BACKGROUND

For many years, New Jersey's system for filling the vacancy caused by a governor leaving office before the end of the term to which he or she was elected received little attention. From 1935, when Gov. A. Harry Moore resigned to serve in the US Senate, to 2001, when Gov. Christie Whitman stepped down to become head of the federal Environmental Protection Agency, no governor left office ahead of schedule. But now the succession system is about to be activated for the second time in less than four years.

Unlike almost every other state, in New Jersey a gubernatorial vacancy is filled by the senate president, who under the 1947 state constitution assumes the duties of the governor and the title of acting governor while also continuing as senate president. This system has some major drawbacks:

- By serving as head of the executive branch of government and half of the legislative branch, the acting governor violates the separation of powers intended as a safeguard against too much power being concentrated in one place.
- The acting governor was not elected statewide, but only by voters to a Senate seat in one legislative district, so he or she has no mandate from the general public.
- If the senate president and governor are from different political parties, the person who becomes acting governor would, in addition to not having been elected to lead the state, be from the party the voters rejected for that duty.

In 42 states, these issues do not exist. Each of those states has a lieutenant governor, designated by the constitution or by statute to become governor (not just to assume the powers but to be governor and hold the office in every aspect) if the person in the top spot vacates that office.

Of the eight states with no lieutenant governor, four turn the governorship over to the presiding officer of the Senate-Maine, New Hampshire, Tennessee and West Virginia. In the other three states-Arizona, Oregon and Wyoming-the secretary of state is next in line to be governor. It is important to note that, unlike in New Jersey, in those three states and most others the secretary of state is an elected position. Arizona in the near future is expected to eliminate the office of secretary of state and replace it with lieutenant governor.

Many wonder why New Jersey is not among those states. In fact, establishment of a lieutenant governorship was considered at the 1947 Constitutional Convention. The League of Women Voters endorsed the idea, as did several other groups and some former governors. But the measure never came before the entire body because it was defeated in committee by
a 6-3 vote (four of the six were State Senators, all of whom later became Senate President and thus were in line to be acting governor).

Resolutions calling for amending the state constitution to create a lieutenant governor were introduced by the Assembly in the early 1980s, but got nowhere. Then in 1986, Gov. Thomas Kean, in his first State of the State address after winning reelection by a landslide, called for the position. Later that year, the Assembly passed, 63 to 12, a resolution that would have placed on the ballot a proposal to amend the state constitution by creating the office of lieutenant governor-only to have the measure defeated in the Senate, 24 to 11.

Now New Jersey has a chance not only to convert its succession system into one that is clear and sensible, but also to learn from the best approaches being used around the country. There are many options from which to choose.

**CHOOSING A LIEUTENANT GOVERNOR**

In 24 states the governor and lieutenant governor are elected as a ticket, just as the nation chooses a president and vice president. In 18 states, the governor and lieutenant governor are elected separately.

**ELECTED TOGETHER**

Alaska, Colorado, Connecticut, Florida, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Mexico, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Utah, Wisconsin

These states have differing methods for putting the ticket together. In Alaska, Hawaii, Massachusetts, New Mexico and New York, the nominee for lieutenant governor is selected in a primary independent of the gubernatorial nomination. The two winners then become a team for the general election. In Indiana, Iowa, Michigan and South Dakota, a party convention chooses the candidate for lieutenant governor after the primary. This creates the possibility that someone who ran in the primary for governor and lost could end up in the second spot on the ticket. In Colorado, the gubernatorial nominee chooses his or her running mate within seven days of the primary. In the rest of the team-election states candidates run as a governor/lieutenant governor ticket in the primary.

**ELECTED SEPARATELY**

Alabama, Arkansas, California, Delaware, Georgia, Idaho, Louisiana, Mississippi, Missouri, Nevada, Oklahoma, North Carolina, Rhode Island, South Carolina, Texas, Vermont, Virginia, Washington

Under this system, the distinct possibility exists that the governor and lieutenant governor will be from different parties. And while this does happen-occasionally with high-profile differences between the two officeholders affecting the operation of state government-voters usually choose two members of the same party. Today, only in Alabama (R/D), California
(R/D), Georgia (R/D), Oklahoma (D/R) and Rhode Island (D/R) are the governor and lieutenant governor from different parties.

**INCREASING RESPONSIBILITIES**

An argument often raised against having a lieutenant governor in New Jersey is that it would cause money to be spent and a bureaucracy created for someone who would have very little to do.

Indeed, states vary greatly in terms of the responsibilities given to a lieutenant governor. In 25 states he or she presides over the state Senate, the way the vice president presides over the US Senate. In many cases this power includes breaking tie votes and in some states it also involves appointing senate committees and assigning bills to committees.

What is becoming more common, however—especially in states where the governor and lieutenant governor are elected as a team—is for the second-in-command to be given greater executive branch responsibilities. A report by Julia Hurst, executive director of the National Lieutenant Governors Association says, "In states where the lieutenant governor is elected as a team with the governor and does not preside over the senate, a trend is emerging of the lieutenant governor being named a member of the cabinet to lead a state department or major authority." In an interview for this report, Ms. Hurst said the combination in recent years of state budget crises requiring doing more with less revenues and the added burden of post-9/11 security issues are major contributors to the trend.

