkopf 900</td>
<td>Tyler 9</td>
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<td></td>
<td>Polk 10</td>
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<td></td>
<td>Taylor 11</td>
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<td>Fillmore 12</td>
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<td>Pierce 13</td>
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<td></td>
<td>Buchanan 14</td>
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<td></td>
<td>Lincoln 15</td>
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<td></td>
<td>Johnson 16</td>
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<td></td>
<td>Grant 17</td>
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<td></td>
<td>Hayes 18</td>
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</tbody>
</table>

RUNNING FOR A POLITICAL OFFICE AT ALJBS

Every delegate should consider running for an office. City and county offices are very important. In addition, they give exposure and organization necessary to go on to higher offices. If you are defeated, many appointive offices are available. No statesman may hold two elective offices. If elected to a city office, you must resign as soon as you are elected to a county or a state office. Vacancies thus created are filled by special election.

Party organization in the cities and the selection of a type of city government take place on the first day (Sunday). The exact time is in your schedule.

On your arrival at ALJBS you were arbitrarily assigned to either the National or Federal Party. These parties are usually organized well before the primary election. Although provisions are made in the State of New Jersey for a write-in ballot and for more than two political parties, they cannot be accommodated at ALJBS, as time will not allow for it.

Party platforms are important. Press coverage will take your platform to the leaders of New Jersey, so let's give them cause to be proud of our youth. Party platforms, along with party discipline, sincerity, hard work, and personal appeal are the “win” ingredients of a campaign.
PETITIONS FOR OFFICERS

All candidates for elected governmental offices must get a petition from the Election Board Official (EBO) for city offices and Party Chairman for county and legislative offices. All candidates must collect a minimum number of signatures from his party, and turn it in to his Party Chairman before the various nominating conventions. The Gubernatorial petitions must be picked up from and turned into the Political Desk and not the Party Chairman.

City Offices ................................................................. 4 signatures
County Offices ............................................................ 8 signatures
Legislative Offices ........................................................ 10 signatures
Governor ................................................................. 45 signatures
Boys Nation Senator ..................................................... 55 signatures

CAMPAIGN MATERIALS

The Political Desk or City Counselors will “sell” campaign material to Party Chairmen. The use of any campaign material except that purchased from the Political Desk or City Counselors, with Boys State Bucks, is prohibited. The costs for all campaign materials will be determined on a per capita basis, annually, as Boys State is officially in session.

Rules regarding pricing of campaign materials, the amount(s) permitted per election (municipal, county, state, etc.), and the requirements for filing petitions for all Boys State offices will be determined by the Political Desk and printed yearly in the Boys State schedule.

Use this material wisely. Candidates and their workers and organization must clean up after each election.

Campaign material should reflect the serious effort and interest of your experience in government during the week and definitely should not be something that you would be ashamed of or brings discredit to youth and American Legion Jersey Boys State. Be a good, clean campaigner in our “Ideal State.”

ELECTION FINANCIAL DISCLOSURE REPORTS

All candidates must file financing reports which will document all campaign contributions (from whom, how much, the amount spent, and on what) for each campaign, one hour before the election, to his city party Election Board Official. Failure to file this report, even if there were no contributions, may disqualify the candidate from the election. All decisions are to be made by the Political Desk.
INTRODUCTION TO NEW JERSEY GOVERNMENT

In New Jersey citizens govern themselves through an assortment of political subdivisions below the level of state government. They include counties, municipalities, school districts, and various kinds of special units providing particular services such as Sewer Authorities, etc. Each unit includes the population and land specified as its boundaries.

State legislation is the source of all local governmental authority. Local units have no inherent or constitutionally guaranteed powers within the framework of the New Jersey Constitution. The Legislature may grant, mandate to, or withdraw from local governments such powers as it deems appropriate. By contrast, in so-called “constitutional home rule” states where local governments derive powers directly from their State Constitutions, local governments need not look to the State Legislature for authorization to exercise these powers. Examples of limitations on New Jersey’s home rule can be found in the legislative control over local powers of taxation and limits on changes in local governmental structure. Municipalities and counties may impose taxes only by methods provided in state statutes, and they may change their form of government only by statutory procedures, which include petitioning the State Legislature.

Despite this, there is more home rule in New Jersey than in most states. While on paper it looks as though local governments have no powers, in fact the Legislature has turned over enormous powers to them because of the strong home rule tradition. These powers are bolstered by the declaration in the State Constitution that statutes conferring powers to municipalities and counties should be liberally construed in their favor. It has, therefore, been politically difficult for the State Legislature to recapture these powers.

General state statutes affecting local governments are classified as either mandatory or permissive. Among the laws that the local units must implement are the state’s local finance laws. With necessary distinctions between municipalities and counties, budgeting, spending, and bonding must be handled similarly by all these units. Permissive legislation (enabling acts) gives ideal units the power to carry out designated functions within a framework created by the state. Municipalities and counties have been given the power to create planning (and many other) boards or to adopt civil service, if they wish, but in each case the method of operation is set forth in state law.

Since the adoption of a constitutional amendment in 1875, special or local legislation affecting only one local governmental unit is prohibited. This prohibition arose in response to blatant legislative interference in municipal affairs. But the Legislature circumvented this ban by adopting the technique of classifying local units and passing legislation applying only to certain classes, or even to population groups within a class. In an effort to provide for the legitimate need for special legislation, the 1947 constitution permits special or local laws affecting only one municipality or county to be passed, but only if the local unit petitions the Legislature for such a law, the Legislature approves it by a two-thirds vote of each house, and it is subsequently adopted by local ordinance or referendum. However, the Legislature often bypasses these requirements by passing laws with a caveat such as “all municipalities having a population not less than ‘X’ nor more than ‘Y’ bordering on the Atlantic Ocean,” etc.

The state exercises supervision over counties and municipalities both as governmental entities and as operational agencies. Chief among the areas supervised are those involving state aid, those affecting non-residents, and those in which state functions are carried out at local levels. Where state aid is provided, as in the case of welfare, education, and roads, state standards must be met by local governments wishing to qualify for this aid. Where non-resident interests are involved, as in the area of traffic control, state approval of both traffic light installations and local regulations is required. A state function that is performed at the local level, such as the administration of justice, is also governed by procedures set out in great detail in state law and Supreme Court rules.

In 1966, New Jersey created the Department of Community Affairs by consolidating a number of separate agencies concerned with local government. Thus, local governments could turn to a single source for a variety of services, including aid in applying for federal grants, technical advice, and specialized training programs. Under a reorganization of the department in 1971, the department’s services to local governments were further centralized by the creation of the Division of Local Government Services. The new division was assigned the functions pertaining to local financial aid, local management and personnel training, local land-use planning, and local financial regulation and technical assistance.

The division serves as a grantsman to put local communities in touch with the federal agencies that fund programs. It offers localities assistance in preparing grant applications and assists in obtaining state grants to supplement the local share of certain federally aided programs.
MUNICIPAL GOVERNMENT

There are five types of municipalities in New Jersey: cities, towns, townships, boroughs, and villages. These have developed in order to insure orderly local government under an entity that would have a continuing existence, independent of changes in population or political association.

In the first two centuries of New Jersey's history, the Legislature, upon community request, granted charters of incorporation which specified the form of government to be created. These charters were virtually nullified when all municipalities were brought under governmental forms (village, town, borough, township, and city) established by general law enacted between 1890 and 1900.

All the land in the state is incorporated within its municipalities, contrary to almost every other state. The municipalities are organized under the authority of the state to provide for the health, safety, and welfare of their inhabitants. As a municipal corporation, the municipality has the power to sue and be sued, to acquire and dispose of property, to make contracts, to tax, and to enact ordinances. All of these corporate privileges come from the state.

The classification of municipalities developed in New Jersey to allow the Legislature to limit the application of general laws to a particular group of municipalities, in the same way it has limited the law to specific classes of counties. The Home Rule Act of 1917 included city, town, township, borough, and village within the meaning of the term "municipality." These classifications are no longer related in any way to the size, population, character, or even the governmental structure of the municipalities. Further confusion is created as these same terms also apply to specific forms of governmental structures under which the municipalities of New Jersey operate is truly bewildering. The majority of local governmental units are still organized along lines established in the 1890s. A municipality's classification may be changed by referendum. In addition, there are four subclasses of cities: three are based on population, and the fourth is comprised of seaside resort cities on the Atlantic Ocean.

<table>
<thead>
<tr>
<th>CLASS</th>
<th>POPULATION REQUIREMENTS</th>
<th>GEOGRAPHIC LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>More than 150,000 inhabitants</td>
<td>Excluding resort cities bordering on the Atlantic Ocean</td>
</tr>
<tr>
<td>Second</td>
<td>12,000 to 149,999 inhabitants</td>
<td>Excluding resort cities bordering on the Atlantic Ocean</td>
</tr>
<tr>
<td>Third</td>
<td>Fewer than 12,000 inhabitants</td>
<td>Excluding resort cities bordering on the Atlantic Ocean</td>
</tr>
<tr>
<td>Fourth</td>
<td>None</td>
<td>Resort cities bordering on the Atlantic Ocean</td>
</tr>
</tbody>
</table>

* 1 U.S. Census Bureau, 2012 Census of Governments

There are two major functions of local government: legislative (policy-making) and executive (administration). The elected governing body – whether it is called the committee, council, commission, board of aldermen, or board of trustees – is usually responsible for the legislative function: the passing of ordinances and resolutions under which the community is governed. The major distinction among forms of municipal government is in the handling of the executive functions. Since no clear philosophy of local government guided early development, there was little attempt at separation of legislative and executive powers such as have been built in the federal and state governments. Lines of responsibility which were never clear to begin with became increasingly fuzzy as new offices and bodies with special powers and functions were added to municipal machinery.

FORMS OF MUNICIPAL GOVERNMENT IN NEW JERSEY

Regardless of the type of municipality, all of New Jersey's 566 municipalities can be classified as having one of twelve possible forms of municipal government:

1) Borough  4) Town  7) Municipal Manager Act of 1923  10) OMCL Small Municipality Plan
2) Township  5) Village  8) OMCL Mayor–Council Plan  11) OMCL Mayor–Council–Administrator Plan
3) City  6) Commission  9) OMCL Council–Manager Plan  12) Special Charters

In the older committee forms, known as the township and the village plans, the elected body is also responsible for carrying out its own policies. Other older forms—town, borough, and city plans—fall into the category called “weak mayor” governments. In these forms, while the voters directly elect a mayor, the position does not encompass all the powers of a
strong executive. Such a mayor does not have the power to prepare a budget, and many administrative functions must be shared with the elected legislative body.

The first attempt to allow a kind of local structure that would pinpoint administrative responsibility was the “commission” form of government specified in the Walsh Act of 1911. This form places responsibility for particular departments with individually–elected commissioners (Department of Public Affairs, Department of Public Safety, Department of Public Works, Department of Parks and Public Property, and Department of Revenue and Finance). However, problems arise because of the lack of a strong executive to coordinate the administration of the municipality.

In 1923 the Legislature made available the “municipal manager” form of government. For the first time, a structure was devised that establishes a clear division of legislative and administrative functions. The council operates in a policy–making capacity and hires a manager who has the responsibility for executing their policies. He holds office at the pleasure of the council during the first three years of his employment, after which time he may be removed only for cause.

OPTIONAL MUNICIPAL CHARTER LAW (OMCL). In 1948, the Legislature established a commission to study municipal forms of government and recommend their modernization. The commission submitted, as proposed legislation, the Optional Municipal Charter Law (OMCL), which was adopted by the Legislature in 1950. This law was called the “Faulkner Act” after the commission chairman. The Faulkner Act offers four basic plans (mayor–council, council–manager, small municipality, and mayor–council–administrator) and two procedures by which the voters of a municipality can adopt one of these plans:

Adoption of a Faulkner Act form can come from a charter study referendum, initiated by petition of the voters or by an ordinance of the governing body. In either case the voters decide whether there is to be a study and at the same time elect the five members of a charter study commission to serve if the proposed study is approved. The commission operates according to the provisions set down in the act, and is responsible to the voters. The commission may or may not recommend a change. If a change is recommended, it must be reported in full and must be placed on the ballot at an election set by the commission. The authority of the commission ceases only when the last necessary action, such as a vote by the people, has been completed. The Faulkner Act also provides an alternate method for achieving a charter change: a direct voter petition for the adoption of a particular Faulkner Act form of government. In such a case, a referendum is held without a charter commission study.

The Faulkner Act provided four additional choices for communities with a preference for a strong executive and professional management of municipal affairs, with a strong division between administrative and legislative functions.

The Mayor–Council form is a newer, “strong mayor” format of government. The Mayor–Council form provides for the election of a mayor who is the chief administrative officer of the municipality. The mayor makes the budget, has veto power over the acts of the council (although subject to a two-thirds override), and appoints the heads of his own administrative departments – including a business administrator – subject to approval by the council. The mayor attends meetings of the council, but he has no vote (except to break a tie when filling a council vacancy). The mayor is responsible for carrying out all council decisions as well as the conduct of all other functions of the municipality.

In the Mayor–Council form, the council is strictly a policy making body: it adopts ordinances, makes all appropriations, decides all policies, and holds investigative power over the administration. The council establishes and determines functions of all departments.

This provides for better administration, a system of checks and balances between the legislative and executive, and centralized budgeting. One possible disadvantage is the fact that the mayor, through his right to name officials below the rank of department heads without approval of the Council, may use this right to build a personal political machine.

In the Council–Manager form, the council hires a trained manager who serves at the pleasure of the council, executes its policies, and administers the municipality. Among his responsibilities are the appointment and removal of the department heads and preparation of the annual budget. This is very similar to the Municipal Manager form, although the Council–Manager form does not provide tenure for the manager, who may be removed through a vote of the council.

In the Small Municipality plan, tailored specifically to update borough and township forms in communities of fewer than 12,000 inhabitants, the mayor—either directly elected by the people or chosen by and from the council—serves as executive head of the municipality, but without veto power. He also shares some executive authority with the council in the area of fiscal matters.

In the Mayor–Council–Administrator form (added to the OMCL in 1982), the municipal council consists of a mayor and six members of council who are elected at large. The mayor serves a four year term and the members of council three year terms on a staggered basis. The council is the legislative branch of the municipality. While the council has no appointive authority and no appointive responsibility, it does prepare the budget with the assistance of the treasurer and administrator. Although
the Council does not appoint the administrator, the administrator may be removed from office at the pleasure of the council. As the executive authority, the mayor presides over the council but possesses no vote. He or she can veto ordinances but the council may override a veto by a two-thirds majority. The mayor is authorized to make a number of key appointments, including the administrator, assessor, collector, attorney, clerk and treasurer. The administrator is directed to administer the business affairs of the municipality.

The constitution also permits a municipality to petition the Legislature for a special charter delineating the desired governmental form.

All municipalities operating under the Walsh Act or the Faulkner Act have the powers of initiative, referendum and recall. Initiative is the power of the voters of a municipality to petition for a referendum to adopt an ordinance of their own design. Referendum is the power of the voters of the municipality to require, by petition, a binding referendum on any ordinance introduced or passed by the governing body. Recall permits the voters to remove and replace one or more members of the elected governing body before the completing of their terms of office. The Walsh and Faulkner Acts permit recall after one year of service; the municipal manager (1923) form, which also permits recall, permits it after two years.

Local laws are enacted by ordinance. An ordinance is introduced at a meeting of the governing body, is then published in a newspaper circulating in the municipality, with the publication calling for a public hearing. After the public hearing, the ordinance receives final reading and is again voted upon; if it is passed, it is again published and generally takes effect at the final publication.

All municipalities require officials and staffs to perform the several and varied functions of local government. Depending on size and other factors, there are:

- The Clerk, who acts as the secretary of the governing body, keeping minutes and records of all its activities, seeing that all notices are published when and as required by law, keeping records of all voting registry lists, etc.
- The Assessor, who evaluates all property for tax purposes.
- The Tax Collector, whose duty is apparent from his title.
- Chief Financial Officer (Treasurer) who is custodian of the municipal monies.
- The Department of Public Welfare (headed by a Director) which administers relief and charitable aid.
- The Building Department (headed by the Construction Code Official) has charge of the issuance of permits for the erection and alteration of buildings so that the same comply with the requirements of the municipal ordinances.
- Departments of Health, Police, Fire, Law and the Municipal Court Judge.
- The Library Board, Recreation Commission, as well as special units which provide or contract for services such as utilities, etc.
- The Public Schools are under the control of a Board of Education, which is either elected by the voters or appointed by the Mayor.

However, at the municipal level, unlike the county level, the duties and powers otherwise exercised by some autonomous boards or officers may instead be assumed or controlled by the municipal governing body. This occurs when the municipality is operating under a form of municipal government intended to be a “complete” government, as in the Faulkner Act forms. In other words, the municipal governing body in this event does not have to share its policy-making and administrative authority with independent agencies and officers. Nonetheless, some boards, such as the planning board and the zoning board of adjustment, exist regardless of the form of government.

Each municipality must bear its share of the costs of the county in which it is located as determined by the County Tax Board. The costs of municipal government, of schools and of a share of county costs together make up the local tax which is apportioned more or less fairly among local property owners on the basis of their property values as determined by the local assessor.

The local tax rate is arrived at by dividing the amount to be raised from property taxes (tax levy) by the total value of taxable property in the municipality (taxable assessed valuation).

\[
\text{Tax Rate} = \frac{\text{Tax Levy}}{\text{Taxable Assessed Valuation}}
\]
Municipalities may provide a large number of services, and the variety and quality of the services actually performed varies widely among them. Municipalities may provide services directly or by contract. In some case they may create special units to provide them. Some of these special units are described below.

A special district, as the term is used in New Jersey, is an independent government created to provide definite functions and having the power to tax, impose service charges, and incur debt. The taxes it levies are only upon the properties within the geographic section it serves, and its financial obligations are not the responsibility of the rest of the municipality, although it may be aided by municipal funds. A special district may be established in a township or borough, depending on the particular service, and is governed by an elected board of commissioners. Fire protection or garbage collection is the service usually provided.

A municipally-operated public utility is not considered a special district, for although its operations are separate from the municipality's it is not an independent government. The municipal treasury makes up any deficit in, or may use any surplus from, the utility’s operations. Most of these utilities offer water, or water and sewage treatment services. A regional authority may be established by two or more municipalities to provide sewage services.

An authority is a public corporation with the power to levy and collect service charges, issue revenue bonds, and operate independently, but it does not have the power to levy taxes. It is created to perform a specific function – typically sewage treatment, housing, utilities, transportation, parking, or port development – within an area. An authority's governors are appointed by the government creating it.
COUNTY GOVERNMENT

Counties have existed in New Jersey since the late 1600s when boundaries were set delineating jurisdictional court regions. For a time, these courts were the only recognized county institutions, so in addition to their judicial functions, they assumed legislative tasks, which they carried out through a grand jury. Later, two freeholders elected from each municipality replaced the grand jury and assumed the legislative process. These chosen freeholders met with the judges of the county court and together they constituted the county legislative authority.

During the early eighteenth century, the judges became increasingly occupied with court matters and ceased attending meetings. In 1798, the State Legislature established the Boards of Chosen Freeholders as the legislative and administrative heads of county government. The members were elected from municipalities. As the number of municipalities grew, the number of freeholders on the boards grew proportionately. It was not until 1902 that the Legislature allowed counties to alter by referendum the composition of the boards by providing for the election of from three to nine freeholders from the county at-large. In response to the United States Supreme Court’s "one-man, one-vote" decision, a 1966 state law required the four counties still using the older "large board" form to have instead freeholders elected from the county at-large.

From the original six counties of New Jersey, the Legislature has, over the years, created the 21 which exist today (see map below). The Legislature has also established a system classifying counties as demonstrated by the table on the following page.
TABLE 2: CLASSES OF NEW JERSEY COUNTY GOVERNMENT

<table>
<thead>
<tr>
<th>CLASS</th>
<th>POPULATION REQUIREMENTS</th>
<th>GEOGRAPHIC LOCATION</th>
<th>CURRENT COUNTIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>More than 550,000 and population density of more than 3,000 per square mile</td>
<td>Not bordering on the Atlantic Ocean</td>
<td>Bergen, Essex, Hudson</td>
</tr>
<tr>
<td>Second</td>
<td>All other counties with at least 200,000 inhabitants</td>
<td>Not bordering on the Atlantic Ocean</td>
<td>Middlesex, Union, Camden, Passaic, Morris, Burlington, Mercer, Somerset</td>
</tr>
<tr>
<td>Third</td>
<td>50,000 to 199,999 inhabitants</td>
<td>Not bordering on the Atlantic Ocean</td>
<td>Gloucester, Cumberland, Sussex, Hunterdon, Warren, Salem</td>
</tr>
<tr>
<td>Fourth</td>
<td>Less than 50,000 inhabitants</td>
<td>Not bordering on the Atlantic Ocean</td>
<td>None</td>
</tr>
<tr>
<td>Fifth</td>
<td>More than 125,000 inhabitants</td>
<td>Bordering on the Atlantic Ocean</td>
<td>Monmouth, Ocean, Atlantic</td>
</tr>
<tr>
<td>Sixth</td>
<td>Less than 125,000 inhabitants</td>
<td>Bordering on the Atlantic Ocean</td>
<td>Cape May</td>
</tr>
</tbody>
</table>

¹ U.S. Census Bureau, 2012 Census of Governments
CREATION OF COUNTIES IN NEW JERSEY

Atlantic (1837): Taken from Gloucester.
Bergen (1683): One of the original four counties of East Jersey. Portion of Hudson re-annexed 1852.
Burlington (1681): Parts of Atlantic and Camden taken in 1902.
Camden (1844): Taken from Gloucester.
Cape May (1692): Parts of Cumberland taken 1878, 1880, 1891.
Cumberland (1748): Taken from Salem.
Essex (1683): One of the original four counties of East Jersey.
Gloucester (1686): Part of Camden re-annexed 1871.
Hudson (1840): Taken from Bergen.
Hunterdon (1714): Taken from Burlington.
Mercer (1838): Taken from Hunterdon, Middlesex, Burlington and Somerset. Another part of Hunterdon taken 1839.
Middlesex (1683): One of original four counties of East Jersey.
Monmouth (1683): One of original four counties of East Jersey.
Morris (1739): Taken from Hunterdon.
Ocean (1850): From Monmouth. Part of Burlington taken 1891.
Passaic (1837): Taken from Bergen and Essex.
Salem (1694): Established as part of West Jersey.
Somerset (1688): Taken from Middlesex. Part of Essex taken 1741. Part of Middlesex annexed 1858.
Sussex (1753): Taken from Morris.
Union (1857): Taken from Essex.
Warren (1824): Taken from Sussex.

TABLE 3: AREA OF COUNTIES

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>LAND AREA (SQ. MI)</th>
<th>WATER AREA (SQ. MI)</th>
<th>TOTAL AREA (SQ. MI)</th>
<th>NUMBER OF MUNICIPALITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atlantic</td>
<td>555.70</td>
<td>116.12</td>
<td>671.83</td>
<td>23</td>
</tr>
<tr>
<td>Bergen</td>
<td>233.01</td>
<td>13.56</td>
<td>246.67</td>
<td>70</td>
</tr>
<tr>
<td>Burlington</td>
<td>798.58</td>
<td>21.26</td>
<td>819.84</td>
<td>40</td>
</tr>
<tr>
<td>Camden</td>
<td>221.26</td>
<td>6.03</td>
<td>227.29</td>
<td>37</td>
</tr>
<tr>
<td>Cape May</td>
<td>251.42</td>
<td>368.99</td>
<td>620.42</td>
<td>16</td>
</tr>
<tr>
<td>Cumberland</td>
<td>483.70</td>
<td>193.92</td>
<td>677.62</td>
<td>14</td>
</tr>
<tr>
<td>Essex</td>
<td>126.21</td>
<td>3.42</td>
<td>129.63</td>
<td>22</td>
</tr>
<tr>
<td>Gloucester</td>
<td>322.01</td>
<td>15.17</td>
<td>337.18</td>
<td>24</td>
</tr>
<tr>
<td>Hudson</td>
<td>46.19</td>
<td>16.12</td>
<td>62.31</td>
<td>12</td>
</tr>
<tr>
<td>Hunterdon</td>
<td>427.82</td>
<td>9.62</td>
<td>437.44</td>
<td>26</td>
</tr>
<tr>
<td>Mercer</td>
<td>224.56</td>
<td>4.33</td>
<td>228.89</td>
<td>13</td>
</tr>
<tr>
<td>Middlesex</td>
<td>308.91</td>
<td>13.91</td>
<td>322.83</td>
<td>25</td>
</tr>
<tr>
<td>Monmouth</td>
<td>468.79</td>
<td>196.53</td>
<td>665.32</td>
<td>53</td>
</tr>
<tr>
<td>Morris</td>
<td>460.18</td>
<td>21.45</td>
<td>481.62</td>
<td>39</td>
</tr>
<tr>
<td>Ocean</td>
<td>628.78</td>
<td>286.62</td>
<td>915.40</td>
<td>33</td>
</tr>
<tr>
<td>Passaic</td>
<td>184.59</td>
<td>12.51</td>
<td>197.11</td>
<td>16</td>
</tr>
<tr>
<td>Salem</td>
<td>331.90</td>
<td>40.43</td>
<td>372.33</td>
<td>15</td>
</tr>
<tr>
<td>Somerset</td>
<td>301.81</td>
<td>3.04</td>
<td>304.85</td>
<td>21</td>
</tr>
<tr>
<td>Sussex</td>
<td>519.01</td>
<td>16.73</td>
<td>535.74</td>
<td>24</td>
</tr>
<tr>
<td>Union</td>
<td>102.85</td>
<td>2.55</td>
<td>105.40</td>
<td>21</td>
</tr>
<tr>
<td>Warren</td>
<td>356.92</td>
<td>5.94</td>
<td>362.86</td>
<td>22</td>
</tr>
<tr>
<td>STATE TOTAL</td>
<td>7,354.22</td>
<td>1,368.36</td>
<td>8,722.58</td>
<td>566</td>
</tr>
</tbody>
</table>

While the operations of county government have greatly increased since colonial times, the principles on which such government rests remain substantially unchanged. The New Jersey County is still primarily an agent of the State, performing state functions within its territory that the State has specifically delegated to it. Defined mandatory areas of county responsibility are the courts and law enforcement, welfare, education, roads, and the conduct of elections. Grafted on this basic role are limited powers to provide services and functions as explicitly authorized by state law. Permissive areas include parks, libraries, planning, county colleges, health, etc. The county has no jurisdiction over municipalities within its borders.

Although the State Constitution stipulates the powers of the county shall be liberally interpreted, those powers are not at all comparable to the broad home-rule powers granted by the Legislature to the municipalities. No law authorizes counties to provide for the safety, health, and welfare of county inhabitants, as the Home Rule Act of 1917 authorizes municipalities. Thus,
“the county is not a general government in any sense,” explains the County and Municipal Government Study Commission, The Musto Commission, in its analysis of this level of government. “From a purely legal view, it does not even have power to tax its residents, much less to legislate on their behalf, to provide vital services on its own initiative, to reorganize its structure, and do all the other things which municipal governments can do for themselves and their inhabitants.”

The State Constitution does not provide for counties in New Jersey. Counties are created by the Legislature and exist at their pleasure. Article 2 of the Optional County Charter Law provides for incorporation and defines the powers of the county. Counties, according to Article 2, generally have the following powers:

a) Organize and regulate its internal affairs; create, alter and abolish officers, positions and employments and define the functions, powers and duties thereof; establish qualifications for persons holding offices, positions and employments; and provide for the manner of their appointment and removal and for their term, tenure and compensation
b) Adopt, amend, enforce and repeal ordinances and resolutions
c) Construct, acquire, operate or maintain public improvements, projects or enterprises for any public purpose, subject to such referendum as may otherwise be imposed by law
d) Exercise powers of county government in such manner as its Board of Freeholders may determine
e) Exercise all powers of county government in such manner as its Board of Freeholders may determine
f) Sue and be sued; have a corporate seal; contract and be contracted with; buy, sell, lease, hold and dispose of real and personal property; appropriate and expend moneys for county purposes.

In speaking of the structure of county government, the Musto Commission’s first report said: “The picture is one of fragmentation in a multi-agency situation, with a lack of central legislative power. Thus, as functions have been added over the years, they have usually been separated from the direct control of [a] central governing body, and many individual service units have sprung up around but not under the Board of Freeholders.”

