

New Acting Governor to Head State House Until Schundler or McGreevey Takes Office

By WALTER E. BORIGHT

When the votes are tallied up after the polls close on Election Night, November 6, one thing is certain — it won't be Democrat Jim McGreevey or Republican Bret Schundler who will be next to sit in the Governor's chair after Acting Governor Donald T. DiFrancesco leaves office in January.

How can this be? Is this legal? What about the votes cast on Election Day?

Not only will it be so and legal — it is also in 100 percent compliance with the New Jersey State Constitution. Since New Jersey became a state in 1776, it has had three state constitutions. The first was the Constitution of 1776, then the Constitution of 1844, and now the Constitution of 1947.

They set forth that the legislator who served as head of the upper house of the State Legislature would fill in as acting governor when the governorship was vacant for any reason.

Such a vacancy occurred this past January 31, when Governor Christine Todd Whitman resigned to take a post in the federal Environmental Protection Agency. As a result, the state now has an Acting Governor — Donald T. DiFrancesco, a Republican state senator from the 22nd Legislative District.

Mr. DiFrancesco moved into the Governor's Office as Acting Governor by virtue of being the President of the New Jersey State Senate. He has served as both Acting Governor and Senate President since January 31.

Article IV of the state constitution provides that legislative terms begin and end at noon on the second Tuesday in January in either two- or four-year cycles. On that date, the houses of the legislature — the State Senate and the General Assembly — are to organize and elect their respective leaders.

So come this January 8, the second Tuesday of the month, Mr. DiFrancesco's term as a State Senator will expire, and with that so will his title as Senate President. Not being Senate President, he will no longer be acting governor.

On January 8, 2002, a new Senate President and a new Speaker of the General Assembly are scheduled to be elected by their colleagues. The Senate President is next in line to fill a vacancy in the Governor's post, followed by the Assembly Speaker.

Herein lies the essence of the mystery. Article V of the state Constitution provides that the term of the

person elected as Governor in November commences at noon on the third Tuesday of January after that General Election, and that it expires four years thereafter at noon on the third Tuesday of January.

This leaves a one-week gap of time between the second and third Tuesdays in January. This "governor's gap" will span the period from when a new Senate President is chosen and when the swearing-in of the newly elected governor takes place.

So who is going to be sitting in the governor's chair for the one-week period between January 8 and January 15, 2002?

Article V of the state Constitution tells us that it is scheduled to be whoever is elected President of the New Jersey State Senate. It is, after all, a role first for the person holding the office of Senate President to serve as Acting Governor when there is a vacancy in the Office of Governor. If the Senate President doesn't fill the acting governorship, the Speaker of the Assembly becomes next in line.

It will depend on which party wrestles control of either house of the Legislature and which forces within each of the controlling parties will dominate the party caucuses.

If for some reason the new State Senate President or Assembly Speaker can't or won't serve, there is a pecking order for Acting Governor prospects that includes state cabinet members and other high level state officials.

Has there ever been a previous incident when a Senate President or Speaker of the Assembly served as Acting Governor and was not immediately succeeded by the elected Governor? The answer is, "yes, a number of times." The two most recent took place in 1920 and 1935.

At that time, the 1844 state Constitution was in effect. It contained very similar provisions.

In January of 1935, the state actually had four different persons filling the job of Governor within a period of just 12 days. Three-term Democratic Governor A. Harry Moore was elected to the United States Senate in November of 1934. He held on to his post as Governor until January 3, 1935, at which time he resigned to take his seat in the United States Senate. At that point, the President of the State Senate, Republican Clifford R. Powell of Burlington County, took over as Acting Governor.

He served for only five days, until his term as Senate President ended on the second Tuesday in January,

January 8, 1835. At that juncture, the newly elected Senate President, Republican Horace G. Prall of Hunterdon County, took over as Acting Governor. Mr. Prall served until the newly-elected Governor, Republican Harold G. Hoffman, took office on the third Tuesday, January 15, 1935.

A similar occurrence took place in January 1920. At that time, Senate President William A. Runyon, a Union County Republican State Senator, had been serving as Acting Governor since May 16, 1919. He took over as Acting Governor when Republican Governor Walter E. Edge resigned to accept appointment to a vacancy in one of New Jersey's two United States Senate seats.

Mr. Runyon's term as Acting Governor ended on January 13, 1920, the second Tuesday of the month, when his term as a State Senator expired and hence his titles as Senate President and Acting Governor. On January 13, a new Senate President and a new Acting Governor — Republican State Senator Clarence E. Case of Somerset County — took office.

Mr. Case sat in the Governor's chair until November's Democratic victor, Edward I. Edwards, took the oath of office on the third Tuesday of January, January 20, 1920.

So whenever the voters of New Jersey elect as the next Governor of New Jersey come this November 6, we can look forward to another "governor for the week" to fill the "governor's gap" for the period of January 8 to January 15, 2002.

Walter E. Boright of Westfield is retired Superintendent of Schools in Milltown and Garwood and a former Union County Freeholder. He is Director of External Operations at the Gateway Institute for Regional Development at Kean University in Union.

'Our Town' to be Focus of Book Discussion

FANWOOD — The Fanwood Memorial Library, located at North Avenue and Tillotson Road, will hold a book discussion on Thursday, November 8, at 7:30 p.m.

Librarian Ruth Ahnert will lead a discussion on "Our Town," written by Thornton Wilder.

Interested individuals are asked to read the book prior to the meeting date. Copies may be picked up at the library. For more information, please call (908) 322-6400.



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- ★ Fanwood Optometrist since 1958
- ★ Veteran, U.S. Navy
- ★ Rescue Squad member 1962-65
- ★ Attended Temple University
- ★ OD., Pennsylvania College of Optometry
- ★ 41 year-resident of Fanwood



Dave Trumpp

- ★ Member, Fanwood Historic Preservation Commission
- ★ Served on Fanwood Recreation Commission
- ★ Fanwood Lion's Club member, 1997 to present; President, 2000-2001
- ★ Marketing Coordinator, New Jersey Turnpike Authority, 1996 to present
- ★ B.A. Political Science, Alfred University
- ★ Lifelong resident of Fanwood

FOR

- ★ Downtown development with adequate parking
- ★ Construction of new senior citizen facilities at Forest Road Park
- ★ Improved recreation facilities for all residents
- ★ Effective grant management

AGAINST

- ★ Four-story buildings in downtown redevelopment zone
- ★ High density housing in downtown redevelopment zone

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