

SPECIAL GUBERNATORIAL ELECTION COULD MEAN SPECIAL PROBLEMS FOR NJ

BY JEFF BRINDLE | 02/09/15 11:41am

During this year's State of the State Address, Governor Chris Christie stated that whether or not he runs for President, he will remain governor and be back to give next year's speech.

However, let's say, hypothetically, that the Governor decides to step down early.

It's happened before, most recently with former Governors Whitman and McGreevey. It could happen to future governors.



If a gubernatorial vacancy occurs now, the Lieutenant Governor would assume the Office of Governor. But only under certain circumstances would the Lieutenant Governor serve the duration of the gubernatorial term.

Unlike a vacancy in the office of the President, when the Vice President takes over for the remainder of the term, the Lieutenant Governor completes the term only when a little over a year is left on the term.

In every other circumstance, a special election must be held.

The next regular election for governor is scheduled for November 2017. If the Governor were to leave office within 60 days of the 2016 general election, the Lieutenant Governor would assume the office and serve out the term.

However, if the Governor were to leave office prior to 60 days before the 2016 general election, then a special gubernatorial election would be required.

With respect to a special election for governor, there are gaps in the statute and the State Constitution that must be addressed by the Legislature.

New Jersey is known for its Gubernatorial Public Financing Program, which includes primary and general elections.

This program has existed since the election of 1977 and is credited with eliminating even the appearance of corruption and allowing qualified candidates of otherwise limited personal wealth to compete for the governorship.

While the program has served the public well, at present there is no provision in the statute to provide for public funding in a special gubernatorial election.

With independent spending overwhelming political parties and candidates (\$41 million in 2013), the Gubernatorial Public Financing Program is more needed than ever.

State Senator Jim Whelan (D-2) introduced legislation to provide public financing in special elections for governor, including primary and general elections. It has moved out of the Senate State Government Committee.

A companion bill in the Assembly by Assemblywoman Linda Stender (D-22) is awaiting action.

The fact that legislation has been introduced to plug the special election public funding hole is a good thing. However, there is another gap that needs to be filled.

Nothing in the law nor the State Constitution establishes a special gubernatorial primary election.

The State Constitution provides for a special gubernatorial general election but is silent as to a special primary election for governor.

This breach can in all probability be filled by enacting legislation creating a special gubernatorial primary. There is no mention of primaries in the State Constitution, yet they have been established in the statutes for regular elections.

Though the situation of a sitting governor stepping down in the immediate term may not occur, taking remedial action now makes sense to avoid a political crisis 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.