County operations are performed by four separate entities: a governing body (the Board of Chosen Freeholders), three elected constitutional officers, a number of state-appointed officials, and numerous agencies and officers whose powers, duties, and financing are usually spelled out in detail in state law. There are 47 different types of permitted or mandatory independent agencies at the county level, with a total of 265 such agencies in operation in 1969. Because these agencies and officers, who perform almost all major county functions, are virtually autonomous, the freeholders have limited or no control over much of the policy-making at this level. Indeed, expenditures for services by these independent agencies or officials accounted for about 79% of all counties’ budgets and 68% of their personnel. Thus, the governing body, which is charged with the duty of enacting the county budget, control but a small portion of the overall cost of county government.

THE BOARD OF CHOSEN FREEHOLDERS

The principal governing body of the county is called the Board of Chosen Freeholders. New Jersey is the only state that uses this title. The term “freeholder” originated in medieval England and referred to a person who held free and clear rights in real property. During the Colonial period only owners of real property were eligible to participate in elections or hold public office, and the title freeholder has survived in New Jersey. State statutes fix the size of the freeholder boards largely according to classification and population; size varies from three to nine.

Freeholders are elected for three-year overlapping terms at the general election each year. Any qualified voter is eligible to run for the office. The freeholders determine their salaries within the limits set by state statute. At a mandatory annual meeting held on January 1st or 2nd, the board reorganizes and, among other business, selects one of its members to be chairman, and appoints members to subordinate boards as authorized by state law. He is not a chief executive officer and has no powers beyond those held by other freeholders.

The freeholder board is charged with the management of the property, finances, and affairs of the county. Its function is twofold: it determines some county government policy, and it administers the day-to-day operations of county government. As a board, it exercises both legislative and administrative power. In its legislative role, it enacts the annual budget. And, under its administrative authority, it expends monies appropriated in the budget.

Daily operation is generally supervised by board standing committees. Although these committees are not empowered to administer, they do so by gentlemen’s agreement. The board both formalizes its committees’ administrative decisions and enacts legislative decisions during its regularly scheduled meetings. It also creates and specifies the functions of its various committees, and appoints officers, department heads, and departmental personnel. The Board of Freeholders must appoint a Clerk of the Board (not the County Clerk), whose function is to record the minutes of the board’s meetings, sign certain official papers, and be custodian of the board documents.
All counties presently operate under this structure. Although the constitution allows the counties to petition the State Legislature for a special charter changing this structure, no such charter has ever been granted.

The Musto Commission made recommendations in its 1969 report to improve the performance of county government. Taking note of the problems presented by the fragmentation inherent in the existing county structure, the commission proposed legislation providing alternative plans, similar to optional municipal charter plans, under which counties could reorganize themselves.

In September 1972 Governor Cahill signed into law the Optional County Charter Law. On the occasion he said: “This is a history-making change in the development of our county governing bodies. Too little is known, and even less is understood about the operation of our County Governments as they are now constituted. This law makes New Jersey a leader among the states of the nation in giving voters greater control of and participation in the operation of County Governments.” Similar to the Optional Municipal Charter Law, the Optional County Charter Law provided additional forms of government that could be adopted.

**FORMS OF COUNTY GOVERNMENT IN NEW JERSEY**

**COUNTY EXECUTIVE PLAN.** Provides for an elected Chief Executive called the County Executive and an elected Board of Freeholders. The County Executive has control over personnel, budget, and all county agencies and departments. He can veto actions of the Board of Freeholders, who in turn can override his veto by a two-thirds vote, whereupon the ordinance becomes law in 10 days without the executive's signature.

The County Executive appoints a Chief Administrator and any other officers or employees authorized by the Board of Freeholders. He also appoints the heads of all county boards and commissions. The appointment of the Chief Administrator and Heads of Boards and Agencies is with the advice and consent of the Board.

The Board of Freeholders may appoint a clerk to the Board and the County Counsel who heads the County's legal department. This plan is similar to the municipal “strong mayor.”

**COUNTY MANAGER PLAN.** Under this plan the Freeholders appoint a professional administrator (called the County Manager) responsible for administration and operation of the county, while the Freeholders retain responsibility for policy and direction. The executive power is exercised by the County Manager. He appoints a deputy manager, the heads of all county departments and other administrative officers.

The Board of Freeholders may appoint a clerk to the Board and the County Counsel who heads the County's legal department. This plan is similar to the municipal “council manager.”

**COUNTY SUPERVISOR PLAN.** Under this plan there is a County Supervisor elected as well as the Board of Freeholders. The County Supervisor presides over Board meetings, with the right to vote in cases of ties. During his absence the Board designates one of their members to serve as Chairman pro tempore of the Board.

The County Supervisor exercises the executive power of the county, may veto Board actions, who in turn can override his veto by a two-thirds vote, whereupon the ordinance becomes law without the Supervisor's signature. The County Supervisor appoints the heads of all county boards and commissions and other officials with the advice and consent of the Board.

The Board appoints a Chief Administrator, who is supervised by the County Supervisor. The Board also may appoint a clerk to the Board and the County Counsel who shall head the county's legal department. This plan is similar to the municipal “weak mayor.”

**BOARD PRESIDENT PLAN.** The Board President shall be elected from among the members of the Board. The executive powers of the county are exercised by the Board President. He presides over Board meetings, with the right to vote on all questions. With the advice and consent of the board, he appoints all members of independent or advisory boards and commissions and all other officials not serving in the administrative service of the county.

The Board appoints the Chief Administrator, who in turn appoints the heads of all county departments and all other administrative officers and employees. This plan is similar to the municipal “commission.”

**BOARD OF CHOSEN FREEHOLDERS.** The fifth option open to the voters of the county under the 1972 law was the option of retaining the traditional form of county government, which might simply be called the Board of Chosen Freeholders form of county government.
All of the options, except the Board of Chosen Freeholders, provide a clear-cut division of the executive and legislative functions of government. As with the State, the executive formulates and proposes a budget and the Board legislates it into existence.

OTHER ELECTED COUNTY OFFICES

Under an amended 1967 law any county, other than Essex or Hudson, may by resolution create the office of the County Administrator. Six counties had such administrators in 1971. The appointee in this post serves a three-year term and may be assigned such power and duties as the board desires.

Essex and Hudson counties are each required by state law to elect a County Supervisor for a three-year term. The County Supervisor is the chief executive officer of the county. Although he has no appointive power, he has dismissal power for a proven violation or neglect of duty. He has veto power over board resolutions (which include appointments); a two-thirds vote of the freeholders is required to override the veto. He neither prepares the budget nor controls expenditures under it. He is an ex-officio member of all board committees, and by statute his salary must be $7,500 or more. Administrative power not delegated to the County Supervisor by law or resolution is retained by the freeholder board.

In addition to Essex and Hudson, three other counties have a separately elected county leader, all using the County Executive form of government: Atlantic, Bergen, and Mercer.

The State Constitution requires each county to also elect three officers: the County Clerk and Surrogate for five-year terms and the Sheriff for a three-year term. Although their duties and salaries are determined by state statute, their salaries and all operating expenses of their offices must be paid by the county.

COUNTY CLERK. The office of the County Clerk is a Constitutional and Administrative Office. The County Clerk is elected for a term of five years. He is clerk of all the county courts and has charge of all the various records of such courts. These records are subject to examination and search by the public and are kept in accordance with the statutes relating thereto. He is required to attend the trials, swear the witnesses and jurors and keep the minutes at the trial of all cases but has authority under the statutes to appoint clerks known as his assistants to act in his stead. He administers the oath to various county officials, notary publics and files their oaths and bonds.

The County Clerk is the custodian of the records of all liens against real estate, attachments, judgments recovered in county court, mechanics' liens, and docketed judgments from other courts. He also keeps dockets of all actions at law containing the various documents or papers filed in each case in the courts of the county, all certificates of incorporation of business companies, trade names and co-partnerships, social associations, churches, inheritance tax waivers, road records, tax sale certificates, their assignments and redemption, the records of declaration of intention and naturalization of citizens of the United States. He is also required to keep a registry of all licensed physicians, osteopaths, nurses, exempt firemen and to issue veterans licenses.

He is required under the election law to prepare and deliver the necessary forms for the use of the district boards of registry and election in the polling places, and to prepare for printing and delivering the sample and official ballots for the primary and general elections. He is also required to receive and file petitions for nomination and all statement of the results of the primary and general elections and can canvass the votes cast and issue certificates to the successful candidates. Under the Military Voting Act, he prepares and mails primary and general election ballots to all members of the armed forces and keeps an up-to-date record of their military addresses.

The County Clerk is required to assist in the drawing of all petit and grand juries and receive all the indictments handed into the court by the Grand Jury and keep a record of all the criminal proceedings and trials in the Criminal Courts in the County.

For the filing of all leadings and proceedings and entering and recording of all documents in his office, there is a statutory fee which he is required to collect and to pay to the County and State Comptrollers, for which he is personally liable. He is also the custodian of all monies paid into the court on cash, bail, satisfaction of liens, judgments and other money which is ordered to be paid into the Courts, and to keep a proper record of the same and pay it over when ordered by the Court, for which he is personally liable. He is also required to issue hunting and fishing licenses for the Fish and Game Commission.

In counties in which there is no Register of Deeds, the County Clerk also performs the duties of that office. Counties having a population of 250,000 or more, the office of Registrar of Deeds may be created by referendum and filled by election for a five-year period.
REGISTER OF DEEDS AND MORTGAGES. This elected official shall record, register or file in his office all deeds, mortgages, assignments of mortgages, letters of attorney to convey land, and all instruments of writing relating to the title of real estate and all other instruments in writing required or permitted by law to be recorded, registered, or filed in his office.

COUNTY SURROGATE. This elected official’s principal duties mainly relate to the probating of wills, the granting of letters of administration, the granting of guardianship papers, and the appointing of executors in uncontested matters. He is given authority by the Legislature concurrent with that of the Orphans’ Court to pass upon the retention of securities as investment of estates managed by executors and administrators holding authority from him.

COUNTY SHERIFF. This elected official is the supreme police officer of the County. He has charge of the conduct in all county courts, polices them, has charge of all persons who are apprehended and waiting trial, and has charge of the County Jail and House of Detention. It is the Sheriff’s duty to apprehend any person wanted by the Court; he has charge of raiding places within the County which are breaking the law; he serves all papers issued by the Courts. The Sheriff receives all papers in regard to all indictable charges and when such cases have been disposed of, he has the duty of notifying such disposition back to the source. The identification bureau for fingerprinting and photographing prisoners is a part of the Sheriff’s Office. He summons all jurors for service in the county courts and issues pay warrants to them. He has charge of the sale of properties which have been levied upon by a writ of execution of the court and also for the collection of judgments; the Sheriff may levy on personal property by direction of the court. No state officer exercises control over the Sheriff. The Sheriff has to give bond at the time he takes his oath of office and it has to be renewed annually.

COUNTY DEPARTMENTS AND OFFICIALS

As previously mentioned, there are several departments and agencies that operate at the county level. These positions can be appointed either by the leadership of the county or by state officials:

PROBATION OFFICER. The judge or judges of the Superior Court in each vicinage or a majority of them, acting jointly, may appoint a Chief Probation Officer, and on application of the Chief Probation Officer, such men and women probation officers as may be necessary.

The Chief Probation Officer shall have general supervision of the probation work under the direction of the court. He shall, when directed by the court, fully investigate and report in writing on the circumstances of the offense, criminal record, social history and present condition of any person charged with or convicted of any crime or offense, and whenever desirable, he shall obtain a physical and mental examination of such person and report thereon to the court prior to disposition or sentence by the court. When called upon the Court of Chancery, he shall make certain investigations as required by law. He shall have supervisory powers over all persons placed on probation and he shall collect such fines from probationers as are included in their sentence, and shall keep accurate case histories and records for the court and shall be charged with the duty, where possible, of rehabilitating the probationer.

CLERK OF THE BOARD OF CHOSEN FREEHOLDERS. Appointed for a three–year term. Keeps the minutes, edits the orders and proceedings of the Board and keeps in his custody all papers and documents pertaining to the property and business of the county.

COUNTY TREASURER. Appointed for a three–year term. His duty is to collect and receive all monies due the county; to act as custodian of all county funds, except as otherwise provided by law, and to disburse the same only on the order of the Board. He shall render a report monthly showing all receipts and disbursements made by him and shall maintain general books of account.

COUNTY AUDITOR. The Board of Chosen Freeholders may elect for a term of three years a County Auditor to exercise supervision over the expenditure and receipt of monies of the county.

PURCHASING AGENT. The Freeholders may elect a Purchasing Agent for the term of three years. He shall classify and standardize all materials and supplies to be purchased for all institutions, departments, boards and commissions of the county and shall purchase all supplies and materials for their use; He shall execute all contracts for purchase in the name of the county.

GENERAL STOREKEEPER. The Freeholders may elect a General Storekeeper for a term of three years. He shall keep in good condition all materials and supplies delivered to him for the use of all institutions, departments, boards and commissions of the county. He shall furnish and deliver such materials and supplies on a proper requisition.
COUNTY MEDICAL EXAMINER. A 1967 law requires each county to appoint a county medical examiner or share one with other counties on a cooperative basis. The examiner must be licensed as a physician. This replaces the older post of Coroner which was abolished. The post investigates sudden or suspicious deaths owing to crimes or incipient epidemics.

SUPERINTENDENT OF PUBLIC WORKS. The Freeholders may appoint a superintendent of public works for a term of three years. He shall have under his supervision all public works and buildings erected or to be erected and real estate under the jurisdiction and control of the Board. His specific duties shall be defined by the Board by resolution at the time of appointment.

COUNTY ENGINEER. The Freeholders shall appoint a qualified civil engineer as County Engineer. He shall hold office for five years. His principal duty is the supervision of the construction of all county highways and bridges.

COUNTY ROAD SUPERVISOR. The Freeholders shall appoint a County Supervisor of Roads who shall hold office for five years. His principal duties are to supervise the maintenance and repair of all county highways and bridges, culverts and drains.

COUNTY COUNSEL. Appointed for a term of three years as the legal advisor to the Board of Chosen Freeholders.

COUNTY ADJUSTER. The County Adjuster is in charge of supervision and preparation of papers relating to the commitment of persons with mental illness.

COUNTY WELFARE BOARD. In every county the Board of Chosen Freeholders shall appoint a County Welfare Board to be under the supervision of the State Department of Human Services. Composed of five citizens and two freeholders. Each county board appoints a director to administer its program. The board aims to help people get off of welfare and into a job, if possible. Efforts include helping people acquire the skills they need in order to get a job, like job training, educational and work activities programs, as well as logistical help with child care, transportation and other support.

However, when it is not possible for people to go to work - due to a disability or other reason – the board will help to provide services to New Jersey residents who need public assistance with the basic necessities of life, such as food and shelter.

In addition to the above principal appointive officers of the Board of Chosen Freeholders, and varying according to the classification of the respective counties, the following department heads, commissions and boards generally function. Their duties can, in most instances, be determined by their titles.

1) Superintendent of Weights and Measures
2) Warden of the County Jail and House of Detention
3) Warden of the County Penitentiary
4) Superintendent of Contagious Diseases Hospital
5) Superintendent of Mental Disease Hospital
6) Superintendent of Parental School
7) County Fire Marshal
8) County Agricultural Agent
9) Home Demonstration Agent
10) Shade Tree Commission
11) County Park Commission
12) Mosquito Extermination Commission
13) County Police Department
14) Employee’s Retirement Systems and Pension Fund Commission
15) Sinking Fund Commission
16) Insurance Fund Commission
17) County Library Commission
18) County Water Supply Commission
19) Board of Education and Vocational Schools
20) Board of School Estimate of Vocational Schools
21) Board of Trustees of Parental School
22) County Planning Board
STATE GOVERNMENT
ORGANIZATION OF NEW JERSEY STATE GOVERNMENT

**ELECTED**

<table>
<thead>
<tr>
<th>LEGISLATIVE BRANCH</th>
<th>EXECUTIVE BRANCH</th>
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<tr>
<td>Senate</td>
<td>Lieutenant Governor</td>
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</table>

**APPOINTED**

<table>
<thead>
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<th>JUDICIAL BRANCH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
</tr>
<tr>
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</tr>
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<tr>
<td>Appellate Court</td>
</tr>
<tr>
<td>Municipal Court</td>
</tr>
<tr>
<td>Surrogate’s Court</td>
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**THE LEGISLATIVE BRANCH**

**FUNCTIONS AND POWERS**

A State Legislature's function is to determine public policy by making laws, appropriating funds for government activities in those areas it deems proper, determining how to raise necessary revenues, and seeing that its wishes are carried out by the executive branch of the government.

In spite of the vast expansion of federal government activity over the years, the powers reserved to the states by the United States Constitution are still of great importance to the daily lives of American citizens. Laws made by our State Legislatures—within certain federal and state constitutional limits—control and foster the health, safety, and welfare of the people, control municipal, county, and other organs of local government, regulate labor and conditions of work, establish civil and criminal law, control public education, charter corporations and regulate political parties and elections.
The New Jersey Senate shares the appointive power with the Governor by being required to approve most nominations to posts in the executive and judicial branches. The whole Legislature can exercise influence on the executive branch since it has the power to allocate the functions, powers, and duties of all executive and administrative offices and departments, with the constitutional limitation that not more than twenty major departments be established.

The Legislature has the power to impeach and try judicial and executive officials (the General Assembly serves as the impeaching agent with the Senate as the trial court). The entire Legislature appoints the State Auditor, whose duty is to see that state funds are spent in accordance with the Legislature’s intentions. Furthermore, the Legislature has investigatory powers and can subpoena witnesses as long as the legitimate public purpose of obtaining information as a basis for remedial or corrective legislation is present. However, the Governor acts as a check on the Legislature by the use of his veto powers, and the Judiciary has the power to determine the constitutionality of the laws passed by the Legislature.

New Jersey’s Constitution has limited some of the areas in which the Legislature would otherwise be able to act. One of the most important restrictions the Constitution imposes prohibits the Legislature from passing private, special, or local laws in such categories as the laws of inheritance, taxation or exemption from taxation, the salaries or terms or tenure of public officials and employees, the management and control of public schools, the appointment of officers or commissions to regulate local or municipal affairs, and (except as otherwise provided in the constitution) the regulation of internal affairs of municipalities and counties. The Legislature can pass only general laws affecting all cases within any of these categories. However, the Legislature may group any of these categories into classes and then legislate separately for each class. The Legislature has used this procedure, for example, in legislation regulating counties, after grouping them into six classes. Outside the prohibited categories, private, special, or local laws may be passed only when proper notice has been given in a manner specified by law.

The New Jersey Legislature is required to make its appropriations for the support of state government in one general bill that covers one fiscal year. The total amount of all appropriations may not exceed the total amount of revenues on hand or anticipated for that year, as estimated by the Governor. Should the Legislature want to sell bonds, usually to pay for capital construction of highways, buildings, etc., the voters at a general election must first approve the bond issues.

Originally in our system of government, legislators were supposed to be the source of all laws and the executive was there to administer them. But in these days of strong executive power, the Governor is more apt to originate bills and formulate a legislative program which the Legislature then considers and responds to. This is particularly true when the legislative majority is of the same political party as the Governor. Should different parties control the two branches of government, the opposition party in control of the Legislature will attempt to formulate its own legislative program.

In New Jersey, the Legislature’s role in policy-making is in part limited by the fact that the budget is drawn up in the executive branch. A large portion of the budget is mandated by earlier commitments that are difficult to rescind and often reflect increases in population and other factors beyond the Legislature’s control.

The New Jersey Legislature, since 1776, has consisted of two houses: the Senate and the General Assembly. The Senate, an outgrowth of the colonial governor’s council and until 1844 named the Legislative Council, consisted originally of one member elected annually from each county. The 1844 State Constitution provided for the election of senators for three year terms, still one from each county. Over the years, senators from less populous counties successfully resisted attempts to equalize representation in the Senate on a population basis. The bill providing for the calling of the constitutional convention of 1947 passed the Senate only because it specifically prohibited the convention from considering changes in the method of representation.

From 1844 to 1948, the General Assembly consisted of 60 members, each elected for a one-year term. At first, members were elected at-large within each county. From 1852 to 1906, they were chosen from districts within counties. However, districts had become the object of widespread gerrymandering and were declared unconstitutional in 1906. New Jersey then returned to the method of at-large election of assemblymen within each county, and the number from each county was based on its proportional share of the state population. This system tended to lead to over-representation of the majority party in heavily populated counties.

The 1947 Constitution changed the terms of Assemblymen to two years and Senators to four, and adjusted the time of holding elections for Legislature and the Governor to odd-numbered years to permit voters to concentrate on the selection of their state representatives.

Major change came to New Jersey with the United States Supreme Court’s 1964 decision, Reynolds v. Sims. 377 U.S. 533; in that case, the Court ruled that representation in both houses of state Legislatures must be solely on the basis of population, and any other means of representation would be a violation of the equal protection clause of the Fourteenth Amendment. It was
immediately apparent that New Jersey's system of one-senator-per-county would not be constitutional and so ended the "Twenty-one Club." A series of corrective actions soon began.

The Legislature authorized the calling of a constitutional convention, consisting of 126 delegates elected at a special March 1966 election, to meet and consider the changes necessary to bring the New Jersey Constitution into conformity with the Court decision and to draw up new districts for the 1967 election. The convention lasted from March through June 1966, and the constitutional amendments it proposed were approved by the voters at the general election of November 1966.

The new amendments made the following changes:

The Senate was enlarged to 40 members and the General Assembly to 80. Assemblymen continue to serve for two years; Senators continue to serve for four years, except that those elected at the election following each census serve for only two. The entire Legislature may thereby be reapportioned as population changes each decade may require, without having to alter senatorial districts in mid-term. The terms in each house are concurrent, not staggered.

New districts were formed from which legislators were elected and standards established for determining these districts. Senators were elected at-large from senatorial districts composed of a single county where practicable, otherwise of two or more contiguous, whole counties. However, if the senatorial district consists of two or more counties and is allotted exactly two Senators, then one Senator is elected from each assembly district. Each senatorial district is subdivided into as many assembly districts as it has Senators, and two Assemblymen are elected from each assembly district. Assembly districts are to be compact, contiguous, and not deviate in population by more than 20 percent from the norm. No county or municipality shall be divided unless its population is greater than the norm, and then no more than necessary. Fifteen senatorial districts were delineated for use until the 1971 election, and assigned from one to six Senators each; another provision created an Apportionment Commission, appointed as described below, to establish assembly districts for use during the same period.

An Apportionment Commission, created after each decennial federal census, establishes new senatorial and assembly districts and apportions the number of Senators and Assemblymen among the districts. Ten commissioners are to be appointed, five by each of the state committee chairmen of the two major political parties, with due consideration to the representation of the various geographical areas of the state. If a majority of the commissioners are unable to reach agreement, the Chief Justice of the New Jersey Supreme Court is to appoint an eleventh member to break the deadlock. The new districts are then to be certified to the Secretary of State and used in the legislative election in the year following the census.

During the four years 1967 to 1971, every apportionment plan offered was the subject of litigation. The New Jersey Supreme Court decisions have, in effect, nullified those provisions of the New Jersey Constitution that permit legislative districts to deviate by as much as 20% from the norm, that tie to Assemblymen every Senator, and that favor single county senatorial districts whenever practicable. To remedy inequities, the Courts have ordered the use of at-large assembly districts not provided for in the State Constitution. However, two 1969 Supreme Court decisions that held that respect for county, municipal and ward lines cannot justify population inequities among congressional districts, had not, by 1971, been applied to State legislative districts in New Jersey except as to ward lines.

The Apportionment Commission's plan devised in 1971 for the next decade was found unconstitutional in April 1971 by a trial judge. The judge permitted the 1971 plan to be used for that year's election, but he ordered the Apportionment Commission to draft a new plan for subsequent elections by November 16, 1971. The trial judge's decision was appealed, and the November deadline postponed.

The long time county basis of representation in the Senate had resulted, most observers believe, in a conservative Legislature. The ability of a small number of conservative Senators from rural counties to bottle up legislation in caucus was a great frustration to advocates of legislation beneficial to the urban counties. Many thought reapportionment would markedly change the character of the bills emerging from the Legislature. The 1966–67 Legislature, which had been partially reapportioned, seemed to bear out this contention by finally passing a broad–based tax (the sales tax) which New Jersey, unlike most states, had long postponed. The election of 1968–69 Legislature left observers in doubt as to whether this trend would continue. However, reapportionment has resulted in Senators from the urban and suburban counties outnumbering those from the more rural areas, and, in representing their constituent's interests, these less conservative legislators were able to pass legislation that would have been blocked in earlier Senates.

In the Assembly, on the other hand, the majority came mainly from the smaller, two–man suburban and rural districts and thus were not answerable to urban voters. Nonetheless, the Legislature authorized bond referenda in 1968, 1969, and 1971 to provide funds for such items of suburban and urban concern as roads commuter railroads, higher and vocational education, low cost housing, sewage treatment facilities, and reservoir site acquisition. Funds for these purposes had long been limited by former Legislatures.
THE LEGISLATORS

In New Jersey, State Senators must be at least 30 years old, citizens of the United States, residents of the state for four years, and must have lived in the district from which they are elected for one year. Assemblymen must be at least 21 years old, citizens, state residents for two years, and residents of their districts for one year. Assemblymen and Senators must be eligible to vote. Each house is the sole judge of the qualifications of its members and of the validity of their elections.

Members of the Legislature enjoy certain limited constitutional immunities. Senators and Assemblymen may not be officially questioned in any other place for any statement they make in either house or at any meeting of a legislative committee. In addition, in all cases except treason and high misdemeanor, they are immune from arrest during their attendance at the sitting of their respective houses and in traveling to and from the sitting.

Membership in the Legislature is considered a part-time job, although the time required for legislative, caucus, and committee meetings, study of proposed bills, meetings with constituents, and campaigning for offices make it virtually a full-time post. The Legislature has been in the habit of meeting only one or two days a week for the first half of the year, because the members can commute to the one-day meetings—no part of the state is more than a three-hour drive from the State House in Trenton. Consequently, membership in the Legislature is effectively limited to those whose jobs, business, or incomes permit them to absent themselves irregularly for part of the year without suffering financial loss.

A large proportion of New Jersey's legislators have been lawyers. Women have been elected to the Assembly since the 1920s; the first woman served in the Senate in the 1966-67 session.

The possibility of conflicts of interest arising because most legislators hold other jobs or have interests that might conflict with their responsibility as legislators was first dealt with by conflict of interest legislation passed in 1967. This law merely required lawyer legislators representing private clients before State agencies to file disclosure statements, and legislators doing business with the State to do so only in public bids. In 1971, however, a law was enacted which prohibits: (1) lawyer legislators and their firms from appearing before most State agencies, (2) legislators from engaging in party transactions with the State, and (3) legislators from transacting any other business with the State without prior approval from a legislative committee on ethical standards. This law also provides for codes or ethics for legislators and other State officials and employees. Efforts to pass laws requiring financial disclosures by legislators have been unsuccessful for the most part.

Legislators' salaries are fixed by law and may be changed by law, but such a change cannot become effective until the year following the election for members of the Assembly. As of 2014, legislators of both houses receive salaries of $49,000 a year. The Senate President and the Speaker of the General Assembly are constitutionally paid an additional amount equal to one-third of whatever a member receives. Salaries are paid half at the first legislative meeting of each year and half at the beginning of the fiscal year in July.

The State provides stationery for each legislator, and 12,500 postage stamps, with additional stamps for those in leadership positions. Legislators receive the same health insurance coverage and other health benefits as other State employees, and they have access to a special pension system, to which they must contribute if they are to benefit.

Only legislative officers and leaders have office space in the State House. Legislative committees are permanently assigned small meeting rooms.

Each legislator is allotted $100,000 each year for district office expenses including secretarial staff and legislative assistants. Dispersal of the aid money varies considerably from legislator to legislator. Some use the allowance to pay their business secretaries or wives for work in connection with their legislative duties; some use the job as a source of patronage. Other than this aide, a legislator must rely on the professional staff maintained by the Legislature as a whole for information, research, and legal advice.

The professional staff is composed of the Legislative Services Agency and the Office of Fiscal Affairs. Both operate under the direction of a Law Revision and Legislative Services Commission, which is appointed from both houses with equal representation from both major parties. The Commission appoints an executive director, who is chief counsel for the Legislature and who supervises the work of the Legislative Services Agency. The Commission also appoints the directors of the agency's divisions and the executive director of the Office of Fiscal Affairs. The staff of these groups is hired by the Commission on the recommendation of the various directors, and serves at the pleasure of the Commission. The Commission has a policy requiring all staff members to sign an agreement before being hired that they will not engage in any political activity that would conflict with their positions as employees of the Legislature as a whole. Violation is just cause for dismissal.
The Legislative Services Agency is organized into three divisions. The Division of Bill Drafting and Legal Services drafts many of the bills introduced, examines all bills prior to formal introduction for proper legal form, checks them for conflict with existing legislation, advises sponsors of possible constitutional problems, and provides other legal aid to members when required. The Division of Legislative Information and Research collects information and conducts research on bills or proposed areas of legislation for legislators. It maintains status reports of bills as they go through the legislative process. This division also provides stenographers for public committee hearings and arranges for printing the transcripts when required. The Division of Law Revision is responsible for large-scale revisions of whole sections of the laws dealing with one subject, and usually works under the supervision of specially-appointed commissions.

The Office of Fiscal affairs was created in 1971 to direct the work of two existing offices—the State Auditor’s office and the Office of Legislative Budget and Finance. It provides legislators with performance and management analysis of State programs.

The Office of Legislative Budget and Finance presents the Legislature's own budget to the Bureau of the Budget for incorporation into the total state budget. This office serves as staff for the Joint Appropriations Committee, attending budget hearings of the executive departments and inspecting various state institutions and properties. It approves all line-item budget transfers up to $10,000, in accordance with legislative intent. Larger transfers must be approved by the Joint Appropriations Committee. The office also supervises the preparation of the fiscal notes that estimate the financial impact of a proposed bill. These notes must accompany bills that would increase or decrease state revenues or expenditures.

The State Auditor is the sole exception to the Constitutional rule that the Legislature alone cannot elect or appoint any executive, administrative or judicial officer. The exception is made in order that the Legislature’s review of State finances would be under legislative auspices. The State Auditor is appointed by the Legislature for a term of five years. He and his 60 member staff are charged with post auditing the accounts of the various State agencies to assure that revenues have been collected in compliance with the law and the money has been spent in accordance with the legislative intent.

There are approximately 40 to 60 jobs to be filled each year on the housekeeping or administrative staff of the Legislature. These include clerks, doorkeepers, mailroom supervisors, Sergeants-at-Arms, journal clerks, etc. as well as the Clerk of the General Assembly and the Secretary of the Senate, who supervise these employees and various aides appointed to help the leadership. Appointment to these jobs is by majority vote in each house, and each county organization with representation in the legislative majority is informally allotted a share as patronage to dispense to the party faithful. Since 1970, each party in each house has hired an executive director or chief counsel to provide it with additional professional assistance.

Legislative representatives, or “Lobbyists,” are required by the Legislative Activities Disclosure Act of 1971, amended in 1991, to register with the Secretary of State. As of 2014, the annual registration fee is $425 per individual. Representatives of religious organizations are not required to register.

ORGANIZATION AND LEADERSHIP. New Jersey’s Constitution places relatively few restrictions on the operation, organization, and internal procedures of the Legislature. It provides that each house choose its own officers (President of the Senate, Speaker of the General Assembly, Majority Leader, Minority Leader, Assistant Leaders, and Whips) and determine the rules of its proceedings, and that each “shall meet and organize separately at noon on the second Tuesday of January each year, at which time the legislative year shall commence.” Beginning in January 1970, under an amendment adopted in 1968, the length of a legislative session was extended from one year to two years. Thus, each house need organize only every two years, and bills introduced during the first year of a session will not be reintroduced the following year. To “organize” means to elect officers and adopt rules, which are usually only slightly changed from one Legislature to the next. The Speaker of the General Assembly and the Senate President and President Pro Tempore are elected by a majority vote. In addition, each political party elects its own legislative leaders—a majority and assistant majority leader, and a minority and assistant minority leader in each house.

Each Legislature beginning with that of August 27, 1776 has been known by a number; the 1969 Legislature was the 193rd Legislature. Beginning with the 1970 Legislature, each Legislature is constituted for 2 years with 2 annual sessions. The 2000 session was, therefore, known as the First Session of the 209th Legislature and the 2001 session as the Second Session of the 209th Legislature.

The process of choosing the leadership begins long before its formal election at the first meeting of a new Legislature in January. Within a few weeks after the election of a new Legislature, each party’s state and county leaders traditionally meet and make recommendations to the legislative leadership of its party. The newly elected and reelected legislators of each party then meet in conference and informally elect their leadership, with the majority party also choosing the presiding officers in each house. The legislators generally follow the recommendations of the earlier meeting of party leaders. Both parties follow a tradition of rotating the leadership each year, following a line of succession from chairman of the Appropriations Committee to assistant majority or minority leader, to majority or minority leader to presiding officer in each house. An attempt is made to alternate these leadership positions between representatives from small counties and representatives from larger urban
STANDING COMMITTEES. After the various leadership positions are filled, party legislative leaders in each house meet to make committee assignments. Considerations include the preferences of the individual legislators, the members’ backgrounds, length of service, and home counties. The majority party in each house chooses the chairmen and determines the number of majority and minority members on each committee, in proportion to their total numbers in the house. The majority traditionally honors the minority’s preferences for committee assignments.

Officially, the committee chairman and members are appointed by the presiding officer of each house at the opening of the session in January, and the number, names and sizes of the committees specified in the rules adopted by each house. In 1972, as a result of recommendations of the legislative commission studying legislative procedures, the Senate reduced the number of reference committees to 10, enabling Senators to serve on no more than two committees. Despite this organizational structure, for years the real legislative action in New Jersey took place in majority party caucuses in each house. There, behind closed doors, bills were debated and exceptions made, caucuses, by majority vote, decided which bills would be sent to the floor for a vote and how, and if they would be amended. Floor debate was often lengthy and heated, but the crucial decision had normally already been made. Voting on the floor usually followed strict party lines, with objections usually indicated by abstentions rather than by “nay” votes. Bills were almost never defeated once they came up for a vote.

In 1971, the Assembly adopted new procedures that eliminated the use of the caucus to control the flow of bills to the floor. The Senate continues to use the majority party caucus to consider major bills. During the course of a legislative session, the leadership of both parties hold regular conferences with the Governor on legislative matters, and when his party is in the majority, he will normally have considerable influence on scheduling bills on the calendar.

In both houses, committee meetings have been put on a regular schedule. Both houses are required to provide regular written reports of committee attendance and votes taken. Committees are also required to furnish written statements, explaining the bills they report. There is no requirement that committee meetings be open to the public, although some committees are allowing this. The most visible sign of new procedures in the Assembly has been an increase in the number of bills being defeated after open debate on the floor.

STUDY COMMISSIONS. The New Jersey Legislature creates a large number of special study commissions or committees. As many as 60 of these commissions may exist at one time. The value of their work varies considerably; some never meet whereas some are responsible for major changes in State policy. Members of the commissions are usually legislators appointed by the Assembly Speaker and the Senate President. Many also have citizen members of group representatives appointed by the Governor, the Speaker and the Senate President, or a specified group. Some commissions are given funds for staff. More often the Director of the Division of Legislative Information and Research or another division staff member is appointed to serve on the commissions.

SESSIONS. The annual legislative session begins at noon on the second Tuesday in January, when both houses meeting in joint session hear the Governor deliver his annual “State of the State” message. Thereafter, the Legislature traditionally meets on Mondays and Thursdays until the budget is received—as required by law, 21 days from the beginning of the session, although this date is frequently changed. It then adjourns for about three or four weeks while the Joint Appropriations Committee holds hearings on the budget. Reconvening in March, the Legislature continues its regular Monday and Thursday meetings until the end of June. The Legislature then reconvenes in September.

Special sessions of the Legislature must be called by the Governor when a majority of each house petitions him to do so, and may be called when he deems it in the public interest. The New Jersey Legislature is free to meet 7 days a week, 52 weeks a year, should it so choose. Constitutional limitations on the length of legislative sessions and the number of calendar days permitted a State Legislature, so common in other states, are absent in New Jersey.

A typical legislative day begins with committee meetings at 10:00 a.m. and prayer, a call to order, and other opening ceremonies later in the day. Next come the speeches welcoming visitors and the resolutions marking events of momentous or more usually, momentary importance. Bills are introduced, referred to committee, reported out of committee, placed on second reading. Party conferences and committee meetings are scheduled throughout the day. The debate on amendments and final passage of bills takes place usually late in the afternoon. All members receive printed copies of bills, although if amendments have been made on the floor or in the majority caucus, amended copies may not be available until the morning on which the final vote is scheduled. Notice of which bills are scheduled to come up for final passage is sent to members over the preceding weekend.

The Rules of the General Assembly and the Senate establish the order of precedence on the day’s agenda, and for the conduct of debate. Questions as to proper procedure are decided by the presiding officer in each house, who may be overruled by a
majority vote. Neither of the presiding officers may speak on an issue unless he relinquishes the chair. Unlike the United States Senate, which allows unlimited debate and filibustering on any matter, New Jersey’s Legislature imposes precise limits on the oratory of its members. A Senator may speak three times on any one bill or motion: 30 minutes the first time, 15 minutes the second, and five minutes the third. An Assemblyman may speak three times on any issue: 15 minutes the first and second times, and five minutes the third. Nonetheless, each house provides for “moving the previous question” by which debate can be cut off by a simple majority regardless of whether each member has used all his speaking time. The Senate now requires only a majority vote to suspend any standing rule.

In the New Jersey Constitution and in the rules of New Jersey's General Assembly and Senate, when a majority of either house is required to establish a quorum or for passage of a bill, resolutions, or motion, a majority of the total authorized membership of each house is meant—41 in the Assembly and 21 in the Senate—regardless of a vacancy or temporary absence or abstention. When a fraction in the membership is required to pass a bill or resolution, such as the three-fifths required in the case of resolutions calling for constitutional amendments or the two-thirds required to override a gubernatorial veto, the fraction is again that of the total authorized membership, not of those present or voting.

**LEGISLATIVE TERMS.** A bill is a proposed statute, or law.

A **joint resolution** is a formal requirement separately adopted by both houses which must be approved by the Governor in order to become effective; it has the effect of law but is used in lieu of a bill where its effect is temporary or is for the purpose of initiating a study or making a memorialization in which the Governor as well as the Legislature is to participate.

A **concurrent resolution** is also separately adopted by both houses but does not require action by the Governor. It is used for expressing the will of the Legislature in legislative organizational matters, or establishing special study commissions and committees to which members are appointed, only by the Legislature. Its effectiveness expires at the end of the legislative year. This is also the form used for proposing constitutional amendments, since they do not require the Governor’s approval before being submitted to the voters for approval or rejection (however, public questions, also submitted the voters, are proposed by the bill-passing route). Except in the case of constitutional amendments, concurrent resolutions may be adopted by voice vote, as may Assembly or Senate Resolutions, adopted by only one house.

A **statute** is law enacted by State Legislatures (or Congress). Laws enacted by municipalities are called Ordinances.
PASSAGE OF BILLS. Constitutional requirements for the passage of bills are:

a) Bills must have three readings in each house before final passage, and a full calendar day must elapse between the second and third reading unless a three-fourths vote of the house involved declares a bill to be an emergency measure.

b) A majority of the members must be present and approve, with each member's vote recorded in the Journal of the Senate or the Minutes of the General Assembly.

c) Each bill may concern one topic only, i.e., there cannot be extraneous amendments tacked on in the course of passage, as is often done in Congress. The topic must be expressed in the title of the bill. A bill amending or revising an existing law must not refer to that law by number or title alone, but must contain the wording of the whole law or section being amended so that the changes are clear.

d) General laws cannot include provisions of a private, special, or local nature. Public notice must be given of the intention to pass any private, special, or local law.

e) Revenue bills must originate in the General Assembly.
HOW A BILL BECOMES A LAW

1) If the bill originated in the Senate, it would go directly to the Secretary of the Senate. This chart uses the Assembly as the hypothetical house of origin.

2) If a fiscal note is required, it is to be prepared before bill is advanced to second reading.

3) “Reading” a bill is by number and title only. Bills are never read in their entirety at any time during the three obligatory readings.

4) If the bill is rewritten here, it is reported out as "Committee Substitute for Assembly Bill ____________ ."

5) This rule applies except when emergency procedures are adopted, as they are for about 10 percent of all bills each year.

6) The Governor may conditionally veto a bill, sending it back to the Legislature with recommendations for amendments; he may also veto line items in an appropriations bill without vetoing the entire bill.

7) The Governor has 45 days (excluding Sundays) to act on those bills that are delivered to him within 10 days of the end of the two-year legislative term. He may then take one of three courses of action: sign the bill into law, veto it, or "pocket veto" it by not signing the bill. In other words, at this point the Governor can kill a bill by not signing it as well as by vetoing it.

8) The actual voting in each house is by means of an electronic roll call device. Each member has a YES/NO switch on his desk which records his vote at the presiding officer’s desk and on display boards on the front wall; the display also gives totals.
**BILLS PRESENTED TO THE GOVERNOR.** The diagram showing the bill-passing procedures gives the Constitutional time limits imposed on the Governor. These limits are computed from the time a bill is “presented” to the Governor, not from the date of passage in the Legislature. Customarily, the Legislature presents the bills only when the Governor calls for them, thus permitting the Governor’s staff to deal with a few bills at a time after the closing days of a spring session during which large numbers of bills are passed. However, this can be another area for political maneuvering—a hostile legislative majority may decide to apply pressure by having bills presented as soon as passed, or a Governor may delay calling for a bill on which he would prefer not to take a public stand until the end of the legislative session, after which the bill will not become law if he does not act. Thus, despite the fact that New Jersey’s Legislature operates under specified procedures that govern its activities, many of its practices depend less on these written rules than on tradition and the day-to-day realities of party politics. This is also true—though often to a lesser degree—of the executive branch of the State’s government.

**SENIATORIAL COURTESY.** The Senate’s power to confirm or reject most of the Governor’s nominations to offices in the executive and judicial branches provides one of the chief arenas for political maneuvering between the Legislature and the Governor. Adherence to the long-standing tradition of “senatorial courtesy” gives Senators from a nominee’s home county the veto power over that nomination. Nominations are sent to the Senate Judiciary Committee, making a position on that committee a source of power for a Senator in dealing with the Governor or other Senators (appointment to that committee is on a seniority basis, and the majority leader serves as chairman). Another senatorial courtesy is the automatic confirmation of the nomination of a former State Senator to an office, whether or not he belongs to the majority party. The Senate may go into executive (closed-door) session to consider nominations.

**THE EXECUTIVE BRANCH**

The chief executive of the State of New Jersey, and the head of the executive branch of state government, is the Governor.

The State’s first governor, William Livingston, was elected in 1776. Most of those who have served since have been lawyers or former legislators; one (Woodrow Wilson, 1911–1913) was a college president, one was a general, two were physicians, one a farmer, one a varnish manufacturer. For a complete list of NJ governors, you can visit [http://governors.rutgers.edu/on-governors/nj-governors/list-of-new-jersey-governors-2](http://governors.rutgers.edu/on-governors/nj-governors/list-of-new-jersey-governors-2).

Until 1844, the Governor was elected, not by the people, but by the Legislature for one year terms with no term limits — a policy which reflected a Revolutionary era distrust of executive authority. With the enactment of the Constitution of 1844, the Governor was elected by the people for a three year term, but was unable to serve consecutive terms.

By 1875, governors were complaining that the Constitution had made their job impossible because it gave them executive responsibility, but not the powers needed for enforcement. While the Governor could appoint agency heads, he could do so only when their terms happened to end during his term. He could not compel them to meet with him or to submit reports to him. In addition, his veto was of small importance since only a simple majority was needed in the Legislature to override it. In short, according to New Jersey’s 42nd Governor, Charles Edison (1941–1944), “He is only a gentleman who happens to walk through without disturbing anybody.”

**QUALIFICATIONS.** The 1947 Constitution changed these conditions but made little change in the qualifications for office. A Governor must be at least 30 years old, a citizen of the United States for 20 years, and a resident of New Jersey for seven years. The Governor and Lieutenant Governor are the only two state officials elected by all the voters of the state—a provision peculiar to Maine and New Jersey. A Governor cannot serve more than two consecutive terms; however, after a four-year interval out of office, he is again eligible for election.

Gubernatorial candidates from each party are chosen by the voters in the primary election, sometimes in lively primary fights when political leaders cannot unite behind one nominee or personally ambitious candidates challenge the parties’ choices. New Jersey’s gubernatorial race takes place in the year following the presidential election, and the governor-elect assumes office on the third Tuesday of January following the election.

**SALARY AND RESIDENCE.** State law currently (as of this revision, 2015) allows for a maximum annual salary of $175,000. The salary paid to the Governor may not be changed during his term.

No official residence was provided for the Governor until former Governor Walter E. Edge (1917–1919) donated Morven — his handsome, historic mansion (which was originally owned by Richard Stockton, a signer of the Declaration) — to the State of New Jersey. The mansion, part of which dates back to 1701, is located in Princeton, a few miles from the State offices in Trenton. Morven served as the Governor’s residence until 1981, when Drumthwacket Mansion (also located in Princeton) became the official gubernatorial residence.

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IMPEACHMENT AND INCAPACITY. The Governor may be impeached for misdemeanors committed during his term of office. The General Assembly has the sole power to impeach, by a majority vote. The Senate, sitting as a jury, may then find him guilty of the charge by a two-thirds vote.

Determining the disability of the chief executive is a thorny problem. Under the procedures established in the State Constitution, the Legislature first must adopt, by two-thirds vote of all the members of each house, a resolution declaring a vacancy. Then, the New Jersey Supreme Court holds a hearing to determine whether such a vacancy exists.

OFFICE OF THE LIEUTENANT GOVERNOR

The office of Lieutenant Governor is a position that has existed in New Jersey since January 2010. The position was created as the result of a Constitutional Amendment to the State Constitution [Article V, Section 1] passed by New Jersey voters on November 8, 2005.

While the Amendment itself took effect on January 17, 2006, and made some interim changes to the succession to the governorship, the first Lieutenant Governor was not elected until November 3, 2009.

SUCESSION. The Amendment which created the position of Lieutenant Governor also provides a new order of gubernatorial succession saying, in relevant part:

“In the event of a vacancy in the office of Governor resulting from the death, resignation or removal of a Governor in office, or the death of a Governor-elect, or from any other cause, the Lieutenant Governor shall become Governor, until a new Governor is elected and qualifies.

“In the event of simultaneous vacancies in both the offices of Governor and Lieutenant Governor resulting from any cause, the President of the Senate shall become Governor until a new Governor or Lieutenant Governor is elected and qualifies.

“In the event that there is a vacancy in the office of Senate President, or the Senate President declines to become Governor, then the Speaker of the General Assembly shall become Governor until a new Governor or Lieutenant Governor is elected and qualifies.

“In the event that there is a vacancy in the office of Speaker of the General Assembly, or if the Speaker declines to become Governor, then the functions, powers, duties and emoluments of the office shall devolve for the time being upon such officers and in the order of succession as may be provided by law, until a new Governor or Lieutenant Governor is elected and qualifies.”

The amendment also provides that “[T]he Governor shall appoint the Lieutenant Governor to serve as the head of a principal department or other executive or administrative agency of State government, or delegate to the Lieutenant Governor duties of the office of Governor, or both. The Governor shall not appoint the Lieutenant Governor to serve as Attorney General. The Lieutenant Governor shall in addition perform such other duties as may be provided by law.”

EXECUTIVE POWERS

The Governor has the duty to faithfully uphold and execute the laws of New Jersey. In order to carry out this mandate, the Constitution gives him the power to go to court or take appropriate action “to enforce compliance with any constitutional or legislative mandate, or to restrain violation of any constitutional or legislative power or duty, by any officer, department or agency of the State,” except the Legislature.

The Governor also serves as the Commander-in-Chief of the New Jersey National Guard.

POWER OF APPOINTMENT. Since the adoption of the Constitution of 1947, the Governor derives a large part of his strength from his power of appointment, a power which gives him considerable leverage to force passage of his programs.

The Legislature may not appoint any executive or judicial officer except the State Auditor; the Governor alone has the power to nominate all other appointees.

However, since most nominations require confirmation by the Senate, there is considerable room for negotiating. Gubernatorial recommendations have not infrequently been turned down (often under the principle of “senatorial courtesy,”

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which requires that the nominee be acceptable to all the Senators from his home county). Political horse trading becomes almost imperative when the Governor must bargain with a hostile Senate, a common situation in New Jersey.

Posts filled by the Governor (with the consent of the Senate), include all department heads (whether single executives or boards), many division heads, all judgeships, all County Prosecutors, County Boards of Election and Taxation, and numerous policy-making and advisory boards and commissions of executive departments, authorities, and interstate agencies. The Governor is responsible for more than five hundred appointments each year. Among the most significant are the following:

1) Attorney General
2) Secretary of State
3) State Treasurer
4) Secretary of the Department of Agriculture
5) Commissioners of the Departments of Banking and Insurance, Children and Families, Community Affairs, Corrections, Education, Environmental Protection, Health and Senior Services, Human Services, Labor and Workforce Development, Military and Veterans Affairs, and Transportation
6) Judges (including the State Supreme Court)
7) County Prosecutors
8) County Boards of Election and Taxation
9) Members of Boards and Commissions

Prior to 1947 the Governor could remove state officers only by the cumbersome method of impeachment. He was thus virtually powerless to discipline corrupt or incompetent subordinates. With the adoption of the 1947 Constitution, his control became greater. Currently, he may remove department heads who serve at his pleasure, and he may remove, after a hearing, the principal executive officers of departments that are headed by boards.

The Governor may remove “for cause” the Secretary of State, Attorney General, and all other paid state executive officers and employees. A removal “for cause” must be preceded by a public hearing if the accused so requests, and might ultimately have to withstand a court test. He may conduct an investigation—with subpoena powers—into the official conduct of any such officer or employee.

The Governor may temporarily fill vacancies during the recess of the Legislature, although he cannot appoint anyone whose confirmation the Legislature has already rejected. To thwart recess appointments, the Legislature has not “recessed” since 1954, but rather adjourns.

Only the Governor may grant pardons, commute prison sentences, and remit unpaid fines.

**LEGISLATIVE POWERS**

The Governor can always exert a strong influence on legislation by sending messages to the Legislature, calling a special session of one or both houses, and by approving or vetoing bills. When his party enjoys a majority in the Legislature, he plays an influential leadership role in the caucuses preceding legislative sessions.

Beyond the mandatory annual message at the opening of each regular session, the Governor is allowed considerable latitude in communicating with the Legislature. The types of messages and their frequency vary with each Governor. They may be simple reports, recommendations for specific legislation, reports from study commissions, messages accompanying a veto, or the annual budget.

Although not required, it has become customary for the Governor to deliver in person both his annual and budget messages, and sometimes other messages, to joint session of the Legislature.

**VETO POWER.** The power to veto or conditionally veto a bill is an important weapon in the Governor’s arsenal. If the Governor is in complete opposition to a bill, he may veto it outright in the hope that its supporters lack the two-thirds majority required to override it. If the Governor supports the bill in part, or thinks an override is likely, he may propose specific amendments (called a “conditional veto”) in the hope that a simple majority will adopt them and send the amended bill back to him for his signature.

New Jersey is one of 44 states where the Governor has the power of a “line item veto.” A line item veto is the power of a chief executive to veto individual components (or “lines”) of a bill passed by the State Legislature.
Sometimes the mere threat of a veto, made while a bill is still before the Legislature, can cause it to be amended to meet the Governor's objections before its final passage. Like any use of power, much depends on the people involved, the strength of the political oppositions, and public opinion.

The Governor has 45 days (excluding Sundays) to act on those bills that are delivered to him within 10 days of the end of the two-year legislative term. He may then take one of three courses of action: sign the bill into law, veto it, or "pocket veto" it by not signing the bill.

The Governor may call a special session of one or both houses to deal with legislative proposals he believes require action, or he may call the Senate alone to act on appointments.

OTHER POWERS

The Governor can invoke powers beyond those provided by the Constitution. His qualities of leadership, his personal popularity among both the electorate and its representatives, his desire to shape the policies of the state, his role as head of his political party—all these factors contribute to the stature of the Office of Governor. The use of these personal attributes, varying from Governor to Governor, significantly influences the control he can exercise over governmental policies and programs.

The Governor has many channels through which to exert influence, including but not limited to: appealing for support of his policies through the media, making speeches—or having his department heads make speeches—around the state in order to gain influence, appointing special commissions, or calling special conferences in order to address specific areas of concern.

STAFF AND ORGANIZATION

STAFF. The Governor’s staff assists him in making policy as well as in overseeing the executive branch. Members of the staff are called upon to carry out varied and often demanding and delicate assignments. They deal with the news media, handle communication with constituents, and schedule interviews and personal appearances of the Governor. They conduct research, write speeches, and help determine and execute policy decisions.

In addition, they maintain the Governor’s relationships with department heads, legislative leaders, and party leaders. The two principal staff members are the Chief of Staff, and the Governor’s Chief Counsel. The Chief of Staff’s major duties include overseeing the professional and clerical staff and acting as a buffer between the Governor and the many claims made upon his attention. The Chief Counsel is the legal advisor on legislative proposals. He also investigates clemency requests, reviews judicial nominees, and handles other legal matters.

ORGANIZATION. While the Governor sets policies, the executive departments carry out the task of administering the laws. In compliance with the 1947 Constitution’s guidelines, a major reorganization of the executive branch was achieved which consolidated more than 70 agencies into 14 departments. Currently, the state has 15 departments, and more than 70 different agencies. As agencies are established, they are allocated to one or another of the existing departments.

Numerous state authorities—ranging, for example, from the New Jersey Turnpike Authority to the New Jersey Educational Facilities Authority—are attached to appropriate departments, although they are virtually autonomous or largely independent. Temporary commissions for special purposes created by law need not be assigned to a department.

It is the Legislature’s prerogative to decide whether a department is to be headed by a single executive or by a board, but once the decision is made, the Governor’s constitutional powers of appointment and removal apply.

The Governor appoints the secretaries or commissioners of the following departments:

1) Agriculture
2) Law & Public Safety (Office of the Attorney General)
3) Banking & Insurance
4) Children & Families
5) Community Affairs
6) Corrections
7) Education
8) Environmental Protection
9) Health
10) Human Services
The management of each department is undertaken either by the office of its executive or by a separate division of administration. Among its duties are such functions as fiscal management, personnel administration, purchasing, property management, public relations, coordination of programs, and planning.

CABINET. The Governor’s cabinet currently has 23 members. In addition to the 15 heads of the departments, it currently includes the secretary of Higher Education, the CEO of the Economic Development Authority, the Civil Service Commissioner, a representative from the NJ State Police, the Commissioner of Motor Vehicles, the Director of Homeland Security, the State Comptroller, and the President of the Board of Public Utilities.

THE JUDICIAL BRANCH

The Judicial Article of the New Jersey Constitution of 1947 completely revised what had been an archaic, intricate, and self-defeating network of courts. As a result, the state now enjoys a modern, effective, and unified judicial system—a system that has been used as a model for court reform throughout the country. The significant constitutional innovations were the creation of a trial court of state-wide jurisdiction, the granting of the powers of administration of the court system as a whole to the Chief Justice, and the vesting of the rule-making power in the State Supreme Court. The 1947 Constitution provided for the Supreme Court, the Superior Court, and the County Court, and delineated their jurisdictions. In 1983 the Constitution was amended to eliminate the County Courts, consolidating them into the Superior Court. Subsequently legislation was adopted which accomplished the objectives of the Constitutional Amendment creating a unified court system and a Family Part of the Superior Court. New Jersey also has a system of municipal courts.

ROLE OF THE COURTS

The role of the courts is to keep the peace by administering justice under laws and legal principles. They permit individuals to resolve disputes, they decide whether there have been violations of laws and administrative regulations, and they determine whether laws and administrative regulations meet federal and state constitutional standards. Occasionally, courts serve even where there are no disputes, as in their supervision of the administration of estates of minor and incompetent persons.

There are generally two types of actions that come before the courts: civil actions and criminal actions. Civil actions are further divided into three types: actions at law, actions in equity, and actions in probate. Actions at law are suits brought by one or more persons, which may include corporations, against one or more other persons usually seeking monetary compensation (damages) for continuing a wrong (tort) or breach of contract. Most civil cases are personal injury negligence cases resulting from accidents. Actions in equity are suits brought by one or more persons where there is no adequate remedy at law and in which the plaintiff is typically seeking something other than money. Usually, equity cases seek a change in status (such as divorce), injunctions, or accountings between parties. The court that hears equity disputes is the Chancery Division of the Superior Court, so called because the chancellor, an officer of the English kings, originally heard and decided these extra-legal grievances. By historical precedent, there normally is no jury in equity trials. Actions in probate refer to cases involving the property of deceased persons, incompetent persons, and minors. By age-old precedent, since family property matters were originally headed by ecclesiastical courts, there is also no jury trial in probate matters.

There are, further, two types of courts: trial courts and review (appellate) courts. Trial courts conduct adversary proceedings, with or without a jury, to resolve factual disputes and to apply the law to the facts as the judge (or jury, if there is one) finds them. A court is said to have original jurisdiction if it is the court that can conduct the trial. Courts with appellate jurisdiction review trial court decisions on application. Should the appellate court believe that it required further determinations of the fact, it will, as a rule, send the case back to the trial court for the taking of further evidence or the resolution of conflicting evidence.

The following chart and discussion of the various courts explain the roles and responsibilities of the various courts comprising the New Jersey Court System.
STATE SUPREME COURT. New Jersey’s highest court, the Supreme Court, is composed of a Chief Justice and six Associate Justices. It hears appeals from the appellate division of the superior court in cases involving federal and state constitutional questions, in cases where the decision of that division is not unanimous, in criminal cases in which the death penalty was imposed, and in cases it agrees to hear upon application because of the public importance of the question involved.

SUPERIOR COURT. The superior court is divided into three divisions: the Appellate Division, which is the intermediate appellate court; and two trial divisions—the Law Division and the Chancery Division. Any case may eventually be appealed to the Appellate Division, which sits in four 3-judge panels. The trial divisions, like all trial courts, conduct trials with or without a jury, presided over by a single judge. At least one Law Division judge sits in each county seat; chancery decision judges, who try all equity cases and some involving probate, sit by vicinages, which are combinations of counties.

SUPERIOR COURT LAW DIVISION, CIVIL PART. The Civil Part has jurisdiction over all civil cases where the principal relief requested is sought at law (i.e. in the form of money damages), and it may grant incidental equitable relief so that a case may be fully decided in one forum.

SUPERIOR COURT LAW DIVISION, SPECIAL CIVIL PART. Despite their limited jurisdiction, the Special civil part courts, located in each county, handle the bulk of civil cases in the state. They hear all negligence cases where the amount in dispute is under $15,000 and all other civil cases under $15,000. They also hear landlord–tenant cases. In addition, district courts have concurrent criminal jurisdiction with municipal courts and try most traffic offenses occurring on state highways; otherwise, their criminal jurisdiction is rarely exercised except where there is no municipal court. Eighteen counties, at the option of the county freeholders, have a small claims division to adjudicate civil disputes under $3,000, including property damage in
automobile negligence cases. In these decisions, clerks assist claimants with forms, court fees are lower, a trial is scheduled promptly, and the hearing—usually conducted without lawyers—is more informal.

**SUPERIOR COURT LAW DIVISION, CRIMINAL PART.** The Criminal Part handles all indictable criminal cases and appeals from convictions in municipal courts.

**SUPERIOR COURT CHANCERY DIVISION, GENERAL EQUITY PART.** The General Equity Part handles civil cases where the primary relief sought is equitable in nature, although it may grant incidental relief at law (damages). In most vicinages, only one judge is assigned to the General Equity Part.

**SUPERIOR COURT CHANCERY DIVISION, PROBATE PART.** The Probate Part handles contested probate matters, guardianships etc. Usually the General Equity judge handles the probate calendar on a weekly or less frequent basis. The county surrogate acts as the deputy clerk of the Superior Court for the Probate Part in the county.

**SUPERIOR COURT CHANCERY DIVISION, FAMILY PART.** These courts try cases involving the support of a wife and family, and the temporary custody, neglect and abuse of children. They also try cases against juveniles less than 18 years of age. The judge, however, may in his discretion refer cases against 16- and 17-year-old juveniles who are habitual offenders or are involved in a case of a serious nature to the county prosecutor for grand jury and county court action.

A separate court for juveniles originated with the theory that those of a susceptible age would more likely be rehabilitated if they were not treated as criminals and "marked" for life. Thus, what would otherwise be a crime if committed by an adult is defined as juvenile delinquency when committed by a juvenile. In other words, juveniles are not chargeable with the commission of a crime. Juvenile delinquency and lesser charges against juveniles, such as incorrigibility, are therefore tried in the Family part. In cases where there is a likelihood of commitment to an institution, the judge in his discretion may call on the prosecutor to present the case. Such hearings are open only to those who have a direct interest in the case, such as lawyers, witnesses, school guidance personnel, etc. The judge may permit representatives of the press to observe these hearings, but he controls the extent of the information to be released and the names of the juveniles are not publicized.

This Court also adjudicates all matrimonial disputes such as divorces and annulments.

**SURROGATE’S COURT.** Under the State Constitution, a Surrogate is elected in each county for a five-year term. His court is a court in name only because it does not adjudicate disputes. The surrogate handles the great volume of probate matters, which are routine and uncontested, and therefore do not need to be brought before the probate division of the Superior Court. Thus, the surrogate admits wills to probate, appoints guardians for minors, and issues certificates of authority to executors, administrators, guardians, and trustees of estates. The staff is appointed by the surrogate. His salary, set by the county within statutory limits, and the expenses of his office are born by the county.

**TAX COURT.** The Tax Court is the newest court to be established in New Jersey. It has jurisdiction to hear tax issues concerning municipal, county or state taxes. Appeals are heard in the Appellate Division of Superior Court.

**WORKER'S COMPENSATION COURT.** The Division of Worker's Compensation has exclusive original jurisdiction of all claims for worker's compensation benefits for injuries sustained by an employee in the course of employment.

**MUNICIPAL COURT.** Each municipality is authorized to establish a municipal court or to establish a joint municipal court with one or more municipalities. The municipal court judge, formerly called a magistrate, is appointed for a three-year term by the governing body of the municipality, or in the case of a joint municipal court by the Governor with the consent of the Senate. He has no tenure. In municipalities with populations of 100,000 or more, from one to five additional judges may be appointed. The post is almost always part time, and the judge may continue his private practice. His salary, established by the governing body, and the expenses of his court are paid by the municipality.

**JUDGES**

**STATE AND MUNICIPAL JUDGES.** Contrary to the practice in almost all the other states, judges in New Jersey have never been elected by the people, except for justices of the peace (and that court was abolished in 1948). All judges of courts with jurisdictions extending to more than one municipality are appointed by the Governor with the consent of the Senate. The Governor must give seven days' public notice of judicial nominations before sending them to the Senate for confirmation. An equal number of Democrats and Republicans are customarily appointed to courts usually on the recommendations of the county party chairmen. Once appointed, a judge and members of his household are barred from any partisan political activity.
The New Jersey Supreme Court, as a result of the 1947 Constitution, has broad powers over the state's judicial system. It makes the rules governing the administration and the practice and procedures of all the courts, including the municipal courts. The administrative head of the courts is the chief justice, assisted by his appointee, the administrative director of the courts.

In each county, the administration of the courts is the responsibility of a Superior Court Judge, called the Assignment Judge. He assigns cases to the various judges for trial, maintains the court calendar, and submits weekly reports to the Chief Justice on the disposition of cases in the courts in his county.

Based on this information, the Chief Justice orders the reassignment of judges as needed to the courts with the greatest backlog. Nonetheless, the time lapse between when a suit is filed and when a case comes to trial varies among the counties from months to years, depending not only on the caseload, but also on the ability and zeal of the judges themselves. Special emergency cases and criminal cases are given priority.

JURY SYSTEM

In each county, the responsibility for the selection of prospective grand and petit jury members rests with two Jury Commissioners, appointed for one-year terms by the State Supreme Court on the recommendations of the county Assignment Judge. They cannot both be from the same political party.

GRAND JURY. Anyone accused of a serious criminal charge has the right to be screened by a grand jury. A defendant may waive this right of indictment.

A grand jury consists of the first 23 persons chosen by lot from a panel of up to 50 prospective grand jurors. The foreman and the deputy foreman are designated by the assignment judge. They serve for one of the three court sessions a year, for a period of up to 20 weeks, and there is always at least one grand jury sitting in each county. The grand jury meets regularly in closed session, usually once a week. Twelve affirmative votes are necessary to bring an indictment.

A grand jury is not a trial jury. Its function is to weed out frivolous criminal charges and to guard against an overzealous prosecutor. Based upon evidence presented by the county prosecutor, the grand jury decides if he has sufficient evidence to require the defendant to stand trial. If it finds sufficient evidence, it returns an indictment; if it does not, it returns a "no bill" dismissing the complaint against the defendant. The testimony before a grand jury is secret until an indictment is handed up to the assignment judge. At that time, it may be inspected under limited circumstances by the person indicted. Since the grand jury hears only what the prosecutor wants it to hear, an indictment must not be considered evidence of guilt, but merely an assertion that the submitted evidence is enough to warrant a trial.

A grand jury also has the power to hand up a presentment, a statement calling attention to public affairs or conditions that it finds need correction. It may also censure a public official if his conduct has contributed to the situation needing correction but
does not itself constitute a criminal offense. In such cases no public trial to weigh the charge follows. Like an indictment, a presentment usually results only from the evidence presented by a prosecutor, although a grand jury has the power to initiate investigations and subpoena witnesses and records relating to any matter that in its opinion required indictment or correction. In the past, the opportunity for a county prosecutor to manipulate a grand jury was high, and the grand jury's power to hand up a presentment had occasionally been abused. New rules give public officials named in the presentment the right to challenge the reference in a private hearing prior to its being filed and publicized.

Prior to 1969, each grand jury's jurisdiction was limited to crimes or acts committed within its county. No prosecutor and grand jury was able to obtain a picture of possible crime organized on a multi-county or state-wide basis. Under a 1968 law, grand juries with statewide jurisdiction may be called at the request of the attorney general and with the permission of a superior court judge designated by the chief justice. No more than one-fourth of the jurors may come from one county. Such a jury's indictment is returned to the judge who sets the county for trial.

PETIT OR TRIAL JURY. The right to a trial by a jury of one’s peers dates back to the Magna Carta signed by King John in 1215. It is guaranteed in both the United States Constitution and New Jersey Constitution.

The petit jury, composed of 12 jurors in criminal and 6 jurors in civil cases, sits to determine facts that are in dispute. If a criminal trial is expected to be lengthy, 14, or even more jurors may be selected. All sit during the trial; at its end, 12/6 are selected to participate in the jury deliberations. The jurors are chosen by lot from panels of usually 50 prospective jurors. The first one selected becomes the foreman. In criminal cases, a conviction must be by unanimous vote. In civil cases, a verdict is reached by five or more affirmative votes. Twelve jurors are now permitted to sit in civil cases in exceptional circumstances.

A jury trial is never mandatory unless the prosecutor is seeking the death penalty. A defendant in any other criminal case may waive his right to a jury. In a civil case in which there is a right to trial by jury, there is a jury trial only if one or more of the parties request it.

QUALIFICATIONS OF JURORS. Basic qualifications for both grand and petit jurors are the same. A prospective juror, male or female, must be a United States citizen, a resident of the state for at least two years, over 18 and under 75 years of age, and a resident of the county for which he is called. He cannot have been convicted of a crime. At the time of his selection, he cannot be a person who, through his office, position, or employment, is either directly or indirectly connected with the administration of justice or law enforcement. Certain other specified categories of people are exempted from jury duty if they wish. Furthermore, the juror must be able to read, write, and understand the English language and cannot have any mental or physical disability that will prevent him from properly serving as a juror.

SELECTION OF JURORS. Lists of names of prospective grand and petit jurors are compiled by the jury commissioner's staff generally from lists of registered voters. Master lists of prospective jurors are usually drawn from responses to the thousands of questionnaires sent annually to local voters.

The backgrounds of the grand jurors summoned are investigated by probation officers to determine whether there are any factors that would prevent impartial service. Petit jurors are screened prior to their selection for trial by the judge and the attorneys involved.

PROBATION

The Probation Department in each county acts as an arm of the Superior Court and upon request, the municipal courts. The chief probation officer is appointed by the judges of the county. Upon his recommendation, the judges also appoint the probation officers, who must be college graduates. Salaries set by the judges are paid by the county.

The duties of a probation department fall into three categories: conducting investigations, supervising persons on probation, and supervising support payments and collecting fines.

A probation officer conducts a pre-sentence investigation of every person who has entered a plea of guilty or who has been guilty in a trial. The report, containing prior police records and the social background of the person, is submitted to and discussed with the judge before sentencing. The departments also make social and home investigations as directed by the superior courts. Such investigations are mandatory in cases involving the custody of children.

Irrespective of the nature of the offense of which a defendant is convicted (except a capital offense), the sentencing judge has the discretion to suspend imprisonment. Whenever a sentence is suspended, the defendant is placed on probation. A person placed on probation must report regularly to his probation officer and otherwise earn his discharge by good conduct and correct attitude.
The supervision of a person on probation is similar to the supervision of a prisoner who is released on conditions prior to the completion of his prison term. Prisoners on parole from county institutions with terms of less than one year are supervised by county probation officers; all other adult parolees are supervised by officers of the state Division of Correction and Parole.

When payment for support of dependents is ordered, support money is sent to the probation department where a record of it is made and then forwarded to the dependents. If a person falls behind in his payments and disregards notices, he may be required to show cause or be found guilty of contempt of the support order. Payments arising from divorce actions are also processed in a similar manner. Probation departments also collect fines and restitutions imposed by county, juvenile and domestic relations and municipal courts.

LEGAL ASSISTANCE FOR THE POOR

Even prior to the 1963 United States Supreme Court decision in the case of Gideon v. Wainright, 372 U.S. 335 (1963), New Jersey had been providing counsel to indigent defendants charged with indictable offenses. Their attorneys, assigned by the court on a rotating basis, were paid only in capital cases.

Following a 1966 New Jersey Supreme Court decision requiring that all attorneys representing indigent defendants be paid from public funds, New Jersey created an Office of Public Defender in 1967. Its staff of lawyers represents all indigent defendants charged with indictable offenses in both trials and appeals. In rare cases, private attorneys are called in to assist them. Since the end of 1968, the office also defends juveniles with indigent parents or guardians, in cases where there is a possibility of commitment to an institution. A fee is charged in each case, the amount dependent on the nature of the case, and it is paid in installments at the time or out of future earnings.

The case of Rodriguez v. Rosenblatt (58 N.J. 281 (1971)), extended court approved legal representation of indigents to non-indictable offenses to be tried in municipal courts where there is a reasonable prospect of imprisonment upon conviction.

CRIMINAL CASES. The office of the Public Defender, appointed by the Governor with the consent of the Senate for a five-year term, operates from headquarters in Newark and 12 regional offices throughout the state. The costs of the system are borne entirely by the State. For administrative purposes, the office is attached to the Department of Institutions and Agencies.

CIVIL CASES. In order to make the courts and judicial procedures available to all citizens—the poor as well as the rich—the federal government fosters an increasing number of legal services projects. Their staffs of lawyers provide free legal advice and representation on civil matters to the poor and any group they form. Clients who can pay or whose cases are fee-producing are referred to private attorneys. These projects are located in various parts of New Jersey, generally as part of community action agencies but operating out of their own neighborhood offices. Federal Office of Economic Opportunity grants pay 80 percent of the costs and the balance is raised locally, either by county appropriations or bar associations.

FEDERAL COURT SYSTEM

Most cases are tried and resolved by state courts. But there is a separate federal court system for trying alleged violations of federal laws and regulations and of provisions of the United States Constitution. The federal courts also resolve disputes in certain categories of civil cases, such as controversies between citizens of different states. Besides some special courts, the federal system consists of the 90 district courts, which are the trial courts; the 11 courts of appeals which are the intermediate appellate courts; and the United States Supreme Court, the court of last resort. The United States District Court of New Jersey tries all cases arising within the state; its judges sit in Newark, Camden and Trenton. The Third circuit court of appeals, sitting in Philadelphia, usually in three-judge panels, hears appeals from the New Jersey district as well as several others. The United States Supreme Court, which always sits as a body in Washington, D.C., hears appeals from the circuit courts of appeal and from the highest court of each of the 50 states; it only hears those appeals that it decides to hear.

The federal courts have their own personnel and the judges and district attorneys are appointed by the President with the advice and consent of the United States Senate.

YOUR RIGHTS IN THE MUNICIPAL COURT OF THE STATE OF NEW JERSEY

The Municipal Court desires that you receive a full and fair hearing. In order to do so, you should be aware of the following facts:
1) You are presumed to be innocent until proved guilty beyond a reasonable doubt.
2) You have the right to be represented by an attorney.
3) You have the right to obtain a postponement for a good cause, or to obtain legal counsel and prepare a proper defense.
4) You have the right to testify or not to testify in your own defense.
5) You have the right to call witnesses or have them ordered to appear in court.
6) You have the right to plead guilty or not guilty to any charge against you.
7) You have the right to appeal if you are not satisfied with the judgment of the court.

When your case is called, please come forward, quickly and quietly. You will then have the charges read to you and you may plead "guilty" or "not guilty." This is not the time to tell your story; you will be given an opportunity to do so at a later time in the proceedings. The only purpose of asking you to plead guilty or not guilty is to determine whether you want a trial and have the judge decide whether you violated the law as charged. If you are in doubt enter a plea of "not guilty."

What happens when you plead guilty? When you plead guilty, it is not necessary to have a trial. You have admitted that you violated the law and all that remains is for the judge to fix the penalty. The arresting officer or other complainant will explain briefly the circumstances of the violation and you may then explain to the court any extenuating circumstances. The judge will then assess the penalty. If you plead not guilty, you and the witnesses will be placed under oath to speak the truth. It is necessary for the prosecution to prove the charges made against you before it is necessary for you to answer those charges. You, or your counsel, have the right to ask of the prosecution's witnesses any questions pertaining to the charges.

When the prosecution has finished, you may then present your own witnesses, or testify on your own behalf. You are not forced to testify against yourself, but you may testify, if you so desire. Any evidence you give may be used by either side. If you do testify, the prosecution then has the right to ask you any questions concerning the charges.

When all the witnesses have testified, you or your attorney may tell this court why you think you should not be found guilty.

If the court finds you guilty and you think the court is in error, you have ten (10) days within which to appeal. Appeals in practically all instances will be heard by the County Court.

We strive to make a reality of the slogan "Equal Justice Under the Law." Neither the judge nor any court personnel receives any part of the fines or costs assessed. The efficiency of the traffic court is measured by the number of accidents and deaths upon our streets and highways. You can help by driving more carefully for mutual protection and for your personal safety.

Damages growing out of a collision cannot be adjudicated by the court. The court is only concerned with violations of the State statutes and municipal ordinances. Damages are a civil matter and will have to be tried in a civil court.

While it is the constant endeavor of the municipality and the judge to see that no advantage is taken of your unfamiliarity with these matters, they cannot be expected to serve as your legal counsel.

Every person has the right to make his own defense without counsel, but if you are in doubt as to your proper course, it is recommended that you consult an attorney.

If you will follow these suggestions, your case can be handled more efficiently.

PUBLIC SAFETY AND LAW ENFORCEMENT IN NEW JERSEY

New Jersey has almost 600 law enforcement agencies. These include approximately 400 organized municipal police departments, 92 special or non-organized municipal police departments, the 21 prosecutors' and 21 sheriffs' offices, four county police departments and eight county park police departments, the State Police, and 9 state agencies with law enforcement responsibilities—New Jersey Marine Patrol, Division of Fish and Game, Division of Motor Vehicles, Division of Alcoholic Beverage Control, Division of Weights and Measures, Division of Shell Fisheries, Department of Institutions and Agencies, Forest and Parks Service, and Forest Fire Service. The top spot is occupied by the Attorney General, the chief law enforcement official of the state and head of the Department of Law and Public Safety.

PROSECUTING AGENCIES

Each New Jersey Constitution since 1776 has provided for an attorney general. Since 1844 the Attorney General has been appointed by the Governor with the consent of the Senate, although only with the 1947 Constitution was his term made concurrent with that of the Governor.
The powers and duties of the Attorney General have been periodically altered by the Legislature. Under the 1948 reorganization of the executive branch, the Attorney General was put in charge of a newly created Department of Law and Public Safety, composed of previously independent agencies. Each was made a division within the department. His supervising powers over these divisions, and those subsequently added, are limited, however. Largely because of the former independent status of many of the divisions, most division heads are appointed by the Governor with the consent of the Senate.

COUNTY PROSECUTORS

Unlike the practice in many states, the County Prosecutor is not elected, but appointed by the Governor with the consent of the Senate, usually on the recommendation of the county chairman of the Governor’s political party. His term is for five years and until his successor is appointed. He is responsible to the Governor, the attorney general, and the Assignment Judge of his county. He and his assistant prosecutors, who must be attorneys-at-law, may conduct private law practices, however they may not handle criminal cases. To permit a County Prosecutor to concentrate on more serious crimes, lesser offenses are handled by municipal police and tried by municipal courts. Except where a defendant has waived his right to indictment by a grand jury, all cases that a prosecutor pursues are first brought to a grand jury.

The County Prosecutor wields much discretionary power. He decides whether to conduct investigations and how they are to be conducted; he decides whether to bring an alleged offender before a grand jury; he controls what evidence a grand jury hears; he decides whether to recommend a lighter sentence to the judge in return for a plea of guilty (called "plea bargaining"); he decides whether to ask a judge for permission to drop a case even though a grand jury has returned an indictment. The quality of law enforcement in a county is directly affected by its prosecutor.

As the chief law enforcement officer of the county, the prosecutor works closely with and may direct the mayor and police department of any municipality in law enforcement matters. He may conduct raids and make arrests in the county without notifying the police in the municipality. He may call upon the Attorney General and the State Police for assistance.

POLICE AGENCIES

New Jersey has a state police force that, unlike other police in the State, has the authority to enforce laws and municipal ordinances and to make arrests anywhere in the State. The State Police may cooperate with any federal, state, or local agency in detecting crime, apprehending criminals, and preserving law and order. However, the State Police may not be used as a posse in a municipality except upon the order of the Governor and at the request of the local governing body.

STATE POLICE. Established in 1921 as an independent agency, the New Jersey State Police was assigned in 1948 to the Department of Law and Public Safety. Its Superintendent is appointed by the Governor with the consent of the Senate. Currently there are approximately 2,700 state troopers, organized on a para-military basis into five troops. Recruits take a 26-week resident training course at the Police Academy.

The State Police still provides police protection to rural areas—the original reason for its creation. Enforcing traffic laws and providing emergency services are among its responsibilities. To reduce accidents, it conducts spot checks for drinking and speeding drivers and unsafe cars and trucks, and investigates all fatal accidents.

The State Police have also been assigned a wide variety of tasks involving control of drugs, firearms, etc., training of police, registration of firearms, investigations and raids in cooperation with federal and local authorities, technical services including identification, crime detection laboratory, communications, crime reporting and riot control.

COUNTY POLICE. Each county has the legislative authority to establish a county police department with county-wide jurisdiction. There are currently four county police agencies in New Jersey: Bergen, Camden, Hudson, and Union.

MUNICIPAL POLICE. State law permits, but does not require, a municipality to establish a police force. Of the 566 municipalities in the state, 439 in 1969 had a department with at least one full-time police officer and an additional 92 had some part-time or special officers. These police have full police powers to enforce the law and apprehend suspects. Except when in "hot pursuit" of a suspect, a municipal policeman’s jurisdiction is normally limited to the confines of his municipality. However, police (and firemen) from one municipality may help protect life and property, quell a riot, or put out a fire in another municipality at the request of the receiving municipality’s police chief or mayor.
The governing body of the municipality has the statutory responsibility for police operations including the hiring, promotion, and disciplining of police officers; these must comply with civil service regulations if the municipality has elected to adopt civil service for its employees. Under some forms of government, the mayor has law enforcement powers.

By law, all municipal and county law enforcement officers recruited after July 1965 must pass a basic training course before being permanently appointed. Administration of this law is the responsibility of a Police Training Commission in the Department of Law and Public Safety.

DIVISION OF MOTOR VEHICLES

The enforcement of motor vehicle laws (licensing and registration) is one of many principal responsibilities of the Division of Motor Vehicles. The director of the division is appointed by the Governor with the consent of the Senate for a four-year term coinciding with that of the Governor.

Every resident operator of a motor vehicle—which includes motorcycles—must have a New Jersey driver's license. Persons moving into the State must obtain a New Jersey license within 60 days. A driver examination permit must be obtained by someone learning to drive. The minimum age to apply for a learner's permit is 16. The state may require reexamination of any driver for cause.

The Division of Motor Vehicles also handles license suspension, registration and licensing of vehicles, vehicle inspection, accident compensation through the Unsatisfied Claim and Judgment Fund.

PROTECTION OF CIVIL RIGHTS

New Jersey first passed a law against racial discrimination in 1884—a law seldom invoked because the victim had to bring the case to court and bear the costs and publicity. During World War II, both the federal and state governments took steps against discrimination in employment. In 1945, just before the war’s end, New Jersey passed a law banning discrimination in employment and creating a Division Against Discrimination to enforce the law. For the first time, citizens could turn to an administrative agency for assistance in this area. The State Constitution revised in 1947 included a new clause stating that no person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry, or national origin.

In 1949 the state’s statutory prohibition against discrimination was extended to public accommodations, including schools; in 1951, to liability for military service; in 1954 and 1957, to housing aided by public funds; in 1962, to age, for employment; in 1966 in a Public Contracts law, to discrimination in employment by a contractor, or sub-contractor supplying goods or services to any governmental agency within the state; and in 1967, to all housing except rentals of rooms in one-family dwellings and the letting of the second unit in owner-occupied two-family dwellings.

The Division Against Discrimination was transferred in 1960 from the Department of Education to the Department of Law and Public Safety and was renamed the Division on Civil Rights. With this change came added emphasis on enforcement.

OTHER AGENCIES

WATERFRONT COMMISSION OF NEW YORK HARBOR. In 1953 the states of New York and New Jersey established the Waterfront Commission with strong powers to combat crime on the waterfront, regulate hiring, stabilize the work force, and protect workers from exploitation by employers or their own union leaders. The governor of each state appoints one of the two salaried commissioners for a three-year term.

THE NATIONAL GUARD. Militia—originally civilians banding together for short periods of time to protect their lives and property—were formed independently in each American colony during the Colonial period. With the establishment of the new nation, control over the militia was divided between the states and the federal government under Article I of the United States Constitution. Congress was given the power “to provide for calling forth the Militia to execute the Laws of the Union, suppress insurrections and repel Invasions.” Congress also received the authority to organize, arm, and discipline the militia, while the states retained the authority to appoint the officers and to train the militia in accordance with congressional regulations.

Over the years, the state militia became called the National Guard and changed from state-controlled organizations of local volunteers to a reserve component of the national armed forces. As such, National Guard units are included in the ready
reserves and are liable for active duty in times of national emergency or war at the call of the President. But they continue to serve their original masters, too. As the organized militia of a state, each state’s National Guard may be called upon to protect life and property and preserve peace, order, and public safety within the state at the call of its commander-in-chief, the Governor.

**DEPARTMENT OF DEFENSE.** In New Jersey, the National Guard—composed of Army and Air National Guard units—is the responsibility of the Department of Defense. The Department is headed by a Chief of Staff who is appointed by the Governor with the consent of the Senate. He serves under the direction and at the pleasure of the Governor on a full-or-part-time basis. With the exception of the Director of the Division of Civil Defense and Disaster Control, who is also appointed by the Governor with the consent of the Senate, the Chief of Staff is free to organize his department. The primary duty of the Department is to direct the recruitment and training of the New Jersey National Guard so that it can meet federal and state readiness requirements. In addition, the department supervises the State’s civil defense and disaster control program.

**CIVIL DEFENSE.** The State’s emergency preparedness in the event of manmade or natural disasters is planned and promoted by the Division of Civil Defense and Disaster Control in the Department of Defense, primarily with the aid of federal funds. Through a network of county civil defense coordinators and municipal civil defense directors, it trains rescue workers, auxiliary police, auxiliary firemen, and other civil defense personnel; conducts test exercises; encourages the acquisition of emergency equipment and facilities; and assists persons threatened or hit by a disaster. The Division maintains the state’s portion of the radio National Warning System, with state headquarters at the Civil Defense Emergency Operating Center at West Trenton and eleven other warning points throughout the state, for emergency communications such as enemy attack and hurricane warnings.

**FIRE PROTECTION.** The organization of fire protection in New Jersey fits into no simple pattern. The protection may be provided by an all-paid department, by a partly-paid and partly-volunteer department, by an all-volunteer company, or by the State Forest Fire Service.

The area a department or company protects may be several adjoining municipalities, one municipality, or one section of a municipality. The department or company may be governed by the governing body of several adjoining municipalities, the governing body of one municipality, by its own membership, or by an elected board of fire commissioners. Funds may come from the municipal budget, from private contributions and fund-raising events, from the fire district taxes, or from any combination of these.

Related activities of fire departments also vary. When empowered by municipal ordinances, they inspect buildings (except public school buildings over which only the State Board of Education has jurisdiction) to detect fire hazards. The large paid departments have fire prevention bureaus and arson squads. Some departments provide ambulance service, though this is more typically provided by a separate volunteer first aid or rescue squad, or hospitals.

Except for the Forest Fire Service and the protection of State buildings, the State government has assumed almost no responsibility for fire protection within the State. New Jersey is one of only a few states that has no state fire marshal whose office might provide local fire departments with technical back-up services. What laws have been enacted pertain to the types of permitted departments and hiring qualifications and tenure and pension rights of firemen. The State does collect two percent of the premiums of fire insurance policies written by out-of-state companies for the operation of the New Jersey Firemen’s Home in Boonton for sick and retired firemen. Any balance is paid to the New Jersey Firemen’s Association.

**CORRECTION AND PAROLE**

Originally, persons were imprisoned solely as punishment for violating the law. The focus has shifted: society now expects a correctional system to rehabilitate the lawbreakers, so that when they return to society, as almost all do, they will not break the law again.

The prevention of crime is principally a local function in New Jersey, although state and federal subsidies are often used. A variety of private and governmental efforts carry on a multi-pronged attack through work at schools, community recreation centers, at Y’s and churches, youth groups, community mental health and drug addiction control centers, and anti-poverty programs. Police by their presence can also act as deterrents.

Many convicted offenders are the traditional misfits or petty criminals of society who lack the emotional and social stability, or the attitudes and values, to lead a reasonably peaceable community life. And an increasing number of the prisoners are young.

Upon conviction of a crime, an offender is either given a suspended sentence and put on probation, or committed to an institution. (This is for convictions of state crimes and state and municipal disorderly persons offenses. Persons guilty of
federal crimes are sent to separate federal institutions or to local institutions under contract with the federal government.) Someone sentenced to an institution for a term of one year or less, serves the term in the county jail unless there is a county penitentiary or workhouse. Sentenced offenders may be committed to the penitentiaries for a maximum of 18 months. The county jails also house persons awaiting trial who cannot raise bail, or who are charged with an offense so serious that the judge will not set bail. Otherwise, a convicted adult male sentenced to a correctional institution is sent either to the state prison or to the state reformatory complex. Where possible, he is assigned the minimum degree of security necessary and placed with inmates no more hardened than he. The intent is to make the institutional experience helpful, not harmful.

Adult males given a determinate sentence, a life sentence, or sentenced to execution are sent to the State Prison. (A determinate sentence is one with a fixed minimum and fixed maximum number of years). Adult males given indeterminate sentences, as well as 16- and 17-year-old males committed as juvenile offenders, are sentenced to the Reformatory Complex.

The State Reformatory for Women at Clinton, known as Clinton Farms, is the only state correctional institution for adult females. In addition, the facility may receive juvenile female offenders over the age of 16.

Education and counseling are provided in varying degrees for inmates of the state correctional institutions. Juveniles must take some formal schooling and other prisoners may take basic adult education and high school equivalency courses. Social education (education to alter the prisoner's basic social skills and attitudes), recreational programs, job training, vocational rehabilitation, work opportunities, and counseling round out the treatment program.

Opportunity for work is a necessity for rehabilitation: It can give inmates job skills for use when they return to society; it can test their social and work attitudes; and it can reduce debilitating idleness. A 1969 law authorizes work release programs for inmates of correctional institutions. This permits selected inmates to leave the institution during normal working hours to work for regular employers in the community, returning at night to the institution. From their pay, the inmates contribute toward their maintenance at the institution and toward the support of any dependents. This law also permits selected inmates to leave the institution to attend educational and vocational training programs and, in the case of women prisoners, to leave at stipulated times to assist their families during periods of need. An earlier 1968 law provided these privileges to county correctional institutions.

Parole is a conditional release from an institution. If the parolee successfully re-enters society during a state period without getting in trouble with the law, he is discharged; if not, he is returned to the institution.

The power to decide when and under what conditions inmates may be released on parole is given to a number of boards. For inmates of the state prison and others with minimum–maximum (determinate) sentences and in certain other specified cases, it is awarded by the State Parole Board, consisting of a salaried full-time chairman and two associate members appointed by the Governor with Senate consent. Eligibility for parole is determined by a mathematical formula. A first offender is eligible for a hearing at the end of his minimum sentence or one-third of his maximum sentence (whichever is sooner), less commutation time (time off for good behavior) and work time earned. Depending on the number of previous offenses, a repeated offender is eligible at one-half to four-fifths of his maximum sentence, less commutation and work time earned. On a "life" sentence, an inmate is eligible for a hearing as if he were serving a sentence with a minimum of 25 years. With all possible commutation and work-time credits given, this results in an eligibility date of 13 years, 9 months, and 19 days. However, an inmate is not necessarily paroled at the time he is eligible for a hearing.

In the case of persons committed for an indeterminate sentence or for juvenile delinquency, the paroling authority for any inmate is his institution's board of managers. Their decisions are based upon recommendations made by a classification committee composed of various staff specialists. Upon release, a parolee receives some "gate money" (the $25 maximum was removed by legislation in 1968) and clothing.

Once parole has been granted, all adult parolees are supervised by parole officers from the Bureau of Parole in the Division of Correction and Parole.

Each county has a jail, and over half have separate detention facilities for juveniles. A few counties have institutions just for short-term sentenced offenders (penitentiaries or workhouses). Less than 300 municipalities have police lockups—usually only a few cells to hold persons overnight while they await their first appearance in municipal court. The Division of Correction and Parole has the power to inspect these local facilities and does inspect them annually. Although its advice to the governments operating the facilities is frequently taken, it cannot enforce the recommendations of its inspectors.
The single most important key to winning an election is the work done by the local party and its committeemen. You believe in the principles of the party, you believe in the qualifications of the party candidates for office, and you believe the party must win the election at the polls. It is with these beliefs you take on the task of representing the party in your district. This is a responsibility that all too frequently is taken lightly, and yet, the local party worker is the major key to victory.

This is practical politics: the essential business of persuading others that their best interests are allied with the party. An election campaign is made up of many things, but these are useless without you, the party member, to make personal contacts. The party needs you because YOU are the party.

Copies of the constitution and by-laws for organization of the National/Federal Party at the municipal, county and state levels are found in the back of this handbook.

A political party, according to New Jersey election laws, is one that polled at least 10 percent of the total vote cast in the state in the most recent general election held for all members of the General Assembly. Only the Democratic and Republican parties in New Jersey meet these statutory requirements. Their nominees are entitled to a party line on the ballot. It is easy, however, for a candidate of a minor political party, or even an ambitious independent individual, to get his name on the ballot by presenting a petition in keeping with the statutory requirements.

Political parties are the mechanism through which candidates are nominated, elections are conducted, party policies and platforms promulgated, political appointments made, and, most important, the instrument through which an orderly change of government following elections is accomplished.

The primary function of the political parties is the selection and election of candidates at the local, county, state, and national levels. Since nominees in the primary election are, for the most part, selected or recommended by political clubs and county committees, it is obvious that the selection of those who make these decisions is extremely important.

**POLITICAL PARTY STRUCTURE AND ORGANIZATION**

State law requires that municipal, county, and state party committees meet, organize, and elect a chairman and vice-chairman of the opposite sex at a specified time following the primary election. The law stipulates that the chairman be "some suitable person." He need not be an elected member of the committee of which he is chairman.

Under state law, the county committee determines the units into which the county is to be divided for purposes of representation in the county committee. In general, the election districts within the county are used as a basis of representation; in other words, each election district elects one man and one woman from each party to serve on their respective county committees. In some counties the basis may be the municipality. Thus, it is possible for one municipality with a population of 250 and another with a population of 10,000 to have the same representation on the county committee. Not only may there be variations in the basis of representation from county to county but there may also be variations within the county between the two parties.

**PARTY OFFICERS AND MEMBERSHIP**

**THE COUNTY CHAIRMAN.** The annual meeting of the county committee is held on the first Tuesday following the primary election. At this time, the members elect a chairman for a one-year term "or until his successor is elected." Usually, the post is held by one man for several years, as this is a highly coveted position and once achieved not lightly surrendered. The office of the county chairman in New Jersey is one of great power for a number of reasons. The county political organization is the vehicle for nominations to elected county, state, and congressional offices. The county committee collects and provides funds for campaigns, organizes and directs campaigns, and staffs the polls with party election board members and party challengers. It works through the municipal committees or political clubs (depending on the community), which maintain party cohesion, stimulate registration, get out the vote, and maintain contact with voters.

The county chairman's most important base of power is his control of patronage. Because of his influence over the selection of candidates for elective office, he is consulted on virtually all appointments of individuals from his county, including those that are made by the Governor with the approval of the Senate. Posts ranging from state board and commission members and county judges to assistant county attorneys are within his domain.
Patronage dispensed by the county chairman is not limited to political appointments. Jobs; contracts for goods, services, and construction; personal favors such as arranging for admission to state institutions or expediting the usual requirements for local or county services—all are within the power of many county chairmen.

County chairmen or political leaders are able to use their political muscle in other ways. In counties where his authority is entrenched, the county chairman—through the use of his power to select candidates for the state Legislature—may in effect dictate legislators' votes on key issues. For example, during the legislative battle over the enactment of a state income tax in 1966, the incumbent governor, a democrat, failed to get Democratic county leaders in Hudson and Essex to release "their" legislators to vote as they wished on the bill. None of the legislators dared to defy the county leaders' orders.

PARTY MEMBERSHIP. Political party membership in New Jersey operates on two distinct levels. The great majority of people who belong to a party are passive members who declare their affiliation in order to qualify for voting in a primary election. This is the full extent to which most citizens take part in partisan politics.

On the other hand, participation in what has been termed the "gladiatorial activities"—that is, working for a party, joining a political club, and attending political meetings, is engaged in by only two to three percent of all citizens of voting age. It is these few party activists who pick candidates, raise campaign funds, and run the campaigns and the elections.

STATE PARTY CONVENTIONS. According to New Jersey law, state party conventions are to be held in the years in which all members of the General Assembly are elected. The conventions are called by the state party committees and are held in Trenton on the second Tuesday after the primary election. Delegates, according to law, are all party nominees for national and state office, party members who hold such offices, members of the state committee, members of the national committee from New Jersey, and the county chairmen. There are no elected delegates.

Unlike the national party conventions, the only business of the state conventions is the drafting and adopting of the party platform. After the introduction of all proposed planks, the convention adjourns to reconvene in two weeks. The resolutions committee, having prepared a tentative platform, furnishes a copy to each member of the convention. The convention then reassembles at the designated time to vote on the adoption of the platform.

FINANCING CAMPAIGNS. Campaign financing at all levels of government is an ever-growing problem owing to steeply rising costs and the increasing use of lavish and sophisticated campaign techniques. This is especially so for statewide gubernatorial and congressional candidates who must buy expensive radio and television time. Both major political parties have made attempts to broaden the base of their financial support by soliciting small contributions from the public, but their efforts have been largely unsuccessful. Most campaign funds are raised by the political organization through solicitation of its membership, elected and appointed public office-holders, persons having government contracts, labor unions, business corporations, and wealthy individuals. New Jersey law forbids campaign contributions by railroads, public utilities, banks, and insurance companies. The "$100-a-plate dinner" is a favorite device for raising funds.

So great is the need for funds that pressure is frequently put upon the party nominees to make generous contributions, although such pressure is prohibited by law. Candidates may even be selected because they are able to contribute or get others to contribute on their behalf. A significant source of campaign contributions comes from special interest groups that form political action committees called "PACs."

REPORTING REQUIREMENTS. New Jersey election laws require the reporting of sources of campaign funds by candidates and municipal, county, and state committees.

ELECTION PROCEDURES. Qualifications for voting in New Jersey are a matter of citizenship, age (18), residency, mental competency, and registration. Literacy is not a requirement. Since its beginning as a colony in 1664, the right of franchise has been more liberally bestowed in New Jersey than in many other states. Voters were never excluded on religious grounds, although an oath was sometimes prescribed. Property holding, once a common prerequisite for voting in early United States history, was completely abolished in New Jersey in 1844 as a voting qualification.

Women were allowed to vote in New Jersey under laws passed in 1790 and 1797 but that right was taken from them by a law passed in 1807. The franchise was permanently extended to "Negroes" in 1870; and to women in 1920.

REGISTRATION. Responsibility for registration lies with the county commissioner of registration. In counties having a superintendent of elections (post is mandatory in first class counties and at the option of the freeholders in certain other counties) that person is the commissioner of registration. In all other counties the secretary of the county board of elections is the commissioner of registration. Just before the close of registration prior to a general election, the county commissioner of registration must provide for extra hours of registration during the evening on at least six working days. Registration practices
vary from county to county because some election laws are permissive and the authority for administration is at the county level.

**CLEARING THE REGISTRATION ROLLS.** Registration rolls are kept up to date to some extent with the help of monthly reports from health officers, who report deaths of persons over 18 within their jurisdiction, and county prosecutors, who report names of persons convicted of crimes that could disqualify those persons as voters. In addition, county election officials may, preceding each general election for members of the United States House of Representatives, send government reply postcards to each registrant who failed to vote at the previous election to determine if that voter still resides there, or to obtain his new address if he has moved. There are other requirements designed to facilitate this requirement.

**PRIMARY ELECTIONS.** A primary, so called because it is the first election (the second being the general election), is a party election. Prior to the adoption of New Jersey's direct primary laws, in 1903 and 1911, the selection of party candidates and officials was solely within the control of the parties themselves. But election scandals then rocking the state pointed up the corrupting power of the political machines. In response, the primary was devised as a means of giving the voters direct control of the parties.

**NOMINATIONS FOR PUBLIC OFFICE.** Nominations for public office are made by petition, signed only by qualified voters who are members of the same political party as a nominee. Signers must assert that in the last general election they voted for a majority of the candidates of that political party and they intend to affiliate with the same party at the ensuing election. The minimum number of signers needed varies from 25 to 1,000, depending largely on the particular office sought. Petitions must be filed by the fiftieth day preceding the primary election with the secretary of state, the county clerk, or the municipal clerk, again depending on the office sought. There is no filing fee. Requirements for independent candidates, i.e., candidates for a public office who do not want to run as Democrats or Republicans, are somewhat different. For example, the signers' party affiliations are immaterial, more signatures may be required, and more witnesses to the signatures are necessary. Independent candidates file their petitions at the same time and place as other candidates, but their names do not appear on the ballot until November.

**NOMINATIONS FOR PARTY OFFICE.** Petitions are also used to nominate candidates for party office; the signers must not be members of the other party. Three types of party posts are filled by the voters in a primary: county committeeman and committeewoman (elected yearly); state committeeman and committeewoman (in gubernatorial election years); and delegates and alternates to the parties' national nominating conventions (in Presidential election years). The number of necessary signatures ranges down to 10 (for county committeeman and woman), but the filing requirements are the same as for public office.

A voter often has no opportunity in the primary election to choose between two or more candidates for a party position or public office because differences are usually resolved and agreement reached on who shall run for these posts, and a single slate of candidates for each of the parties is then presented on the ballot. In case there is a disagreement that cannot be resolved, the dissidents may sometimes withdraw altogether, from what is often termed the "Reform" segment of their party and run their own set of candidates for party positions as well as for the other elective offices. Voters may then pick and choose. There is no single lever to vote a straight party line.

For those who disapprove of the party choices, there is a remedy: they may join the local organization of the party of their choice and use their influence there—where it counts the most—in picking candidates and deciding party policy. Membership is open to any citizen eligible to vote. If there is no political club of the party of one's choice, then one may be organized by a group of interested citizens. Or they may themselves run for party or public office.

**ROLE OF THE POLITICAL PARTIES IN THE ELECTION PROCESS.** In New Jersey, elections are run by the two major parties. The county and district boards of election—whose members (two from each party) are selected by the county chairmen of the parties—supervise every detail of both primary and general elections, from registration through the counting of the ballots. Order is maintained at the polling places by these party officials and challengers named by each party are present to check violations by voters. Supporters and opponents of public questions may have challengers as well.

**NONPARTISAN ELECTIONS.** Many municipalities, depending on their form of government, have nonpartisan elections to fill municipal offices. As these are nonpartisan elections, no primary is held. These elections occur in May to reduce the influence of partisan identifications and loyalties, although this is not always successful. Elections for school board posts, held in February, are also nonpartisan. Petitions to put the candidates' names on the ballot are filed at least 50 days prior to the pertinent election with the municipal clerk or the school district clerk, as the case may be.

**CITIZEN PARTICIPATION.** We live in a republic using a democratic form of government. Democracy, it has been said, is the most difficult form of government to operate because it requires active participation on the part of its citizens. Historically,
there has been a great reluctance on the part of the overwhelming majority of citizens to become involved in political activity. The work of selecting candidates, financing campaigns, and conducting the business of government at every level has been left to the few. Even voting, the minimal participation in the rite of democracy, is not exercised by a great majority of the voting-age population.

**ELECTIONS IN NEW JERSEY**

Voting is accomplished either in person or by absentee ballot. A sample ballot is mailed to all registered voters before a primary, general or School Board election, giving the polling place and voting hours.

**SCHEDULE OF ELECTIONS.** The GENERAL ELECTION is held the first Tuesday after the first Monday in November. PRIMARY ELECTIONS are held the first Tuesday after the first Monday in June, although this date has been frequently moved by law. At this time, party candidates are nominated for the general election, county committee members are elected from their respective election districts, state committee members in gubernatorial years, and delegates and alternates to the national convention in Presidential years. Only Republican and Democratic parties participate in the primary. Minor party and independent candidates do not take part; however, to appear on a general election ballot they must file petitions before the primary.

**MUNICIPAL ELECTIONS.** Municipal elections are held with the general election, except that municipalities with a nonpartisan form of government hold their elections generally on the second Tuesday in May. In nonpartisan Optional Municipal Law mayor–council and council–manager forms of government, if the original returns fail to produce majorities in the proportions required, a runoff election is held five weeks later for each office in question between the two candidates polling the highest number of votes. SPECIAL ELECTIONS are held for certain types of referenda when and as required.

**SCHOOL ELECTIONS.** School elections are held the first Tuesday in April. Regional school elections are held the first Tuesday in April also. These are nonpartisan elections to elect boards of education and approve proposed school budgets. Failure to pass a school budget requires that the budget be established by the municipal governing body. Most large municipalities do not elect boards of education; mayors appoint them and school budgets are determined by boards of school estimate, or, in some cases, submitted to the voters for approval.

**ABSENTEE VOTING.** A voter must apply for an absentee ballot not less than 7 days before the election in person or by mail to the county clerk for primary and general elections; school district clerk, for school elections. Deadline may be waived for military personnel. Absentee ballots must reach the county election board or school board office by the time the polls close on Election Day.

A registered voter may apply for a civilian absentee ballot if he is to be out of the state on Election Day or is physically incapacitated (including blindness or pregnancy) or is observing a religious holiday or is a student away at school.

A military service ballot may be used if the voter is qualified to vote, whether registered or not, and is (1) a person in the military service or his spouse or dependent; (2) a patient in a veteran’s hospital; or (3) a civilian attached to or serving with the armed forces out of the state or his spouse or dependent residing with or accompanying him. A friend or relative may make application for the serviceman by applying the clerk in the serviceman’s county. Ballot and instructions are mailed to the voter. A military ballot does not automatically register the person as a registered voter. The serviceman or woman must register on return from service.

A registered voter moving from the state or to another county may use an absentee presidential ballot to vote at his former address for President and Vice-President only, if unable to establish residence requirements at his new address in time for the election.

A new resident of New Jersey, meeting all requirements for voting except the six-month residence by the time of the election, may use a new resident’s presidential ballot to vote only for President and Vice-President; file an affidavit of residence with the county or municipal election officials at least 40 days prior to election, voter receives an application for the ballot at that time. Subsequent elections require registration.

**ELECTION MACHINERY.** District boards of elections consist of 4 members (2 Democrats and 2 Republicans) for each election district, and are appointed by the County Board of Elections upon recommendation of the county committee members. The term of office is one year. Its function is to conduct the elections at the polling place. The election districts in a municipality are established by county boards of elections in first class counties and the governing bodies of municipalities in other counties. The number of voters in a district is to range from 350 to 550, although the law permits more where voting machines are used. (If a municipality is subdivided into wards from which members of the governing body are elected, the ward lines
may be changed only by a commission composed of two members from each of the major parties who are appointed by the municipality's mayor.

The County Board of Elections consists of 2 Republicans and 2 Democrats appointed by the Governor upon nomination by party officials. Term of office is two years. Its function is to set up the machinery for voting. It is responsible for the administration of the elections and has authority to settle controversial questions connected with elections.

School Boards of Elections are appointed by the Board of Education of each school voting district.

If any candidate, or ten voters, at any election have reason to believe that an error has been made in counting the vote or declaring the vote, they may apply to a Judge of the Superior Court for a recount.
INFORMATION AND FACTS ABOUT NEW JERSEY

THE STATE SEAL AND OTHER STANDARDS

THE STATE SEAL. New Jersey's State Seal was designed by Pierre Eugene du Simitiere and presented in May, 1777, to the Legislature, which was then meeting in the Indian King Tavern in Haddonfield.

The three plows in the shield honor the state's agricultural tradition. The helmet above the shield faces forward, an attitude denoting sovereignty and thus particularly fitting for one of the first governments created under the notion that the state itself is the sovereign. The crest above the helmet is a horse's head, standing for speed and strength (the horse is also the state animal of New Jersey).

The female figures pictured in the state seal are Liberty on the left, carrying the liberty cap on her staff. The liberty cap was worn as a symbol of rebellion by patriots in the colonies. Ceres, the Roman goddess of grain, is on the right. She holds a cornucopia filled with harvested produce, symbolizing abundance. Below it all is a banner with the state's motto, "Liberty and Prosperity".

Although the Seal's major elements have kept their relative positions for more than 200 years, there have been a number of lesser changes. The staff that Liberty now holds with her right hand, she once held in the crook of her left arm. While the female figures now face straight ahead they at one time looked away from the shield. The cornucopia that Ceres now holds upright was once inverted, its open end upon the ground. The changes were made when the Seal was redesigned in accordance with Joint Resolution 8 of the Laws of 1928. It was then that the year, 1776, first appeared in Arabic figures.

THE STATE FLAG. The New Jersey State Flag is defined and described in Joint Resolution No. 2 of 1896, which reads as follows:

Joint Resolution to Define the State Flag.
1) BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey: The State flag shall be of buff color, having in the center thereof the arms of the State properly emblazoned thereon.
2) The State flag shall be the headquarters flag for the Governor as Commander-in-Chief, but shall not supersede distinctive flags which are or may hereafter be prescribed for different arms of military or naval service of this State.
3) This act shall take effect immediately.

Approved March 26, 1896.

Under Chapter 170, P.O. 1965, the official colors of New Jersey for use on the State Flag and for other purposes were legally established as buff and Jersey blue.

THE STATE SONG. New Jersey does not have an official State song despite attempts to find one.

As the result of a 1939 contest, a report was submitted on December 9, 1940, in favor of the "New Jersey Loyalty Song," by Samuel Monroe, but the Legislature never acted upon the recommendation. Similar action taken by the 1954 Legislature resulted in the State Department of Education, on May 18, 1956, submitting a report to the effect "that no song had been found ... of sufficient worth to recommend as the official State Song."

In 1964, the New Jersey Tercentenary Commission sponsored a State Song Contest but did not endeavor to establish an official State Song.

On November 20, 1972, the General Assembly approved, 48–6, a Senate bill declaring "I'm from New Jersey," as the official State Song. Before passage of the measure, the composer, Joseph Rocco "Red" Mascara of Phillipsburg, sang the lyrics from the Assembly gallery, accompanied by a six-piece group. Mr. Mascara had lobbied 11 years to secure passage of the bill. The bill was not signed into law, however.

On June 12, 1980, the Assembly by voice vote passed ACR-121, designating the song "Born to Run" as the state's unofficial rock theme. The song had been commercially performed by Bruce Springsteen, who was born in Freehold on September 23, 1949. There were protests that the song lacked the inspirational quality appropriate for a state anthem. The resolution was referred to the Senate's State Government Committee, which did not immediately move to release it.
### FACTS ABOUT THE STATE OF NEW JERSEY

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capitol</td>
<td>Trenton</td>
</tr>
<tr>
<td>Total Area (Land and Water)</td>
<td>8,722 square miles</td>
</tr>
<tr>
<td>Population</td>
<td>8,791,894</td>
</tr>
<tr>
<td>Voting Age Population (18 years of age or older)</td>
<td>6,726,680</td>
</tr>
<tr>
<td>Registered Voters</td>
<td>5,245,835</td>
</tr>
<tr>
<td>Rank among the States: In population</td>
<td>11th</td>
</tr>
<tr>
<td>Rank among the States: In density of population</td>
<td>1st</td>
</tr>
<tr>
<td>Rank among the States: In Total Area (Land &amp; Water)</td>
<td>47th</td>
</tr>
<tr>
<td>First State to ratify the Bill of Rights</td>
<td></td>
</tr>
<tr>
<td>Third State to ratify the Federal Constitution</td>
<td></td>
</tr>
<tr>
<td>Number of Municipalities</td>
<td>566</td>
</tr>
<tr>
<td>Number of Public School Systems</td>
<td>598</td>
</tr>
<tr>
<td>Number of Counties</td>
<td>21</td>
</tr>
<tr>
<td>Number of State Senators</td>
<td>40</td>
</tr>
<tr>
<td>Number of Assemblymen</td>
<td>80</td>
</tr>
<tr>
<td>Number of Federal Congressional Districts</td>
<td>12</td>
</tr>
<tr>
<td>Nickname</td>
<td>The Garden State</td>
</tr>
<tr>
<td>State Flower</td>
<td>The Violet</td>
</tr>
<tr>
<td>State Bird</td>
<td>The Eastern Goldfinch</td>
</tr>
<tr>
<td>State Colors</td>
<td>Buff and Blue</td>
</tr>
<tr>
<td>State Motto</td>
<td>Liberty and Prosperity</td>
</tr>
<tr>
<td>State Insect</td>
<td>The Honey Bee</td>
</tr>
<tr>
<td>State Animal</td>
<td>The Horse</td>
</tr>
<tr>
<td>State Tree</td>
<td>The Red Oak</td>
</tr>
<tr>
<td>Type of Government</td>
<td>Description</td>
</tr>
<tr>
<td>--------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Commission</td>
<td>The first attempt to allow a kind of local structure that would pinpoint administrative responsibility was the “commission” form of government specified in the Walsh Act of 1911. This form places responsibility for particular departments with individually-elected commissioners (Department of Public Affairs, Department of Public Safety, Department of Public Works, Department of Parks and Public Property, and Department of Revenue and Finance). However, problems arise because of the lack of a strong executive to coordinate the administration of the municipality.</td>
</tr>
<tr>
<td>Weak Mayor</td>
<td>In these forms, while the voters directly elect a mayor, the position does not encompass all the powers of a strong executive. Such a mayor does not have the power to prepare a budget, and many administrative functions must be shared with the elected legislative body.</td>
</tr>
<tr>
<td>Strong Mayor</td>
<td>The Mayor–Council form provides for the election of a mayor who is the chief administrative officer of the municipality. The mayor makes the budget, has veto power over the acts of the council (although subject to a two-thirds override), and appoints the heads of his own administrative departments, including a business administrator, subject to approval by the council. The mayor attends meetings of the council, but he has no vote (except on a tie vote in filling a council vacancy). The mayor is responsible for carrying out all council decisions as well as the conduct of all other functions of the municipality. This provides for better administration, a system of checks and balances between the legislative and executive, and centralized budgeting. One possible disadvantage is the fact that the mayor, through his right to name officials below the rank of department heads without approval of the Council, may use this right to build a personal political machine.</td>
</tr>
<tr>
<td>Council Manager</td>
<td>In the Council–Manager form, the council hires a trained manager who serves at the pleasure of the council, executes its policies, and administers the municipality. Among his responsibilities are the appointment and removal of the department heads and preparation of the annual budget. This is very similar to the Municipal Manager form, although the Council–Manager form does not provide tenure for the manager, who may be removed through a vote of the council.</td>
</tr>
<tr>
<td>Mayor–Council–Administrator</td>
<td>In the Mayor–Council–Administrator form (added to the OMCL in 1982), the municipal council consists of a mayor and six members of council who are elected at large. The mayor serves a four year term and the members of council three year terms on a staggered basis. The council is the legislative branch of the municipality. While the council has no appointive authority and no appointive responsibility, it does prepare the budget with the assistance of the treasurer and administrator. Although the Council does not appoint the administrator, the administrator may be removed from office at the pleasure of the council. As the executive authority, the mayor presides over the council but possesses no vote. He or she can veto ordinances but the council may override a veto by a two-thirds majority. The mayor is authorized to make a number of key appointments, including the administrator, assessor, collector, attorney, clerk and treasurer. The administrator is directed to administer the business affairs of the municipality and supervise the administration of each department.</td>
</tr>
</tbody>
</table>
**COMMISSION**

VOTERS

**ELECT**

CITY COMMISSIONERS (5)

**CHOOSE THEIR OWN MAYOR**

**SUPERVISE**

PUBLIC WORKS

- STREET REPAIR
- SANITATION
- SEWERS
- ZONING

REVENUE & FINANCE

- TAXES-ASSESSORS
- PURCHASES
- TREASURER
- AUDITOR

PUBLIC AFFAIRS

- LAW DEPT.
- CITY CLERK
- PLANNING
- CIVIL SERVICE
- LIBRARY
- MUNICIPAL JUDGE

PUBLIC SAFETY

- POLICE & FIRE
- NARCOTICS
- GAMBLING
- HEALTH
- TRANSIT

PARKS & PUBLIC PROPERTY

- WELFARE
- PUBLIC PROPERTY
- ENGINEER

* Mayor is chosen from among the five Commissioners (often the one that received the most votes)

**WEAK MAYOR**

VOTERS

**ELECT**

**EXECUTIVE**

MAYOR

**APPOINT**

COUNCIL (5)

**LEGISLATIVE**

BOARDS & COMMISSIONS

DEPARTMENT HEADS

Executive Responsibilities

- ENFORCES ORDINANCES
- PRESIDES OVER COUNCIL (VOTES TO BREAK TIES)

Legislative Responsibilities

- VOTES ORDINANCES
- PREPARES BUDGET
- ALL EXECUTIVE RESPONSIBILITY NOT PLACED WITH THE MAYOR
STRONG MAYOR

VOTERS

ELECT

EXECUTIVE

MAYOR

APPOINTS

BOARDS & COMMISSIONS
DEPARTMENT HEADS
BUSINESS ADMINISTRATOR

Executive Responsibilities
- ENFORCES ORDINANCES
- PREPARES BUDGET

Legislative Responsibilities
- VOTES ORDINANCES
- APPROVES BUDGET

COUNCIL (5)

EXECUTIVE

CITY MANAGER

APPOINTS

BOARDS & COMMISSIONS
DEPARTMENT HEADS

Executive Responsibilities
- ENFORCES ORDINANCES
- PREPARES BUDGET
- ATTENDS COUNCIL MEETINGS, BUT DOES NOT VOTE

Legislative Responsibilities
- VOTES ORDINANCES
- APPROVES BUDGET
MAYOR-COUNCIL ADMINISTRATOR

VOTERS

EXECUTIVE

MAYOR

APPOINTS

ADMINISTRATOR
BOARDS & COMMISSIONS
DEPARTMENT HEADS

COUNCIL (6)

{ LEGISLATIVE }

Executive Responsibilities

- ENFORCES ORDINANCES
- PRESIDES OVER COUNCIL (VOTES TO BREAK TIES)

Legislative Responsibilities

- VOTES ORDINANCES
- PREPARES BUDGET
<table>
<thead>
<tr>
<th>Type of Government</th>
<th>Description</th>
<th>Elected Officials</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>County Executive</strong></td>
<td>Provides for an elected Chief Executive called the County Executive and an elected Board of Freeholders. The County Executive has control over personnel, budget, and all county agencies and departments. He can veto actions of the Board of Freeholders, who in turn could override his veto by a two-thirds vote, whereupon the ordinance becomes law in 10 days without the Executive's signature. The County Executive appoints a Chief Administrator and any other officers or employees authorized by the Board of Freeholders. He also appoints the heads of all county boards and commissions. The appointment of the Chief Administrator and Heads of Boards and Agencies is with the advice and consent of the Board. The Board of Freeholders may appoint a clerk to the Board and the County Counsel who heads the County's legal department (this plan is similar to the municipal “strong mayor”).</td>
<td>• (1) Executive&lt;br&gt; • (5) Freeholders&lt;br&gt; • (1) Clerk&lt;br&gt; • (1) Surrogate&lt;br&gt; • (1) Sheriff</td>
</tr>
<tr>
<td><strong>County Manager</strong></td>
<td>Under this plan the Freeholders appoint a professional administrator (called the County Manager) responsible for administration and operation of the county, while the Freeholders retain responsibility for policy and direction. The executive power is exercised by the County Manager. He appoints a deputy manager, the heads of all county departments and other administrative officers. The Board of Freeholders may appoint a clerk to the Board and the County Counsel who heads the County's legal department (this plan is similar to the municipal &quot;council manager&quot;).</td>
<td>• (5) Freeholders&lt;br&gt; • (1) Clerk&lt;br&gt; • (1) Surrogate&lt;br&gt; • (1) Sheriff</td>
</tr>
<tr>
<td><strong>County Supervisor</strong></td>
<td>Under this plan there is a County Supervisor elected as well as the Board of Freeholders. The County Supervisor presides over Board meetings, with the right to vote in cases of ties. During his absence the Board designates one of their members to serve as Chairman pro tempore of the Board. The County Supervisor exercises the executive power of the county, may veto Board actions, who in turn can override his veto by a 2/3-vote, whereupon the ordinance becomes law without the Supervisor’s signature. The County Supervisor appoints the heads of all county boards and commissions and other officials with the advice and consent of the Board. The Board appoints a Chief Administrator, who is supervised by the County Supervisor. The Board also may appoint a clerk to the Board and the County Counsel who shall head the County’s legal department (this plan is similar to the municipal “weak mayor”).</td>
<td>• (1) Supervisor&lt;br&gt; • (5) Freeholders&lt;br&gt; • (1) Clerk&lt;br&gt; • (1) Surrogate&lt;br&gt; • (1) Sheriff</td>
</tr>
<tr>
<td><strong>Board President</strong></td>
<td>The Board President shall be elected from among the members of the Board. The executive powers of the county are exercised by the Board President. He presides over Board meetings, with the right to vote on all questions. With the advice and consent of the board, he appoints all members of independent or advisory boards and commissions and all other officials not serving in the administrative service of the county. The Board appoints the Chief Administrator, who in turn appoints the heads of all county departments and all other administrative officers and employees (this plan is similar to the municipal “commission”).</td>
<td>• (5) Freeholders&lt;br&gt; • (1) Clerk&lt;br&gt; • (1) Surrogate&lt;br&gt; • (1) Sheriff</td>
</tr>
</tbody>
</table>
The fifth option open to the voters of the county under the 1972 law was the option of retaining the traditional form of county government, which might simply be called the Board of Chosen Freeholders form of county government.

All of the options except the Board of Chosen Freeholders provide a clear-cut division of the executive and legislative functions of government. As with the State, the executive formulates and proposes a budget and the Board legislates it into existence.

- (5) Freeholders
- (1) Clerk
- (1) Surrogate
- (1) Sheriff

### COUNTY EXECUTIVE

```
VOTERS
  \|-- EXECUTIVE
      \|-- BOARD OF CHOSEN FREEHOLDERS
           \|-- CLERK
                \|-- SHERIFF

  \|-- APPOINTS

  \|-- CONTROLS

  \|-- CHIEF ADMINISTRATOR

  \|-- PERSONNEL BUDGET AGENCIES & DEPARTMENTS

  \|-- APPOINTS
```

### COUNTY MANAGER

```
VOTERS
  \|-- BOARD OF CHOSEN FREEHOLDERS

  \|-- HIRES

  \|-- CHIEF ADMINISTRATOR

  \|-- DEPUTY MANAGER ALL COUNTY DEPARTMENTS

  \|-- APPOINTS

  \|-- CLERK TO BOARD COUNTY COUNCIL
```

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MUNICIPAL ATTORNEY. The Municipal Attorney advises the city's elected leadership on legal matters that may impact the city. As this individual must give advice on a wide array of topics, they will need to be able to do research and communicate complex information in understandable ways.

POLICE CHIEF. The Police Chief, along with his two Deputy Police Chiefs from different floors, is collectively responsible for maintaining order within the city.

DEPUTY POLICE CHIEF (2). The Deputy Police Chiefs, along with the Police Chief, are collectively responsible for maintaining order within the city.

FIRE CHIEF. The Fire Chief, in conjunction with the Police Department, is responsible for strictly enforcing all fire regulations. In addition he must plan and explain to the city evacuation procedure in the event of a fire.

CITY CLERK. The City Clerk is the custodian of all of the city records and Secretary to the City Council. He will keep minutes of Council meetings and records of all Council activities. He is a key resource in the creation of the City Manual and website.

MUNICIPAL JUDGE. The Municipal Judge presides over the city's Municipal Court. He will attend a special seminar at the New Jersey State Courthouse about his position.

PROSECUTOR. The Municipal Prosecutor is responsible for instituting and carrying on the legal proceedings against those charged by the Police Department. He will attend a special seminar at the New Jersey State Courthouse about his position.

PUBLIC DEFENDER. The Municipal Public Defender is responsible for arguing cases on behalf of defendants. He will attend a special seminar at the New Jersey State Courthouse about his position.

COURT CLERK. This Court Clerk is responsible for maintaining records of all Municipal Court cases. In addition, he is responsible for finding time to conduct Municipal Court and for notifying the city of these arrangements.

BOARD OF EDUCATION (5). The Board of Education is responsible for working with the Superintendent of Schools and their City Counselors to develop an educational plan for the city. Key topics will be reviews of assigned readings, preparation for the ALJBS Exam, and discussions of learnings from the week's General Assemblies.

SUPERINTENDENT OF SCHOOLS. The Superintendent of Schools will work with the Board of Education to draft a plan for educating the members of his city. He will also be responsible for implementing the Board of Education's decisions.

DIRECTOR OF PUBLIC SAFETY. The Director of Public Safety is responsible for ensuring that all athletic participants have sneakers and are properly attired when reporting to recreation. He is also responsible for submitting a written report of any accidents that occur, or any hazardous conditions that exist, to the city's elected leadership and the City Counselors immediately.

CHIEF HEALTH OFFICER. The Chief Health Officer is responsible for maintaining a clean and healthy community. This should include, but not be limited to: making daily inspections of the individual rooms and ensuring the bathrooms and hallways are maintained in a clean and healthy fashion. The Police Department is contacted for any assistance needed in enforcement.

DIRECTOR OF PUBLIC WORKS. The Director of Public Works manages functions that require construction and maintenance. He will work with the Building Inspector and Supervisor of Streets to report any needed repairs to the city's elected leadership and City Counselors.

BUILDING INSPECTOR. The Building Inspector is in charge of issuing permits for the erection and alteration of buildings so that they comply with municipal ordinances. He will work with the Director of Public Works and Supervisor of Streets to report any needed repairs to the city's elected leadership and City Counselors.

SUPERVISOR OF STREETS. The Supervisor of Streets prioritizes and oversees street maintenance projects. He will work with the Director of Public Works and the Building Inspector to report any needed repairs to the city's elected leadership and City Counselors.
DIRECTOR OF PARKS AND PUBLIC PROPERTY. The Director of Parks and Public Property is responsible for maintaining the lounges and outside of the city in a neat and presentable condition.

DIRECTOR OF WELFARE. The Director of Welfare administers relief and charitable aid to his city. He is the chairman of the committee responsible for executing the end-of-week party with his City Counselors. He may also have responsibility for dealing with citizens unable to pay their taxes.

DIRECTOR OF FINANCE. The Director of Finance is the chief bookkeeper of the city, promoting transparency, efficiency, and accountability. He is a member of the end-of-week party committee.

TAX COLLECTOR. The Tax Collector is a member of the end-of-week party committee as well as being responsible for collecting the taxes that the city’s elected leadership impose via ordinance. They may also be in charge of helping to collect money for the end-of-week party.

TAX ASSESSOR. The Tax Assessor is a member of the end-of-week party committee as well as helping the city’s elected leadership decide on how to appropriately tax the city.

CHIEF FINANCIAL OFFICER/TREASURER. The Chief Financial Officer/Treasurer is the custodian of all municipal monies. He oversees the Directors of Welfare and Finance as well as the Tax Assessor and Tax Collector and reports directly to the city’s elected leadership.
COUNTY APPOINTMENTS

COUNTY MEDICAL EXAMINER. The County Medical Examiner will report any illnesses or injuries to the County Freeholders and maintain health records that will go into the County Manual.

COUNTY ENGINEER. The County Engineer will be in charge of keeping all of the documents and plans that his county may use for building bridges or highways. His documents will be necessary for the County Manual.

COUNTY ROAD SUPERVISOR. The County Road Supervisor will be responsible for keeping documents pertaining to the state of the roads in his county. His records will be necessary for the County Manual.

COUNTY COUNSEL. The County Counsel serves as attorney and provides legal advice and representation to the Board of Freeholders and all County Departments. The Counsel also provides legal advice and assistance to the constitutional officers upon request.

COUNTY ADJUSTER. The County Adjuster is responsible for the supervision of and preparations of papers relating to the commitment of those with mental illness and in cases arising in other causes where the legal settlement appears to be in his county.

CLERK OF THE BOARD OF CHOSEN FREEHOLDERS. The Clerk of the Board of Freeholders is the Secretary to the Board. He will keep minutes of Council meetings and records of all Freeholder activities. He is a key resource in the creation of the County Manual.

COUNTY TREASURER. The County Treasurer is responsible for providing accounting records and preparing the Annual Financial Statement. He is also responsible for preparing the annual budget along with all supporting schedules.

PURCHASING AGENT. The County Purchasing Agent will be in charge of all materials and supplies to be purchased for all institutions, departments, boards and commissions of the county and shall purchase all supplies and materials for their use.

COUNTY WARDEN. The County Warden will be in charge of any citizens who have been given the punishment of imprisonment or other lesser sentences.

PARKS & RECREATION COMMISSIONER. The County Parks & Recreation Commissioner, along with each city's Director of Parks and Public Property are responsible for maintaining the outside of the county in a neat and presentable condition reflective of the integrity of his county. He is also responsible for coordinating efforts with each city's Athletic Director to ensure full participation in the Sports Program and avoid forfeits.

COUNTY UNDERSHERIFF. The County Undersheriff will assist the County Sheriff in the enforcement of the county laws. He may also assist in county court proceedings.

PROBATION OFFICER. He will be responsible for fully investigating and submitting written reports to the county court detailing all pertinent information about the cases they may be handling. He will also assist the Warden in enforcement of the sentences that the Court hands down to its citizens.

COUNTY WELFARE BOARD. The members of the board will assist the county leadership in assigning responsibilities to citizens to ensure timely completion of the County Manual. In addition, members of the County Welfare Board may assist municipal Directors of Welfare in the collection of unpaid taxes.
**GUBERNATORIAL APPOINTMENTS**

The Constitution of the State of New Jersey, Article V, Section 1, provides that the Governor shall grant commissions to all officers elected or appointed pursuant to the Constitution. He shall nominate and appoint, with the advice and consent of the Senate, all officers for whose election or appointment provision is not otherwise made by the Constitution or by law.

The following is a list of principal positions within the Executive Branch of the State government (modified for use at ALJBS) to be filled by the newly elected Governor.

<table>
<thead>
<tr>
<th>Chief of Staff</th>
<th>Chief Justice of the Supreme Court</th>
<th>Commissioner of the Department of Children &amp; Families</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secretary of State</td>
<td>Associate Justice of the Supreme Court</td>
<td>Chief Executive Officer of the Economic Development Authority</td>
</tr>
<tr>
<td>Counsel to the Governor</td>
<td>Associate Justice of the Supreme Court</td>
<td>Commissioner of the Department of Community Affairs</td>
</tr>
<tr>
<td>Attorney General</td>
<td>Associate Justice of the Supreme Court</td>
<td>Adjutant General of the Department of Military &amp; Veteran Affairs</td>
</tr>
<tr>
<td>Deputy Attorney General</td>
<td>Associate Justice of the Supreme Court</td>
<td>Chair of the Civil Service Commission</td>
</tr>
<tr>
<td>Halsey County Prosecutor</td>
<td>Associate Justice of the Supreme Court</td>
<td>Secretary of the Department of Agriculture</td>
</tr>
<tr>
<td>Marshall County Prosecutor</td>
<td>Presiding Judge, Part A, of the Superior Court Appellate Division</td>
<td>Commissioner of the Department of Transportation</td>
</tr>
<tr>
<td>Nimitz County Prosecutor</td>
<td>Presiding Judge, Part B, of the Superior Court Appellate Division</td>
<td>Superintendent of the New Jersey State Police</td>
</tr>
<tr>
<td>Macarthur County Prosecutor</td>
<td>Presiding Judge, Part C, of the Superior Court Appellate Division</td>
<td>Secretary of Higher Education</td>
</tr>
<tr>
<td>Ridgeway County Prosecutor</td>
<td>Presiding Judge, Part D, of the Superior Court Appellate Division</td>
<td>Commissioner of the Department of Education</td>
</tr>
<tr>
<td>Vandenberg County Prosecutor</td>
<td>Presiding Judge, Part E, of the Superior Court Appellate Division</td>
<td>Commissioner of the Department of Banking and Insurance</td>
</tr>
<tr>
<td>Eisenhower County Prosecutor</td>
<td>Presiding Judge, Part F, of the Superior Court Appellate Division</td>
<td>Commissioner of the Department of Corrections</td>
</tr>
<tr>
<td>Bradley County Prosecutor</td>
<td>Presiding Judge, Part G, of the Superior Court Appellate Division</td>
<td>State Comptroller</td>
</tr>
<tr>
<td>Schwarzkopf County Prosecutor</td>
<td>Presiding Judge, Part H, of the Superior Court Appellate Division</td>
<td>Commissioner of the Department of Environmental Protection</td>
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<tr>
<td></td>
<td></td>
<td>Chair &amp; Chief Administrator of the Motor Vehicle Commission</td>
</tr>
<tr>
<td></td>
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<td>President of the Board of Public Utilities</td>
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<td>Commissioner of the Department of Health</td>
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<td>Director of the Office of Homeland Security</td>
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<td>Commissioner of the Department of Labor &amp; Workforce Development</td>
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POLITICAL PARTIES AT ALJBS

ALJBS TABLE OF PARTY ORGANIZATION

LOCAL VOTER

WARD COMMITTEEMEN
3 PER CITY PER PARTY

MUNICIPAL CHAIRMAN
MUNICIPAL VICE-CHAIRMAN
SECRETARY
SERGEANT-AT-ARMS

Chairman and Vice-Chairman are the municipal representatives to the County Executive Committee

The three ward leaders decide amongst themselves who will hold each position

COUNTY CHAIRMAN
COUNTY VICE-CHAIRMAN
SECRETARY
SERGEANT-AT-ARMS

Chairman and Vice-Chairman are the county representatives to the State Executive Committee

The four municipal representatives decide amongst themselves who will hold each position

STATE COMMITTEE
ALL PARTY MEMBERS

County Chairmen and Vice-Chairmen

STATE EXECUTIVE COMMITTEE

Elected by party as a whole; candidates are elected by county from the party at-large

STATE CHAIRMAN
STATE VICE-CHAIRMAN
SECRETARY
SERGEANT-AT-ARMS
Preamble to the Constitution

The members of___________________ City, American Legion Jersey Boys State, do hereby adopt the following Constitution and By-Laws for their proper government in accordance with the provisions of the Statutes of American Legion Jersey Boys State.

ARTICLE I
Name and Object

Section 1. This body shall be known as the (example): "Washington City (National) (Federal) Municipal Committee", hereinafter referred to as The Committee.

Section 2. The committee shall have general charge and direction of all general election political campaigns in the City Of ________________, and the members thereof shall have management of all general and special election campaigns in their respective election districts, subject to the control and supervisions of the Committee.

ARTICLE II
Membership QUALIFICATIONS
Terms and Vacancies

Section 1. The Committee shall consist of the members of the city, of __________________ (Federal) (National) Party, elected in the election wards in the city of_____________________, and who shall continue to reside in the wards in which they are elected.

Section 2. The members of the Committee shall take office on the first Sunday evening immediately following adoption of the Constitution and By-Laws and their subsequent election as members to the County Committee.

Section 3. Any vacancy in the membership of the Committee shall be filled by the election of a person residing in the ward in which the vacancy occurs; said election to be by the remaining members of the Committee (Party), at any regular or special meeting convened for that purpose; the term of any member to be for the unexpired portion of such term.

ARTICLE III
Officers

Section 1. The officers of the committee shall be a Chairman, a Vice Chairman, a Secretary, and SUCH number of Sergeant-at-Arms as may be selected by the Committee at its organization meeting.

Section 2. All of said officers shall be elected at the annual organization meeting of the Committee and each shall hold office during the term of the Committee. The term of office of any officer shall terminate if he ceases to be a member of the Committee.

Section 3. The Chairman Shall:

a) Preside at all meetings of the Committee;
b) Enforce all rules of said Committee;
c) Have the power to appoint any special sub-committee which may be deemed desirable in order to promote any activity of the party in the City of ________________ and to name to such committees individuals who may be members or non-members of the Party County Committee; such special subcommittee to be created by the initiation of the chairman and upon the carried motion of the Committee;
d) Have the power to appoint the standing sub-committees provided for in Article IV, hereof, and to name on such committees members or non-members of the Party County Committee;
e) Be a member ex-officio of any sub-committee so appointed;
f) At each meeting of the Committee, report upon all meetings attended since the last previous meeting, informing the Committee of any and all actions taken or contemplated.
g) Perform all the duties required of him by law and the Constitution and By-Laws of the Committee.

Section 4. The Vice-Chairman shall be the acting Chairman, discharging the duties of the Chairman during his absence, temporary inability, or refusal to serve. The Committee shall determine if such inability or refusal exists, temporary or permanent. In the event the Vice Chairman is unable to serve or act under the provisions of this section, it shall be the duty of the Secretary to serve or act.

Section 5. The Secretary Shall:
   a) Keep a record of all meetings of the Committee;
   b) Issue to all members notices of all meetings of the Committee;
   c) Be custodian to all correspondence and records in the name of the committee;
   d) Perform such other duties as may be assigned him from time to time by the Committee.

Section 6. The Sergeant-at-Arms Shall:
Maintain order and be responsible for the decorum of all those assembled at all party meetings.

ARTICLE IV
Member of the County Executive Committee

At the organization meeting as provided in Article 11, Section 1, the elected Chairman and Vice Chairman shall be designated to serve on the County Party Committee and shall serve in that capacity during the term of the Committee.

ARTICLE V
Membership in and Voting at the County Executive Meeting

Section 1. Both the Chairman and Vice Chairman, as outlined in Article IV, shall represent this Committee and be members of the County Executive Party Committee.

Section 2. The aforesaid members shall be entitled to one vote on said Executive Committee, making in all a total of two votes.

Section 3. In the absence of either or both members, the aforesaid vote shall be cast by the alternates to be selected by the Chairman, no previous provision for selecting alternates having been provided for.

ARTICLE VI
Standing Sub-Committees

Section 1. The Executive Committee shall consist of the officers named in Article 11, section 1, together with the Committees representative upon the Executive Committee of the County Party Committee, and any member of the Committee who is an officer of the County Party Committee. Four (4) members shall constitute a quorum.

Section 2. Other Standing Sub-Committees shall be those concerned with Rules Committee, Publicity Committee, Public Meetings Committee, and Patronage Committee.

ARTICLE VII
Meetings

Section 1. The annual organization meeting of the Committee shall be held before (Sunday evening) the municipal elections.

Section 2. Regular meetings of the Committee shall be called by the Chairman.

Section 3. All matters of policy, including recommendations for any appointive public office or position and any other matter on which the action or attitude of the Committee is required or requested shall be submitted to the Committee for action at a regular special meeting.

Section 4. The Secretary shall notify all members of the Committee of the time and the place of all meetings, either in writing or orally.
ARTICLE IX
Voting

Section 1. Each person shall be entitled to one (1) vote in person at any regular or special meeting. Section 2. An affirmative vote of a simple majority of those members present at any meeting shall be required for effective action upon any motion.

ARTICLE X
Amendments

Any Article or Section thereof may be repealed or altered, or this Constitution and By-Laws may be amended at any regular or special meeting by a two-thirds (2/3) vote of all members of the Committee present and voting, provided all members have been previously informed in the notice of the meeting of the changes to be proposed.

ARTICLE XI
Conflicts with American Legion Jersey Boys State Statutes

In the event of any conflict between these Articles of the Constitution and By-Laws and the Rules and Regulations of American Legion Jersey Boys State, the Rules and Regulations of Boys State shall govern; also, whenever any law shall have been enacted by American Legion Jersey Boys State which in any way conflicts with any provision of this Constitution and By-Laws, this Constitution and By-Laws shall be considered altered or amended to comply with such Jersey Boys State Regulations without any other action of the Committee.

ARTICLE XII
Effective Date

This Constitution and By-Laws shall be effective immediately as of its adoption.

BY-LAWS

The Constitution and By-Laws shall be read and adopted at the first regular meeting before other business can be enacted or conducted.

1. The unit of representation in the City Party Committee shall be the Party Election Board member and three (3) Ward Leaders, each City being composed of three wards.
2. The Order of Business at any meeting shall be:
   1. Calling the meeting to order
   2. Roll Call of Officers
   3. Reading of the minutes of the last previous meeting
   4. Report of the Chairman
   5. Report of the County Executive Committee representative
   6. Reports of Sub-Committees
   7. Unfinished business
   8. New business
   9. Adjournment
3. Nominations for the elective offices of the Committee and for the office of member of the County Executive Committee shall be made from the floor without restriction as to the number of nominees. All nominations must be seconded.
4. In the event that more than one nomination is made for any office the voting shall be by written ballot. The presiding officer and/or the election board members shall tally the vote with an appointed teller. They shall also conduct and supervise the election with decorum and dignity.
5. The member of the County Executive Committee shall report the actions taken by that Committee at each regular committee meeting.
6. Roberts Rules of Order shall govern the conduct of all meetings.
Preamble to the Constitution

The members of the (National) (Federal) County Committee of the County of ____________ in the American Legion Jersey Boys State, do hereby adopt the following constitution and by-laws for their proper government.

ARTICLE I
Name and Object

Section 1. This organization shall be known as the County (National Party) (Federal Party) Committee, and is hereinafter called "County Committee."

Section 2. The County Committee, the official (National) (Federal) Organization of County, shall have general charge of all general election political campaigns, and the members thereof shall have management of all such campaigns in their respective districts, wards, cities, townships, town and boroughs, subject to the control and supervision of the County Committee.

Section 3. Membership shall consist of all members of the party living in the county.

ARTICLE II
County Executive Committee

Section 1. The County Executive committee shall consist of two (2) members from each ALJBS City in the County, who are the municipal Chairman and Vice Chairman.

Section 2. Vacancies caused for any reason shall be filled for the unexpired term by the Party Municipal Committee of the municipality wherein the vacancy occurs.

ARTICLE III
Officers and Duties

Section 1. The officers of the County Executive Committee shall consist of a Chairman, Vice Chairman, Secretary, and Sergeant-at-Arms. All other members will be known as Associate Chairmen. No city shall be represented by more than two (2) elected officers.

Section 2. Chairman: The Chairman shall preside at all meetings, regular and special, shall enforce all the rules of the County Committee, shall be empowered to call special meetings and shall be a member of the Executive Committee without vote. He shall have the power to appoint all standing committees and designate the Chairman thereof.

Upon the office of the Chairman becoming vacant for any reason, the Vice Chairman or Secretary, in that order, shall call a meeting of the County Committee for the purpose of filling the vacancy. The Vice Chairman or Secretary, in that order, shall assume the responsibility of the chairman until the vacancy is filled. In the absence of the Chairman or Vice Chairman a temporary Chairman shall be appointed from among the Associate Chairman for the purpose of conducting business and shall be vested with the authority of the Chairman.

Section 3. Secretary: The Secretary shall keep an accurate record of all meetings, regular or special when directed by the chairman or the Executive Committee. The Secretary shall take care of all correspondence in the name of the County Committee.

In the absence of the Secretary, the Chairman shall appoint a member of the Executive Committee to assume the responsibility.
ARTICLE IV
County Executive Committee

Section 1. The County Executive Committee shall consist of: The various municipal Chairman and Vice Chairman of the cities in the county each being entitled to a vote.

Section 2. The Chairman of the Executive Committee shall be elected from--and by a majority vote of the members of the Executive Committee at the first annual meeting of the said Committee.

Section 3. An Executive Director may be appointed by the Executive committee, and said Director need not be a member of the County Committee; in which case he has no vote.

Section 4. Duties of the Executive Committee: The Executive Committee shall have control of elections, conduct of elections and handling patronage, and such other matters as may be properly referred to the Committee.

ARTICLE V
Committees

The Chairman of the County Committee shall appoint the following standing committees and Chairmen thereof; Campaign, Public Meetings, Public Relations and Appointments, and Rules. Each standing committee shall be made up of as many members deemed necessary to accomplish the business at hand, except for the Appointments Committee, whose membership shall be made up of all Municipal Chairmen. The duty of this committee is to ratify all County appointments; a two-thirds majority will be necessary.

ARTICLE VI
Voting

Section 1. Voting for the election of officers of the County Committee shall be by show of hands and the presiding officer shall appoint the municipal election board members and Ward Leaders as judges and tellers.

Section 2. Each member of the County Executive Committee shall be entitled to one vote.

Section 3. At the Party meeting, the County shall select its nominees for the State Party Chairman. (State Party Chairman not eligible to run for Governor.) All nominations must be seconded. Vice Chairman and Secretary and Sgt. at Arms will be elected from among the members of the Executive committee at their first meeting.

ARTICLE VII
Amendments

Any article or Section thereof may be altered or amended at any regular or special meeting by a two-thirds vote of all members present and voting.

In the event of any conflict between these Articles of the Constitution and By-Laws and the Rules and Regulations of American Legion Jersey Boys State, The rules and Regulations of American Legion Jersey Boys State shall govern; also, whenever any law shall have been enacted of Boys State which in any way conflicts with any provision of this Constitution and By-Laws, this Constitution and By-Laws shall be considered altered or amended to comply with such American Legion Jersey Boys State Regulation without any other action of the Committee.

BY-LAWS

The Order of business shall be outlined in Roberts Revised Rules of Order, and shall govern the conduct and decorum of all meetings. It will be the duties of the Sergeant-at-Arms and Assistant Sergeant-at-Arms to maintain decorum, his constitution and By-Laws must be read and adopted at the First Party meeting before any other business can be conducted.
Preamble to the Constitution

The members of the (National) (Federal) Party of American Legion Jersey Boys State do hereby adopt the following Constitution and By-Laws for their proper government in accordance with the provisions of the Statutes of American Legion Jersey Boys State.

ARTICLE I
Name and Object

Section 1. This body shall be known as the "American Legion Jersey Boys State (National) (Federal) State Committee", hereinafter referred to as the Committee.

Section 2. The Committee shall have general charge and direction of all general election and political campaigns in Jersey Boys State, and the members thereon shall have management of all general and special election campaigns subject to the control and supervision on the committee.

ARTICLE II
Membership Qualifications

Section 1. The State Executive Committee shall consist of the members of the County Party Executive Committee, plus the State Party Chairman.

Section 2. The members of the Committee shall take office immediately upon being elected at the County Party meeting.

Section 3. Any vacancy in the membership of the Committee shall be filled by the election of a person residing in the District in which the remaining members of the Party Committee convened for the purpose.

ARTICLE III
Officers

Section 1. The officers of the State Executive Committee shall be a Chairman, a Vice Chairman, a Secretary, and such number of Sergeants-at-Arms as may be selected by the Committee to maintain decorum.

Section 2. All said officers (except the State Party Chairman who is elected by the party as a whole) shall be elected at the organization meeting of the Committee and each shall hold office during the term of the Committee. The term of any officer shall terminate if he ceases to be a member of the Committee. Only one Sergeant-at-Arms will be elected; any others will be appointed by the Chairman as deemed necessary to maintain order and decorum.

Section 3. The Chairman Shall:
   a) Preside at all meetings of the Committee;
   b) Enforce all rules of said Committee;
   c) Have the power to appoint any special sub-committee which may be deemed desirable in order to promote any activity of the State Party and to name to such committees individuals who may or may not be members of the Committee. Such special sub-committees to be created by the initiation of the Chairman and upon the carried motion of the Committee;
   d) Be a member ex officio of any sub-committee appointed;
   e) Have the power to appoint the standing sub-committees provided for in this Constitution and to name to such committees members or non-members of the State Party Committee;
   f) At each meeting of the Executive Committee, report upon all meetings attended since the previous meeting, informing the Executive Committee of any and all actions taken or contemplated;
   g) Perform all the duties required of him by law and the Constitution and By-Laws of the Party Committee;
   h) He shall not be a candidate for any other office (public) or committee while he is State Party Chairman.

Section 4. The Vice Chairman shall be acting Chairman discharging the duties of the Chairman during his absence, temporary inability, or refusal to serve. The Committee shall determine if such inability or refusal exists, temporary or permanent.
In the event the Vice Chairman is unable to serve or act under the provisions of this section, it shall be the duty of the Secretary to serve or act until the Executive Committee can hold an election to fill the vacancy.

Section 5. The Secretary Shall:
   a) Keep an accurate record of all meetings of the Committee;
   b) Issue to all members notices of all meetings of the Committee;
   c) Be custodian of all correspondence and records in the name of the Committee;
   d) Perform the duties as may be assigned to him from time to time by the committee.

Section 6. The Sergeant-at-Arms Shall:
Maintain order and be responsible for the decorum of all those assembled at all meetings. He will instruct and direct any and all other Assistant Sergeant-at-Arms deemed necessary by the Chairman to maintain decorum.

ARTICLE IV
Members of the State Executive Committee

At the organization meeting as provided in Article 11, Section 1, the Party County Chairman and Vice Chairman shall be elected to serve on the Party State Executive Committee and shall serve in that capacity during the term of the Committee.

ARTICLE V
Membership in and Voting at the State Executive Meeting

Section 1. Both the Chairman and Vice Chairman as outlined in Article IV shall represent this committee being members of the County Executive Party Committee.

Section 2. The aforesaid members shall be entitled to one vote on said Executive Committee.

Section 3. In the absence of either or both members, the aforesaid vote shall be cast by the alternates to be selected by the County Chairman.

ARTICLE VI
Standing Sub-Committees

Section 1. The Executive Committee shall consist of the officers aforesaid named. Six members shall constitute a quorum.

Section 2. Other Standing-Sub-Committees shall be those concerned with: Party Campaign and Publicity Committee, Party Platform Committee, Meetings Committee, Patronage Committee, Rules Committee, as may be appointed by the State Party Chairman.

ARTICLE VII
Meetings

Section 1. The annual organization meeting shall be held as indicated in the program of American Legion Jersey Boys State.

Section 2. Regular meetings of the Committee shall be called by the Chairman.

Section 3. Special meetings shall be called by the Chairman and be called on the written or oral request of two or more members of the Committee, addressed to the Secretary.

Section 4. The Secretary shall notify all members of the Committee of the time and place of all meetings, either in writing or orally.

ARTICLE VIII
Voting

Section 1. Each person shall be entitled to one (1) vote, in person at any regular or special meeting.

Section 2. An affirmative vote of a simple majority of those members present shall be required for effective action upon any motion, except as hereinafter mentioned in Article IX.
ARTICLE IX
Amendments

Any Article or Section thereof may be repealed or altered, or this Constitution and By-Laws may be amended at any regular or special meeting by a two-thirds vote of all members of the committee present and voting, provided all members have been previously informed in the notice of the meeting of the changes proposed.

ARTICLE X
Conflicts with American Legion Jersey Boys State Statutes

In the event of any conflict between the Articles of the Constitution and By-laws and the Rules and Regulations of American Legion Jersey Boys State, the Rules and Regulations of Boys State shall govern; also, whenever any law shall have been acted by American Legion Jersey Boys State which in any conflicts with any provision of the Constitution and By-Laws, the Constitution and By-Laws shall be considered altered or amended to comply with such Jersey Boys State Statutes without any other action of the Committee.

ARTICLE XI
Effective Date

The Constitution and By-Laws of American Legion Jersey Boys State (National) (Federal) Party shall be effective immediately as of its adoption.

BY-LAWS

The Constitution and By-Laws shall be read and adopted as the first order of business before any election of Party Committee officers or any other regular business can be conducted at the annual organization meeting.

1) The unit of representation shall be all members of the State (National) (Federal) Party. All members not holding elective office will be considered Associate Chairman.

2) The order of business shall be outlined in Roberts Revised Rules of Order.
   a. Calling the meeting to order.
   b. Roll call of officers.
   c. Reading the minutes of the last previous meeting.
   g. Unfinished business.
   h. New Business.
   i. Adjournment.

3) Nominations for elective offices of the State Party committee shall be made from the floor. All nominations must be seconded.

4) No more than one (1) person from a County may hold any Committee office.

5) Where not stipulated Roberts Revised Rules of Order shall govern the conduct of all meetings.
DEFINITIONS. The term "bill" shall mean a draft of a formal proposal which, if enacted, will become law.

The term "joint resolution" shall mean a formal resolution separately adopted by both Houses of the Legislature and, since it has the effect of law, must be submitted to the Governor for his approbation.

The term "concurrent resolution" shall mean a formal resolution passed by a majority of the members of one House of the Legislature with the other House concurring therein, which expresses the sentiments of both Houses. A concurrent resolution is also the form of legislation used to propose an amendment or amendments to the Constitution. No action is required by the Governor.

The term "resolution" shall mean a formal resolution, passed by a majority of the members of the (Senate) (General Assembly) which expresses its policy or opinion or provides for subsidiary or procedural matters and requires no action either concurrently or jointly by the opposite member of the Legislature.

The term "motion" shall mean a proposal by a member that that body (Senate) (General Assembly), on approval by a majority vote, take a certain specific action.

GENERAL RULES FOR SENATE AND GENERAL ASSEMBLY

ORGANIZATION

MEMBERS of the Senate/General Assembly shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey, and that I will faithfully discharge the duties of a member of the Senate/General Assembly according to the best of my ability." This oath will be administered by a staff member prior to opening of the first Legislative meeting.

Each meeting shall be opened with a prayer and a salute to the flag of the United States. The majority party will designate a chaplain in their caucus for each House.

At the first meeting, the Senate chooses a Senate President and a President Pro Tem, from among its members, a Majority Leader, and a Minority Leader. Similarly, the General Assembly elects a Speaker and a Speaker Pro Tem from among its members, a Clerk, an Assistant Clerk, a Majority Leader, a Minority Leader, a Sergeant-at-Arms, and a Chaplain. The majority and minority parties in each house select their majority and minority floor leaders.

Every OFFICER shall, before he enters upon his duties, take and subscribe the following oath or affirmation: "I do solemnly promise and swear (or affirm) that I will faithfully, impartially and justly perform all the duties of the office to the best of my ability and understanding; that I will carefully preserve all records, papers, writing, or property entrusted to me for safekeeping by virtue of any office, and make such disposition of the same as may be required by law." (Oath will be administered by a staff member of American Legion Jersey Boys State.)

A majority of all the members of the House shall constitute a quorum.

OFFICERS OF THE SENATE AND THEIR DUTIES

PRESIDENT. The President shall take the chair and call the members to order and, upon the appearance of a quorum, shall take up the business of the meeting.

He shall have a general direction of the Senate Chamber and the lobby and gallery thereof, together with such rooms, corridors and passages as may be assigned to the use of the Senate. In case of disturbance or disorderly conduct in the gallery or in the lobby, he may cause the same to be cleared or the offending persons to be arrested and removed.

He shall rise to put a question (motion). He shall preserve order and decorum and in debate shall prevent personal reflections, and confine members to the question under discussion; but he shall not engage in any debate, nor propose his opinion on any
questions without first calling on some member to occupy the Chair. When two or more members arise at the same time, he
shall name the one entitled to the floor.

He shall decide questions of order and transgressions in debate, subject to an appeal to the Senate, by any members. The
Senate shall, if appealed to, decide on the case, but without debate, and the votes of a majority of those present and voting
shall prevail.

He shall state all questions before the Senate and shall distinctly put such questions in the following form: "As many as are in
favor of (the question) will vote "aye"; and after the affirmative is expressed, "Those of a contrary opinion will vote "no". If
the President doubts the results, he will order a roll call vote to be taken.

He shall appoint all committees, unless otherwise specially directed by the Senate.

He shall from day to day prepare a Calendar of Bills and Recommendations for consideration in the order of his pleasure.

He shall sign certificates as to the passage by Senate of all acts and joint resolutions and all concurrent resolutions when so
directed by the Senate.

If the President shall desire temporarily to vacate the Chair during any meeting, he shall request the President pro tem or
name another member to perform the duties of the Chair.

The President pro tem shall possess all the powers and discharge all the duties of the President when the latter is absent.

The President shall, at the annual organization meeting, assign seats in the Senate to the several Senate districts (counties in
ALJBS) for the use of their members.

SECRETARY AND ASSISTANT SECRETARY. The Secretary shall be the Chief administrative officer of the Senate, subject to the
supervision of the President.

He shall, at each meeting of the Senate, read the number, title and Committee reference of each bill and resolution delivered to
him by the President, and shall also read the petitions and communications addressed to the Senate.

He shall record the votes on all motions, bills and resolutions and inform the President of the final vote.

The Assistant Secretary assists the Secretary and performs the duties of the Secretary in his absence.

SERGEANT-AT-ARMS AND ASSISTANT SERGEANT-AT-ARMS. The President shall appoint a Sergeant-At-Arms and Asst.
Sergeant-At-Arms for the Senate.

The Sergeant-At-Arms shall attend the Senate during its sittings and such public hearings of Committees as the President
shall direct, and maintain order under the direction of the President or Chairman.

He shall, as directed by the President, enforce the rules relating to the privileges of the Chamber.

Prior to the meeting of the Senate he shall see that the Chamber is cleared of all persons except those privileged to remain and
keep it so until after adjournment.

The Assistant Sergeant-At-Arms shall aid the Sergeant-At-Arms in the performance of his duties and shall, in the absence of
the Sergeant-At-Arms, perform the duties of the Sergeant-At-Arms.

OFFICERS OF THE GENERAL ASSEMBLY AND THEIR DUTIES

SPEAKER. The Speaker shall take the chair at the hour to which the General Assembly shall have adjourned and immediately
call the members to order and, on the appearance of a quorum, shall cause the journal of the preceding day to be read, unless
dispensed with by order of the General Assembly, which journal may be corrected immediately after such reading, or at any
meeting thereafter. He shall have a general direction of the Assembly Chamber and the lobby and gallery thereof, together with
such rooms and corridors and passages in the area as may be assigned to the use of the General Assembly. In the case of
disturbance or disorderly conduct in the gallery or in the lobby, he may cause the same to be cleared.
He shall preserve order and decorum and in debate shall prevent personal reflections and confine members to the question under discussion; but he shall not engage in any debate, nor propose his opinion on any question without first calling on some member to occupy the Chair. When two or more members arise at the same time, he shall name the one entitled to the floor.

He shall decide questions of order, subject to an appeal to the General Assembly, when demanded by any member, on which appeal no member shall speak more than once, unless by the leave of the General Assembly. The appeal shall be decided by the same number of votes as was requisite for the original motion.

He shall state all questions before the General Assembly and shall distinctly put such question in the following form, to wit: "As many as are in favor of (the question) will vote "aye" and after the affirmative is expressed, "Those of a contrary opinion will vote "no." If the Speaker doubts or a decision be called for, a roll call vote shall be taken.

He shall appoint all committees, unless otherwise specially directed by the General Assembly. He may, during the inability of a committee member to serve, appoint another member of the General Assembly to serve during such period.

He shall from day to day prepare a Calendar of Bills and Resolutions for consideration, which Calendar shall be subject to the following: Any bill, joint resolution, concurrent resolution, or resolution may be made the order for a particular day, on which day it shall be taken up, whether or not it is upon the Calendar for said day, in preference to any others whether or not they are on the Calendar.

He shall sign all acts, addresses, and joint resolutions, and all concurrent resolutions when so directed by the General Assembly. All writs, warrants, subpoenas issued by the order of the General Assembly shall be under his hand and seal and attested by the Clerk.

If the Speaker shall desire temporarily to vacate the Chair during any meeting, he shall name a member to perform the duties of the Chair.

He shall present all petitions, memorials and other papers addressed to the General Assembly.

He shall, at the annual organization meeting, assign seats in the General Assembly to the several counties for the use of their members.

CLERK AND ASSISTANT CLERK. The clerk shall be the Chief administrative officer of the General Assembly, subject to the supervision of the Speaker.

He shall, at each session of the General Assembly, read the number, title and Committee reference of each bill and resolution delivered to him by the Speaker, and shall also read all petitions and communications addressed to the General Assembly.

He shall record the votes of all motions, bills and resolutions and inform the Speakers of the final vote.

He shall attest all writs, warrants and subpoenas issued by the order of the General Assembly.

He shall send all messages required to be sent from the General Assembly to the Senate.

The Assistant Clerk shall aid the Clerk in the performance of his duties and shall, in the absence of the Clerk, perform the duties of the Clerk.

SERGEANT-AT-ARMS AND ASSISTANT SERGEANT-AT-ARMS. The Speaker shall appoint a Sergeant-At-Arms and Asst. Sergeant-At-Arms for the Assembly.

The Sergeant-At-Arms shall attend the Assembly during its sittings and such public hearings of Assembly Committees as the Speaker shall direct, and maintain order under the directions of the Speaker or Chairman.

He shall, as directed by the Speaker, enforce the rules relating to the privileges of the Chamber.

Prior to the meeting of the Assembly he shall see that the Chamber is cleared of all persons except those privileged to remain and keep it so until after adjournment.

The Assistant Sergeant-At-Arms shall aid the Sergeant-At-Arms in the performance of his duties and shall, in the absence of the Sergeant-At-Arms, perform the duties of the Sergeant-At-Arms.
MOTIONS

1) Every motion shall be reduced to writing if the (President) (Speaker) or any member desires it.

2) When a motion is made and seconded, it shall be put (stated) by the (President) (Speaker), or being in writing, it shall be delivered to the chair and read aloud by the Clerk. It shall then be deemed to be in the possession of the (Senate) (General Assembly) and open to debate; but it may be withdrawn at any time before a decision or amendment.

3) When any motion shall be made and seconded, the same shall be entered on the Journal of the (Senate) (General Assembly).

4) When a question is under debate, no motion shall be received but—
   a. To adjourn
   b. A call of the membership
   c. To lay on the table
   d. For the previous question
   e. To postpone indefinitely
   f. To postpone to a day certain
   g. To 90 into a Committee of the Whole on the pending subject immediately
   h. To commit to a Committee of the Whole
   i. To commit to a Committee
   j. To amend, which several motions shall have precedence in the order in which they are stated, and no motion to postpone to a day certain, to commit, or to postpone indefinitely being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition

5) A motion to adjourn shall be always in order, except when the (Senate) (General Assembly) is voting, or when the (General Assembly) is under call, or while a member is addressing the (Senate) (General Assembly), or immediately after a question to adjourn has been lost; that, and the motion to lay on the table, shall be decided without debate.

DEBATE

There are two forms of debate used at Boys State. The first is Structured Debate, wherein the sponsor of a motion is allotted three (3) minutes to speak, and where the first speaker in opposition to the motion is also allotted three (3) minutes. Subsequent speakers are given two (2) minutes each. Example:

   | Sponsor of the motion | 3 Minutes |
   | First speaker opposed | 3 Minutes |
   | Second speaker for    | 2 Minutes |
   | Second speaker against| 2 Minutes |

The other form is General Debate, in which each speaker is given one (1) minute to present his case. The chair will see to it that the speakers alternate, one for, one against.

In both instances, no member may speak twice until all who desire have spoken.

OTHER RULES

The time of the speaker does not run during questions (points of inquiry, query) or while other motions are being entertained.

A resolution is an opinion, which does not become law. A bill, on the other hand, if passed, becomes law.

The chairman votes if his vote will break a tie, if his "No" vote will result in a tie (i.e. a defeat) he must decide previous to ballot voting whether he will participate.

The assembly has the right to make or enforce its own law.

The assembly has the right, either by rule (of the chair) or vote, to eject anyone from its place of meeting.

As a vote is being taken no motion will be entertained except privilege, order or information—but PLEASE hold these to a minimum.
PROCESSING OF BILLS IN THE ALJBS LEGISLATURE

The reading by the Secretary in the Senate and the Clerk in the General Assembly of the number, title and committee reference, if any, of each bill and resolution delivered to him by the Presiding Officer shall be taken as the introduction and first reading of the bill or resolution.

Upon release by the Committee, it should be moved for second reading. A Committee may report any bill, joint resolution or concurrent resolution before it by committee substitute, at any time. On second reading, any bill, joint resolution or concurrent resolution shall be open to amendment. None shall be open to amendment on third reading.

In order to expedite enactment of legislation within the short time that American Legion Jersey Boys State is in session, members of the Legislature should confer within their county, party, or House of Legislature to introduce generally acceptable and meaningful legislation. Such legislation could be passed on second reading if so moved.

STARTING PROCEDURE IN THE SENATE AND THE GENERAL ASSEMBLY

Temporary (President/ Speaker): (hits gavel) The (Senate)/(General Assembly) will now come to order. Members will stand and Divine blessing will be invoked by our Chaplain.

Chaplain (leads in prayer—remain standing)

Temporary (President/ Speaker) leads (Senators)/(Assemblymen) in a salute to the flag of the United States, after which all are seated.

Temporary (President/ Speaker) states: I believe a quorum is present; therefore, we will now proceed to the election of officers. Parties nominate those chosen in caucus for offices in the following order:

<table>
<thead>
<tr>
<th>SENATE</th>
<th>GENERAL ASSEMBLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>Speaker</td>
</tr>
<tr>
<td>President Pro Tem</td>
<td>Speaker Pro Tem</td>
</tr>
<tr>
<td>Secretary of the Senate</td>
<td>Clerk of the Assembly</td>
</tr>
<tr>
<td>Assistant Secretary</td>
<td>Assistant Clerk</td>
</tr>
<tr>
<td>Sergeant–At–Arms</td>
<td>Sergeant–At–Arms</td>
</tr>
<tr>
<td>Assistant Sergeant–At–Arms</td>
<td>Assistant Sergeant–At–Arms</td>
</tr>
<tr>
<td>Chaplain</td>
<td>Chaplain</td>
</tr>
</tbody>
</table>

Temporary (President/ Speaker) asks newly elected OFFICERS to come forward to be sworn in by a staff member of ALJBS.

Elected (President)/(Speaker) states: Members will be seated as follows. (Assigns seats by ALJBS counties)

Prior to separate action in each House of the Legislature on General Assembly Concurrent Resolution No. 1, both Houses will cause a message to be sent to the opposite House, which will be read as follows:

On arrival: The presiding officer will state: We now have a message from the (Senate)/(General Assembly). The (Secretary of the Senate)/(Clerk of the Assembly) will read:

Mr. (President)/(Speaker), I am directed by the (Senate)/(General Assembly) to inform the (Senate)/(General Assembly) that the (Senate)/(General Assembly) is organized with the following officers:

<table>
<thead>
<tr>
<th>SENATE</th>
<th>GENERAL ASSEMBLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>President (insert name)</td>
<td>Speaker (insert name)</td>
</tr>
<tr>
<td>President Pro Tem (insert name)</td>
<td>Speaker Pro Tem (insert name)</td>
</tr>
<tr>
<td>Secretary of the Senate (insert name)</td>
<td>Clerk of the Assembly (insert name)</td>
</tr>
<tr>
<td>Assistant Secretary (insert name)</td>
<td>Assistant Clerk (insert name)</td>
</tr>
<tr>
<td>Sergeant–At–Arms (insert name)</td>
<td>Sergeant–At–Arms (insert name)</td>
</tr>
<tr>
<td>Assistant Sergeant–At–Arms (insert name)</td>
<td>Assistant Sergeant–At–Arms (insert name)</td>
</tr>
<tr>
<td>Chaplain (insert name)</td>
<td>Chaplain (insert name)</td>
</tr>
</tbody>
</table>
and await the pleasure of the (Senate)/(General Assembly).

This message is signed by (Secretary)/(Clerk), depending on House of origin.

ACTION IN THE GENERAL ASSEMBLY ON CONCURRENT RESOLUTION NO. 1

Majority Leader: Mr. Speaker, I introduce General Assembly Concurrent Resolution No. 1.

Speaker: asks Clerk to read Assembly Concurrent Resolution No. 1.

The Clerk reads:
General Assembly Concurrent Resolution No. 1.
A Concurrent Resolution relating to the Committee to wait upon the Governor:
BE IT RESOLVED, by the General Assembly, the Senate concurring therein: That a Committee of three members of the General Assembly and two members from the Senate be appointed to wait upon the Governor and inform him that the two Houses of the Legislature are ready to receive any communication he may have to present at the first session held at the State House in Trenton.

Speaker: You have heard the motion. The question is on the motion to adopt General Assembly Concurrent Resolution No. 1. As many as are in favor of the motion will vote "Aye"; (and after the affirmative is expressed), those of a contrary opinion will vote "No." The resolution is adopted and the Chair appoints the following as a Committee on the part of the General Assembly to wait upon the Governor.

Assemblyman_____________________
Assemblyman_____________________
Assemblyman_____________________

The Clerk signs and sends a copy of the resolution to the Senate.

ACTION IN THE SENATE ON GENERAL ASSEMBLY CONCURRENT RESOLUTION NO. 1

President Pro Tem: Mr. President, I call up General Assembly Concurrent Resolution No. 1 and move its adoption

President: The Secretary will read.

Secretary reads aloud:
General Assembly Concurrent Resolution No. 1.
A Concurrent Resolution relating to the Committee to wait upon the Governor;
BE IT RESOLVED, by the General Assembly, the Senate concurring therein: That a Committee of three members of the General Assembly and two members from the Senate be appointed to wait upon the Governor and inform him that the two Houses of the Legislature are ready to receive any communication he may have to present at the first session held at the State House in Trenton.

President: You have heard the motion. The question is on the motion to adopt General Assembly Concurrent Resolution No. 1. As many as are in favor of the motion will vote "Aye"; (and after the affirmative is expressed) those of a contrary opinion will vote "No." The resolution is adopted and the Chair appoints the following as a committee on the part of the Senate to wait upon the Governor.

Senator________________________
Senator________________________
Preliminary Arrangements in the General Assembly
Responsibility of the Sergeant-at-arms and Assistant:
Check facilities, chairs, water, microphones, lectern, etc.
Clear the floor of unauthorized persons
Reserve seats at front for members of the Senate

Speaker: (raps gavel) The General Assembly will now come to order. The chair appoints the following Assemblymen to invite the Senate to a joint session:

Assemblyman ____________________________,
Assemblyman ____________________________,
Assemblyman ____________________________, and
Assemblyman ____________________________.

(Committee leaves and carries out its mission)

When appropriate, the Sergeant-at-arms states: Mr. Speaker, the President of the Senate and other members are at the door of the Assembly awaiting without.

Speaker: Sergeant, will you escort them to special seats. (Speakers hits gavel; members stand and applaud.)

Sergeant-at-arms and Assistant escorts the Senators to special seats up front and the President takes a seat to the left of the Speaker.

Speaker: (hits gavel; all sit down) On behalf of the General Assembly, the Chair appoints the following to escort the Governor to the joint session of the Legislature:

Assemblyman ____________________________,
Assemblyman ____________________________, and
Assemblyman ____________________________.

President of Senate: On behalf of the Senate, the chair appoints the following to escort the Governor to the joint session of the Legislature:

Senator ____________________________, and
Senator ____________________________.

(Joint committee leaves and carries out its mission)

General Assembly Sergeant-at-arms, when appropriate, states: Mr. Speaker, the Governor of American Legion Jersey Boys State, together with the Committee on Escort, are at the door awaiting without.

Speaker: Sergeant, will you escort the Governor to the platform. (Hits gavel; members of both Houses stand and applaud

(Members sit down after the Governor shakes hands with the President and Speaker.)

President: Gentlemen of the Legislature, it gives me great pleasure to introduce the Governor of American Legion Jersey Boys State. (Members applaud)

Governor: Mr. President, Mr. Speaker, Members of the Senate and General Assembly (he then goes on to give his address, after which, members applaud)

(Committee escorts the Governor from Assembly chambers)
President: The joint session of the Legislature is dissolved. Senators will return to their chamber.

(Senators leave with the President and Senate Sergeant-at-arms and Assistant leading)

Speaker: The General Assembly will now come to order.

(Proceed with regular order of business)

**CLOSING CEREMONIES OF THE GENERAL ASSEMBLY**

When the business seems to have been disposed of at the final session:

Speaker Pro Tem: Mr. Speaker, I introduce the following concurrent resolution and move its adoption

Speaker: The Clerk will read.

Clerk: General Assembly Concurrent Resolution No.________________.

A concurrent Resolution relating to a committee to be appointed to wait upon the Governor:

BE IT RESOLVED, by the General Assembly, the Senate concurring therein, that a committee of three from the Assembly and two from the Senate be appointed to wait upon the Governor and inform him that the Legislature has completed the business before it, and to ask him if there are any other communications to be transmitted.

Speaker: You have heard the motion. The question is on the motion to adopt Concurrent Resolution No. ___________________. As many as are in favor of the motion will vote "Aye"; (and after the affirmative is expressed) those of a contrary opinion will vote "No." The resolution is adopted and the Chair appoints the following as a committee on the part of the General Assembly to wait upon the Governor:

- Assemblyman __________________________,
- Assemblyman __________________________, and
- Assemblyman __________________________.

(Committee joins with a similar committee of the Senate and carries out its mission.)

Speaker: The Assembly will remain at ease until the sound of the gavel. (When committee is ready to report, sound the gavel and say): The Assembly will come to order. The chair recognizes Assemblyman____________________________ of the Committee.

Assembly: Mr. Speaker, I ask the Clerk to read the committee report and move its adoption.

Clerk: Mr. Speaker, your committee appointed in compliance with Concurrent Resolution No.________ requests leave to submit the following report. We have waited upon the Governor, and have been informed that he has nothing further to present to the Legislature for its consideration.

- Assemblyman __________________________ Senator __________________________
- Assemblyman __________________________ Senator __________________________
- Assemblyman __________________________

On the part of the General Assembly

Speaker: (Puts the motion and report is adopted.)

Majority Leader: Mr. Speaker, I move we adjourn sine die.

Speaker: (Puts motion) after it is carried states: By virtue of the authority vested in me as speaker, I now declare the 2____ General Assembly session of American Legion Jersey Boys State adjourned sine die.
CLOSING CEREMONIES OF THE SENATE

When the business seems to have been disposed of at the final session:

President: There is a message from the General Assembly. The Secretary will read.

Secretary: Mr. President, I have been directed by the General Assembly Concurrent Resolution No.____________ relating to a committee to wait upon the Governor.

President Pro Tem: Mr. President, I call up General Assembly Concurrent Resolution No. and move its adoption.

President: Secretary will read.

Secretary: General Assembly Concurrent Resolution No.____________.

A concurrent resolution relating to a committee to be appointed to wait upon the Governor:

BE IT RESOLVED, by the General Assembly, the Senate concurring therein, that a committee of three from the General Assembly and two from the Senate be appointed to wait upon the Governor and inform him that the Legislature has completed the business before it, and to ask him if there are any other communications to be transmitted

President: You have heard the motion. The question is on the motion to adopt General Assembly Concurrent Resolution No.____________. As many as are in favor of the motion will vote "Aye;" (and after the affirmative is expressed), those of a contrary opinion will vote "No." The resolution is adopted and the chair appoints the following as a committee on the part of the Senate to wait upon the Governor.

Senator __________________________________, and

Senator __________________________________.

(Committee joins with those appointed by the General Assembly and carries out its mission.)

President: The Senate will remain at ease until the sound of the gavel. (After the committee returns with its report.)

The Senate will come to order. The Chair recognizes Senator ________________ of the Committee.

Senator: Mr. President, I ask the Secretary to read the committee report and move its adoption.

Secretary: Mr. President, your committee appointed in compliance with General Assembly Concurrent Resolution No.___________ requests leave to submit the following report. We have waited upon the Governor, and have been informed he has nothing further to present to the Legislature for its consideration.

Assemblyman __________________________ Senator __________________________

Assemblyman __________________________ Senator __________________________

Assemblyman __________________________

On the part of the Senate

President: (Puts the motion and report is adopted)

Majority Leader: Mr. President, I move we adjourn sine die.

President: (Put motion) After it is carried states: By virtue of the authority vested in me as President, I now declare the 20____ Senate session of American Legion Jersey Boys State adjourned sine die.
ALJBS FLOOR PLAN OF SENATE

PRESIDENT

SECRETARY AND ASSISTANT  CHAPLAIN

PRESIDENT PRO TEM  MAJORITY LEADER

MEMBERS OF THE MAJORITY PARTY

GALLERY

MINORITY LEADER

MEMBERS OF THE MINORITY PARTY

GALLERY

SERGEANT-AT-ARMS AND ASSISTANT AT REAR DOOR OF CENTER AISLE

ALJBS FLOOR PLAN OF GENERAL ASSEMBLY

SPEAKER

CLERK AND ASSISTANT  CHAPLAIN

SPEAKER PRO TEM  MAJORITY LEADER

MEMBERS OF THE MAJORITY PARTY

GALLERY

MINORITY LEADER

MEMBERS OF THE MINORITY PARTY

GALLERY

SERGEANT-AT-ARMS AND ASSISTANT AT REAR DOOR OF CENTER AISLE
ALJBS MUNICIPAL COURTS

The term MUNICIPAL COURT is usually reserved for a court which replaced the justice of the peace or magistrate. Such a court may have a more extensive jurisdiction, depending on the size of the municipality. It may have a chief judge who has supervision over associate judges. When organized on a jurisdictional basis, municipal courts have specialized divisions, such as criminal and police or traffic courts.

Although the basic court systems are the same through the state, they may vary according to the needs of the municipality or county. For simplicity and uniformity, American Legion Jersey Boys State will have one (1) municipal court per city.

COURT PROCEDURE

1) Judges, Prosecutors (option), and Court Clerks are appointed by the Municipal governing body in New Jersey municipalities. It is recommended that the mayor appoint statesmen to serve in each position. The Municipal governing body should then convene to select one each, Judge, Prosecutor and Court Clerk. The Mayor should then swear in these personnel.

2) Defense attorneys are selected by the Defendant, or he may appear pro se; i.e. represent himself.

Once the courtroom is set up and the Judge, Prosecutor and Court Clerk are in position, refer to the information and procedure below. Since there are no jury trials in Municipal Court (no Constitutional provision) the Judge acts as both Judge and Jury—he decides legal issues, determines factual questions (innocence or guilt), and pronounces sentence.

1) A room or place will be designated (refer to your schedule) as the Courtroom, equipped with a desk for the Judge, counsel table and room for witness and the public. The procedure to be followed will conform as closely as possible to legal practice. In Municipal Courts the Judge calls the court to order.

2) The Chief of Police brings the accused before the bench. The bailiff or court clerk, if so appointed, may do this.

3) The Prosecutor advises the Judge of the nature of the charge against the defendant and presents the complaint against the defendant. Usually, the Judge has the schedule or docket before him.

4) The Judge, clerk or bailiff asks the defendant to state his true and correct name.

5) The Judge advises the defendant of his rights: a) You are entitled to defend this action in person or by counsel at all stages of the proceedings. (If the defendant does not have an attorney and desires one, the case should be postponed long enough for him to obtain and consult with one of his choice, b) You have the right to know the nature of the charge against you. c) You have the right to meet the witnesses against you face to face and cross-examine if you desire, d) You have the right to call witnesses in your behalf and have their presence in court enforced by subpoenas. e) Pending trial, you have the right to freedom on bail.

6) The Judge then advises the defendant of the nature of the charges and asks: "How do you plead, guilty or not guilty?"

7) The defendant then makes his plea. If it is guilty, the Judge pronounces sentence. If the plea is not guilty, the case is immediately tried before the Judge in all cases for violation of city ordinance.

8) The prosecuting attorney and defense counsel state the issues to the Judge.

9) First the prosecution presents its witnesses and evidence, with defense counsel cross-examining. Then defense attorney presents witnesses, with cross-examination by the prosecuting attorney.

10) The court clerk will administer the following oath before the witness is allowed to testify: "You do solemnly swear that the evidence you shall give shall be the truth and nothing but the truth."

11) The defense attorneys, then the prosecuting attorneys, make their closing arguments to the Judge.

12) If the decision is guilty, the Judge will immediately pronounce the sentence. If the decision is not guilty, the defendant is immediately released.

TRIAL TECHNIQUES

DUTIES OF THE LAWYER. An attorney is an officer of the court, and it is his duty at all times to uphold and support the dignity of the court. It is also his duty, when appointed by the court, to represent a person accused of having committed a crime when the accused is without means to employ the services of an attorney.

DIRECT EXAMINATION. The purpose of direct examination is to bring forth from the witness such facts as the witness may have concerning the case at trial.

Unless the witness is hostile, the attorney should ask only direct questions. Direct questions are such as do not suggest an answer, i.e.:
State your name.
Where do you reside?
Do you know the defendant?
How long have you known the defendant?
What happened, if anything?
What did you do, if anything?
What did he do, if anything?
Et cetera.

CROSS-EXAMINATION. On cross-examination, an attorney may ask leading and suggestive questions. A leading or suggestive question may be one that is formed as to suggest to the witness the answer desired, e.g., You say you witnessed the accident. Were you able to see the intersection clearly from where you were standing? But you did not see the car as it approached the intersection. What color was the light? Isn’t it true you were unable to see the signal light from where you were standing? Etc.

OBSERVATIONS.

a) If a question in the second example is asked on direct examination, it may be leading. Object on the ground that the attorney is leading the witness. This objection is not good on cross-examination.
b) Counsel may assume facts in his question which are not in evidence. Object on the ground counsel is assuming facts not in evidence.
c) If the answer is not responsive to the question, object on that ground.
d) If the question is a double question, object on that ground.
e) If the witness is testifying as to what he heard someone say, object on the ground that the answer is hearsay.
f) If the question calls for a conclusion, object on the ground the question calls for a conclusion of the witness, e.g., I shouted for him to stop but he didn't know I was shouting to him. "He didn't know, etc." is a conclusion and the objection should be sustained.
g) If a copy of a document is introduced, object unless it is the original. The objection is that it is not the best evidence.
h) If the question calls for an answer which has nothing to do with the issue in the case, object on the ground the question is irrelevant and immaterial.
i) If the question is argumentative, object on the ground the counsel is arguing with the witness.
j) A witness may state what he heard but he may not testify as to what was told him unless the party whom he is testifying is also present.

INSTRUCTION FOR JUDGES

TIPS ON CONDUCT OF OFFICE.

1. Study charges beforehand.
2. Get all relevant facts prior to making decision. The judge may ask questions.
3. Maintain decorum in court—exert leadership—get attention and keep it.
4. Get to the specifics of a matter.
5. Get all relevant facts—in this connection, let witnesses talk.
6. Consider credibility of evidence and witness.
8. Render your decision, "GUILTY" or "NOT GUILTY" and give a detailed reasoning for your decision.
MISCELLANEOUS INFORMATION

SAMPLE ORDINANCE
CITY OF____________________
ORDINANCE NO._______

AN ORDINANCE TO PROHIBIT CERTAIN DISORDERLY CONDUCT OF ALL PERSONS WITHIN THE CITY OF______________________, IN THE COUNTY OF______________________, AMERICAN LEGION JERSEY BOYS STATE, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THOSE PROHIBITIONS

BE IT ORDAINED by the Mayor and Council of the city of______________________________, in the County of ______________________, that

SECTION 1. Any person who smokes, consumes, chews, or otherwise uses tobacco, a tobacco extract, or any other tobacco substitute in any place within the City Limits, including but not limited to Citizens Homes, stairwells, bath rooms, linen closets, but excluding the specifically designated lounge area wherein said uses are permitted, shall be adjudged a disorderly person.

SECTION 2. The lounge area in which the uses of tobacco permitted by Section 1 above shall be designated by at least two (2) signs each at least twelve (12") inches high by twelve (12") inches wide with red letters on a white background stating "SMOKING PERMITTED" each letter being at least two (2") inches, and such signs shall be posted at least three (3') feet from the floor of said lounge area and at least ten (10') feet from each other.

SECTION 3. Any Citizen of the City of ________________________, who fails to maintain his Home in a clean, neat, and orderly condition or otherwise allows his Home to become dirty, untidy, disorderly, or unkempt shall be adjudged a disorderly person.

SECTION 4. Any person who litters or otherwise allows the disposal of any trash other than in the designated or customary refuse containers within the City Limits shall be adjudged a disorderly person.

SECTION 5. Any person who uses vile, obscene, lewd, lascivious, or profane language within the City Limits shall be adjudged a disorderly person.

SECTION 6. Any person adjudged a disorderly person pursuant to this Ordinance shall be set to hard labor under the supervision of the Chief of Police and the Health Officer to clean and set in order all City controlled areas, including but not limited to the lounge area and the bathroom, for a period of at least one (1) day but no more than (2) days.

SECTION 7. If any one section of this Ordinance shall be adjudged to be unconstitutional or invalid, the other sections shall continue to be in full force and effect.

SECTION 8. This Ordinance shall be effective immediately upon passage by the Mayor and Council.

Dated: June______, 2______

________________________________________________, City Clerk

I do hereby CERTIFY that the above Ordinance was duly moved, seconded, and passed by the Mayor and Council of the City of______________________________ at its meeting on June______, 2______.

Dated: June______, 2______

________________________________________________, City Clerk
PARLIAMENTARY PROCEDURE

The object of parliamentary law is to provide a formula for conducting all types of meetings and public gatherings. It provides a set of rules and principles for an orderly and systematic method of conducting business meetings and oral discussions of controversial matters. It is the means by which the will of the majority is determined in an orderly manner. Many people think that parliamentary law is too difficult and technical for the average citizen to understand; others believe that it is a tool used by the unscrupulous to accomplish selfish aims contrary to the wishes of the group at large. While it is true that parliamentary law is at times subject to human abuses, it exists as a protection against the unworthy motives of individuals. Free and open debate, as made possible by parliamentary law, will in the end assure a fair hearing of all factions and interests on controversial questions. For this reason parliamentary law remains a bulwark against tyranny and stands as a constant force for justice and fair dealing. Parliamentary law is practical for every type of meeting or gathering, no matter how formal or informal, how important or how insignificant. While its basic principles are flexible enough to serve every type of gathering, we must remember that it is not infallible. It has its limitations and weaknesses, and its highest success will always depend to some degree upon the common sense and good judgment exercised by those in charge and by those who take part in the debate. For the guidance of the citizens of Jersey Boys State, a brief summary of approved procedures will suffice. (The Senate and Assembly of Boys State will run under full parliamentary law). Roberts Rules of Order (Pyramid Publications, 1967; 204pp.) is recommended for those who wish to further pursue their study of Parliamentary Procedure.

Please remember that a meeting is assembled to transact certain business in an orderly and efficient manner, that the will of the majority is to prevail, and that all Statesmen are entitled to free and full expression of their views on the subject at hand. Use this outline procedure wisely. It exists to make the legislative process smooth and manageable, and to cure confusion, not cause it. Look to your chairman and/or your counselors for leadership and guidance. They are there for your benefit.

Because of the time constrictions and rapid pace of the American Legion Jersey Boys State schedule, it is not expected or advised that Statesmen conduct Municipal, County or Party meetings under the strict governance of the full body of parliamentary laws. In every meeting, however, an order must be maintained which will allow for all relevant opinions to be expressed. For this reason, it is suggested that the following format be adhered to when conducting any local level business.

GENERAL INFORMATION

THE CHAIRMAN AND HIS DUTIES. The chairman is the presiding officer and hence, supreme authority at any meeting. All questions and/or motions are addressed to him and all business is conducted through his authority. The highest elected official of the body that is convened is the chairman (e.g., at a Federal city party meeting, the Federal city party Chairman presides). In his absence the second-ranking elected official, usually the vice-chairman, automatically becomes the presiding officer.

At the outset, the chairman should call to order and briefly explain the purpose of the current meeting. He should read all papers, evidence or etc. before the convened body and levy a brief charge to the members as per their duties for the day. The meeting will then be ready for business.

Bear in mind that the chairman is merely a presiding officer chosen by the group to assist and guide them in their deliberations. He is not to take part in the discussions, nor try to influence decisions in any way. He is an impartial official subject to the wishes of the meeting. Accordingly, he must exercise his best judgment to see that neither a motion nor a nomination is "steamrolled."

MOTIONS. The only way anything can come before a meeting is by a motion duly made and seconded, or by a report made by an officer or committee. Remember that all questions, motions, comments, opinions and etc. are to be addressed to the chair. Ergo, no motion, even though it is duly made and seconded is subject to discussion and vote until it is put (that is, recognized and repeated) by the presiding officer. When a motion has been made, seconded and put to the meeting, ample opportunity should be allowed for full and free discussion before a vote is called. At Boys State, again because of our time limitation, the sponsor of a motion is usually given two (2) minutes to present his argument and each following speaker is allowed one (1) minute to rebut. To insure impartiality, the chairman should alternate speakers for and against the motion as follows:

<table>
<thead>
<tr>
<th>Sponsor of the Motion</th>
<th>2 minutes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Speaker against</td>
<td>1 minute</td>
</tr>
<tr>
<td>1st Speaker for</td>
<td>1 minute</td>
</tr>
<tr>
<td>2nd Speaker against</td>
<td>1 minute</td>
</tr>
<tr>
<td>2nd Speaker for</td>
<td>1 minute</td>
</tr>
<tr>
<td>etc.</td>
<td>1 minute</td>
</tr>
</tbody>
</table>

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When those at the meeting are not too well acquainted with each other, as will be the case in at least the earlier meetings and caucuses at Boys State, the chair should see to it that every speaker, either when making or seconding a motion, or speaking on the question, waits to be recognized by the chair, and then gives his name and his city or county or party before starting his remarks.

It is the duty of the presiding officer to keep the discussion on the subject, and to prevent personalities from entering the debate. He must keep the meeting in order at all times and permit nothing to be said to disrupt the harmony of the proceedings. He should never permit the shutting off of debate while members still wish to discuss the matter at hand.

THE SPEAKER'S DUTIES. It is the responsibility of every speaker to keep his remarks pertinent to the subject under discussion and to see that what he says, as well as how he says it, is not disruptive or irrelevant. A speaker should always address the chair. He should always be courteous to the opinions of others, and he should do his utmost to keep the rules of order from being violated. A public meeting is everyone's business and everyone's responsibility. If it gets out of hand, everyone is to blame.

NOMINATIONS. During the making of nominations, whether for officers of the group or candidates on the various slates being prepared for city, county or state, the presiding officer should not recognize nor put a motion to close the nominations until he is sure that no one wants to make any further nominations.

Nominations do not have to be opposed. The only purpose served by seconding a nomination is to present the opportunity for an additional speech endorsing the nominee and to show possible strength and support for his candidacy. An un-seconded nomination is just as valid and legal as one which has had any number of "seconds."

VOTING PROCEDURES

PREVIOUS QUESTION. Before any voting is done on any motion at any meeting, a vote on whether to take a vote should be taken. This may at first sound redundant or confusing, but it turns out to be an excellent way to insure that all members are indeed ready to close debate and move to a vote. A member who still wishes to be heard on a particular topic, for example, should not allow this "vote for a vote" to succeed. He should, instead, attempt to defeat it and thus allow debate to continue. This motion—a vote on whether to vote on the topic being debated—is called the Previous Question.

In most cases the general feeling of a group will indicate when a vote should be taken, and a sensitive chairman who picks up on such a feeling should call for someone to move Previous Question. If Previous Question succeeds by a two-thirds majority, the assembly shall move directly to a vote.

VOTING METHODS. The easiest and most expedient method of voting is, of course, the voice or "aye/nay" vote. If this vote seems at all indecisive, however, the chairman should immediately call for a hand vote. Alternatively, if the chair or the group at large wishes, the body may vote by individual roll call (i.e., each member's name called aloud and the member's responding "aye," "nay," "abstain" or "present") or by secret ballot.

As a vote is being taken, no motions will be entertained.

A chairman votes only if his vote will break a tie. If his "nay" vote would result in a tie—that is, a defeat—he must decide previous to voting whether he will participate. This implies that a chairman should know how many members are present at each meeting so that he can make this decision quickly and effectively.

AMENDMENTS. At American Legion Jersey Boys State, an amendment to any motion can be introduced during debate. The sponsor of the amendment must obtain the floor directly in order to introduce his amendment. When recognized, he puts forth the amendment or asks the secretary to read it, after which the sponsor of the main motion is asked whether he finds it friendly or unfriendly. If it is found friendly, it immediately becomes part of the motion. If unfriendly, it is debated as a separate entity. If a sponsor proposes an amendment to his own motion, it must automatically be debated.

An amendment may take the following forms: (1) to add or insert certain words or paragraphs; (2) to strike out certain words and insert others; (3) to substitute another resolution or paragraph on the same subject as the one pending; (4) to divide the question into two or more questions in order to get a separate vote on any particular point or points.

An amendment may not change the overall purpose of the legislation.

An amendment may be amended, but an amendment to an amendment may not.
ADJOURNMENT. After all business that was supposed to have been completed is completed, the chairman may call for a motion to adjourn. This motion shall close any and all debate, discussion and voting for that particular meeting. A motion to adjourn must be seconded and must pass with a two-thirds majority.

The following page contains a chart setting forth Parliamentary Procedure at a glance.
# PARLIAMENTARY PROCEDURE

<table>
<thead>
<tr>
<th>TO DO THIS:</th>
<th>YOU SAY THIS:</th>
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<th>Do you need a second?</th>
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<th>What Vote is Needed?</th>
<th>Can It Be Reconsidered?</th>
</tr>
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<tbody>
<tr>
<td>ADJOURN MEETING</td>
<td>&quot;I move that we adjourn&quot;</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>MAJORITY</td>
<td>NO</td>
</tr>
<tr>
<td>CALL AN INTERMISSION</td>
<td>&quot;I move that we recess for...&quot;</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>MAJORITY</td>
<td>NO</td>
</tr>
<tr>
<td>COMPLAIN ABOUT HEAT, NOISE, ETC.</td>
<td>&quot;I rise to a question of privilege&quot;</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO VOTE</td>
<td>NO (usually)</td>
</tr>
<tr>
<td>TEMPORARILY SUSPEND CONSIDERATION OF AN ISSUE</td>
<td>&quot;I move to table the motion&quot;</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>MAJORITY</td>
<td>NO</td>
</tr>
<tr>
<td>END DEBATE AND AMENDMENTS</td>
<td>&quot;I move the previous question&quot;</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>2/3</td>
<td>NO¹</td>
</tr>
<tr>
<td>POSTPONE DISCUSSION FOR A CERTAIN TIME</td>
<td>&quot;I move to postpone the discussion until...&quot;</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>MAJORITY</td>
<td>YES</td>
</tr>
<tr>
<td>GIVE CLOSER STUDY OF SOMETHING</td>
<td>&quot;I move to refer the matter to committee&quot;</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>MAJORITY</td>
<td>YES²</td>
</tr>
<tr>
<td>AMEND A MOTION</td>
<td>&quot;I move to amend the motion by...&quot;</td>
<td>NO</td>
<td>YES</td>
<td>YES³</td>
<td>YES</td>
<td>MAJORITY</td>
<td>YES</td>
</tr>
<tr>
<td>INTRODUCE BUSINESS</td>
<td>&quot;I move that...&quot;</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>MAJORITY</td>
<td>YES</td>
</tr>
</tbody>
</table>

THE MOTIONS LISTED ABOVE ARE IN ORDER OF PRECEDENCE... BELOW THERE IS NO ORDER...

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</tr>
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<tbody>
<tr>
<td>PROTEST BREACH OF RULES OR CONDUCT</td>
<td>&quot;I rise to a point of order&quot;</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO VOTE</td>
<td>NO</td>
</tr>
<tr>
<td>VOTE ON A RULING OF THE CHAIR</td>
<td>&quot;I appeal from the chair's decision&quot;</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
<td>MAJORITY</td>
<td>YES</td>
</tr>
<tr>
<td>SUSPEND RULES TEMPORARILY</td>
<td>&quot;I move to suspend the rules so that...&quot;</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>2/3</td>
<td>NO</td>
</tr>
<tr>
<td>AVOID CONSIDERING AN IMPROPER MATTER</td>
<td>&quot;I object to consideration of this motion&quot;</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>2/3</td>
<td>NO</td>
</tr>
<tr>
<td>VERIFY A VOICE VOTE BY HAVING MEMBERS STAND</td>
<td>&quot;I call for a division&quot; or &quot;Division!&quot;</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO VOTE</td>
<td>NO</td>
</tr>
<tr>
<td>REQUEST INFORMATION</td>
<td>&quot;Point of information&quot;</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO VOTE</td>
<td>NO</td>
</tr>
<tr>
<td>TAKE UP A MATTER PREVIOUSLY TABLED</td>
<td>&quot;I move to take from the table...&quot;</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>MAJORITY</td>
<td>NO</td>
</tr>
<tr>
<td>RECONSIDER A HASTY ACTION</td>
<td>&quot;I move to reconsider the vote on...&quot;</td>
<td>YES</td>
<td>YES</td>
<td>—¹</td>
<td>NO</td>
<td>MAJORITY</td>
<td>NO</td>
</tr>
</tbody>
</table>

NOTES:

¹Unless vote on question is not yet taken.
²Unless the committee has already taken up the subject.
³Only if the motion to be amended is debatable.
⁴Except in doubtful cases.
⁵A majority vote in negative needed to reverse ruling of chair.
⁶A 2/3 vote in negative needed to prevent consideration of main motion.
⁷Only if the main question or motion was not, in fact, considered.

*Only if motion to be reconsidered is debatable.*
AMERICAN LEGION JERSEY BOYS STATE PLEDGE OF CITIZENSHIP

Citizenship in American Legion Jersey Boys State shall be contingent upon the acceptance of the following pledge of Citizenship:

I, ________________________________________, DO SOLEMNLY SWEAR THAT AS A CITIZEN OF AMERICAN LEGION JERSEY BOYS STATE:

I pledge myself to live up to the highest obligations of its citizenship. I will obey the rules of American Legion Jersey Boys State.

I will take a serious and conscientious interest in discharging my duties as a citizen of American Legion Jersey Boys State.

I will adhere to the program of American Legion Jersey Boys State, participating in governmental and recreational activities.

If elected to office, I will serve that office to the best of my ability.

I will take notes on all speeches, discussions and events, so that I may be better able to make a formal report (written or oral) to my sponsor or sponsors, upon my impression of Boys State on my return home.

Insofar as possible, I will take an active part in the affairs of the Party in the City and County to which I am assigned.

I will respect the rights of my fellow citizens of American Legion Jersey Boys State. I will endeavor to keep my City, County, and State in the best condition.

ALJBS OATH OF OFFICE FOR CITY/COUNTY OFFICIALS


I DO FURTHER SOLEMNLY SWEAR / THAT I WILL FAITHFULLY, IMPARTIALLY, AND JUSTLY / PERFORM ALL THE DUTIES OF THE [CITY / COUNTY] OFFICE OF BOYS STATE / TO WHICH I HAVE BEEN ELECTED, / TO THE BEST OF MY ABILITY AND UNDERSTANDING, / SO HELP ME GOD
BOYS STATE CREED

“American Citizenship is my most priceless possession. I believe in the constitutional form of government of the United States of America – which gives me the right to worship God as I choose and as a citizen, equal opportunity, and equal educational rights.

It is my obligation to participate in and contribute my effort to the civic and political welfare of my community, state and nation.

I resolve to learn and understand government and the civic needs of my community and I hereby dedicate myself to the task of arousing and maintaining a like interest in my fellow citizens.

Therefore, may the experience of Boys State be ever with me as a reminder of my obligation to my country.”

BOYS STATE SONG

WE’RE STATESMEN, WE’RE STATESMEN,
OF BOYS STATE USA
WE’RE STATESMEN, FIRST RATE MEN
LOOKING FORWARD, COME WHAT MAY,
TO BUILD A NATION AND GUARD OUR LIBERTY
WE SERVE TOGETHER WITH FAITH AND LOYALTY
AND WITH OUR THUMB UP,
WE’LL FACE A NEW DAY,
FOR BOYS STATE USA.
PREAMBLE TO THE CONSTITUTION
OF THE AMERICAN LEGION

FOR GOD AND COUNTRY WE ASSOCIATE OURSELVES
TOGETHER FOR THE FOLLOWING PURPOSES:

To uphold and defend the Constitution of the
United States of America;
To maintain law and order;
To foster and perpetuate a one hundred percent
Americanism;
To preserve the memories and incidents of our
associations in the Great Wars;
To inculcate a sense of individual obligation to
the community, state and nation;
To combat the autocracy of both the classes and the masses;
To make right the master of might;
To promote peace and goodwill on earth;
To safeguard and transmit to posterity the principles of
justice, freedom and democracy;
To consecrate and sanctify our comradeship by our devotion
to mutual helpfulness.