

Opinion & Commentary

It Is Time To Take a Serious Look at Our Gubernatorial Succession Problem

By Ingrid W. Reed

New Jersey has a leadership problem — a leadership succession problem. We are more than 100 days into a new administration, and we are still in denial that we don't have a good plan for how we will govern if the duly elected governor cannot, as was well-demonstrated in the last administration. We were lucky that the new governor broke only his leg when he had his beach accident less than 30 days into his term.

If at this time in the second quarter of 2002 the Senate president would have to take over, a Republican, John Bennett, would fill the office. However, since we have an equally divided Senate, a Democrat, Richard Codey, would take over for three months and then turn the office back to Bennett.

When the governor recently left the country, the Assembly speaker was put in charge, but only after an elaborate analysis to determine whether this is appropriate when the Senate president is unavailable. The speaker thought he was offering some kind of reassurance when he promised not to do anything while holding the office, except have a party at Drumthwacket. What, if by fate, he actually did have to do something?

Let's take a look back at the year 2001 when there seemed to be a consensus that there is a succession problem.

Contrary to everything we learned in civics class about the separation of powers, we had an acting gover-

nor who functioned both in the executive branch as governor and in the legislative branch as Senate president — the SPAG (Senate president/acting governor), artfully named by Nick Accocella, editor of *Politifax*.

Not only is there an inherent conflict of interest, but the SPAG, as a member of the Legislature, is elected by a small number of New Jerseyans from one of the 40 districts, not by the voters at large. Of course, we were lucky that Donald DiFrancesco, the SPAG in office last year, was of the same party as Gov. Christine Todd Whitman whom he replaced.

This ensured that voters would see some continuity with the platform and ideology of the person they elected — an expectation citizens should have in an orderly succession. While he was a Republican leader and could be expected to follow his party's programs, SPAG DiFrancesco was not a passive placeholder. He did forge his own agenda and named his own staff to key positions.

If at this time in the second quarter of 2002 the Senate president would have to take over, a Republican, John Bennett, would fill the office and could bring a different philosophy and administration to the Statehouse. However, since we have the unusual occurrence of an equally divided Senate with a shared leadership arrangement, a Democrat, Richard Codey, would take over for three months and then turn the office back to Bennett.

Is this a wise course for a modern state? Probably not, if you count the number of

jokes made at New Jersey's expense when we practiced this political version of the Abbott and Costello who's-on-first routine in the beginning of January. In the span of a week, New Jersey had five governors.

How do we take a serious look at whether it makes sense to continue with the status quo or to consider alternatives? Since any change means amending the state constitution, a process that requires voter approval, how can citizens be engaged to assess what we do and might do when a governor leaves office?

The Legislature may want to consider how it can get the widest set of perspectives on the succession issue rather than simply choosing among proposals made by its members. Why not appoint a commission of respected leaders and ask them to outline alternatives, publicize and seek opportunities to discuss the proposals and report back to the Legislature with actual wording of how the constitution could be amended to reflect the possibilities that seem to generate the most consensus?

Here are some alternatives that might be explored:

1. *Make the Senate president the governor's successor, and require that person to relinquish the Senate seat.*

This solves the separation-of-powers issue, but it does not address the problem of the acting governor being elected by only a small number of voters or being from a party different from the outgoing governor. It also does not take into consideration the very real possibility that the Senate president would not want to give up that post to be governor, a quandary DiFrancesco raised.

2. *Elect a lieutenant governor on the same ticket as the governor.* This is similar to our experience at the federal level with the system of electing a president and a vice president on the same ticket. It would mean breaking with tradition and electing a second statewide position, a position without any other responsibility except that of standing in for the governor if needed.

3. *Elect a lieutenant governor independently of the governor as is done in a number of states.* This could result in the lieutenant governor of a party different from that of the governor who is replaced.

4. *Elect a lieutenant governor, together with the governor or separately, with designated responsibilities such as secretary of state or some other cabinet position.* