

SUDDEN GUBERNATORIAL VACANCY COULD CAUSE PARTY PANDEMONIUM

BY JEFF BRINDLE | 07/14/16 1:31pm



Republican presidential candidate Donald Trump said this week that he will reveal his pick for vice president tomorrow (Friday).

Governor Chris Christie is reported to be on the short list of potential nominees.

What if Mr. Trump selects the Governor to run with him, or his role as head of the transition team increases?

While there is no legal requirement for the governor to leave office until actually assuming the Office of Vice President or some other federal office, there is a chance he would resign to devote full time to the campaign.

What will it mean for New Jersey?

Most importantly, his vacancy would have to be filled.

If Governor Christie were to resign after September 9, or within 60 days of the November election, the State Constitution provides that the Lieutenant Governor (currently Kim Guadagno) would serve as governor until the next succeeding general election, or through the election of 2017.

On the other hand, if the Governor were to leave office prior to September 9, the State Constitution requires a special gubernatorial general election to be held.

A scenario of this sort would present an unusual, if not very serious, problem for the Legislature and the people of New Jersey.

While the State Constitution does provide for a special gubernatorial election, it does not provide for a special primary election for governor.

In columns written in early 2015, I proposed that a constitutional amendment be placed on the ballot in order to remedy this oversight.

At the time, State Senator Jim Whelan (D-2nd) introduced a resolution (now SCR-14) to eliminate this glaring hole in the Constitution that has been with us for decades.

If placed on the ballot and passed by the voters, the amendment would have extended from 60 to 240 days before the general election the cutoff point for a special gubernatorial election.

By doing so, the measure would ensure that a primary election would always be held for governor and that it would be held on a regular primary day, both saving money and eliminating confusion.

Unfortunately, this proposed resolution was never taken up, leaving the gaping hole in a State Constitution that still contains language first appearing in the Constitution of 1844, before the existence of primary elections.

In those days gubernatorial candidates were selected at State party conventions.

In the off chance that the governor was to vacate the Office prior to September 9, as a State we may have to revert to the old days and hold state party conventions to select the candidate for governor.

Or, another way, as when former Senator Robert G. Torricelli resigned in 2002, might be to have party leaders select the nominees.

Finally, perhaps the best election lawyers in the State may find ground for establishing a special gubernatorial primary despite the State Constitution not providing for one.

If that were to be the case, there would not be much time for campaigning, no public financing program, and in light of the weakening political party system, total dominance by independent groups.

In this day and age neither one of these scenarios is optimum.

If the Governor is selected as Mr. Trump's running mate, he may not quit at all. Perhaps a vacancy will not occur in the Office until at least following September 9 and the State will not be confronted with this problem.

In any event, the State Constitution needs to be amended to provide for a special gubernatorial primary election so as to avoid this kind of confusion in the future.

*Jeff Brindle is the Executive Director of the New Jersey Election Law Enforcement Commission.
The opinions presented here are his own and not necessarily those of the Commission.*