In several states the authority has long existed for the governor to appoint the lieutenant governor to a cabinet position. Increasingly, this is being done. For example, in Minnesota after years of lieutenant governors not being given significant duties, the current governor appointed the lieutenant governor to head the state transportation department. In Ohio the current governor named his previous lieutenant governor to head the Department of Public Safety, taking advantage of her background as a lawyer, and appointed the current lieutenant governor to head the Department of Commerce.

In Indiana the lieutenant governor is by law the head of the Department of Commerce and has also been named by the governor to head the sub-cabinet position of agriculture commissioner and to be in charge of the state's anti-terror task force. Similarly, Nebraska's lieutenant governor was tapped by his boss to be head of homeland security.

**A PATH TO POWER?**

A quick quiz: who are the lieutenant governors of New Jersey's three neighboring states, New York, Pennsylvania and Delaware? True enough, Mary Donhaue, Catherine Baker Knoll and John Carney are not household names.

Granted, then, it is often the case that the office of lieutenant governor is more likely to be a footnote than a stepping stone. But, as with other aspects of the lieutenant governorship, experiences vary from state to state. Today eight sitting governors are former lieutenant governors. In the history of Illinois, seven governors were formerly lieutenant governors, as were four US Senators. Six lieutenant governors in South Carolina have gone on to the top
job in that state.

By electing a governor but no other state government officials, New Jersey is a major exception to common practice around the country. In 35 states, voters choose the secretary of state. In 43 they elect the attorney general, and in 37 the treasurer. To a lesser extent some states elect such positions as comptroller, auditor and the heads of such departments as education, agriculture and insurance. In many states, especially those where many powers of the governor are weaker than New Jersey's, legislators-and legislative leaders in particular-have higher profiles. So the lieutenant governor is still one of many politicians vying for office and recognition.

Early in the 20th century Florida and Maryland abolished the job of lieutenant governor. They re-established the position years later (1968 and 1970). Since then no state has dropped the office. The most recent state to switch from the senate president being next in line was Georgia, which created a lieutenant governorship in 1946. The last state to establish a lieutenant governor was Utah, which in 1980 added the post and gave it the duties of the secretary of state, abolishing that office.

WHAT NEW JERSEY SHOULD DO

In the absence of having a lieutenant governor New Jersey is not just an anachronism. The state is behind the curve, failing to make use of best practices when it comes to operation of the executive branch of state government.

No one can predict for sure how having a lieutenant governor would work in New Jersey. As noted, states vary greatly in how the person holding the job is selected and what he or she does. States have their own traditions and political cultures, which are a factor.

To a degree, how effectively the arrangement operates would depend on personalities-as is always the case in politics and government. The ability of a lieutenant governor and governor to get along is more important than officially delineated responsibilities in many states. In some states the duties of the second spot have tended to ebb and flow based largely on whether the governor feels like giving the other person much to do, and trusts him or her to get the job done.

Whether a lieutenant governor in New Jersey would be an automatic favorite to become the next elected governor is hard to predict. New Jersey is a difficult state in which to become known, stemming in part from the governor being the only elected state government official and the well-documented lack of television coverage in one of only two states that lack network-affiliate stations.

But the potential is great, and so is the need. New Jersey's current system of succession is inadequate for the 21st century, a time of increasingly complex problems and rising distrust among the public.

Based on the experiences of other states, a good, workable system would be one where the candidates for governor and lieutenant governor run as a team in the general election, having either run together in the primary or with the gubernatorial nominee choosing his or
her running mate. Experience shows that many of the most notable cases of a governor and lieutenant governor failing to work well together have been in states where either the two positions are elected separately in the general election or, if they run as a ticket in the general, were nominated separately in the primary.

Under the team-election arrangement, the choice of a running mate could be an early test of a would-be governor's judgment and character. And the citizens would be better served by a team than by the situation that might ensue if the governor and lieutenant governor were from different parties. Further, while the duties and, arguably, the reputations of lieutenant governors are growing in states where the position is elected in tandem with the governor, this is not so much the case in the states where the two offices are selected separately.

New Jersey should not join the states where a lieutenant governor presides over, or has any role in, the state senate. This state's governor is already the nation's most powerful; there is no need to erode any legislative power other than to end the system of the senate president becoming acting governor. Rather, New Jersey should consider emulating those states where a governor has the authority to name the lieutenant governor to a cabinet position and to give him or her other duties as well. This would make the position one with meaningful responsibilities and also allow the duties to be tailored to the background of the officeholder.

It is hard to quantify to what extent New Jersey citizens would base their vote for a gubernatorial candidate on who he or she has as a running mate. Political experts do not believe it is a major factor. But having a lieutenant governor would open up the political process to more participants in ways that could only help spur interest and turnout. Surely there would be no shortage of people wanting the job. And it is not hard to imagine that members of racial and ethnic groups that have not yet risen to the top in New Jersey politics could benefit from the "leadership ladder" that being lieutenant governor might offer. This is happening in other states.

And, people going to the polls to select a governor would do so knowing who would take that person's place if he or she did not complete the term. During the course of the campaign, the public and press would have every opportunity to take the measure of that person. New Jerseyans deserve this right—and this responsibility—just as much as citizens of other states.

NJPP is grateful for the assistance of Julia Hurst, executive director of the National Lieutenant Governors Association. She and her organization have a wealth of information on the topic. New Jersey would do well to add another member to the NLGA.

New Jersey Policy Perspective is a nonpartisan, nonprofit organization established in 1997 to conduct research and analysis on state issues. Our goal is a state where everyone can achieve to his or her full potential in an economy that offers a widely shared, rising standard of living.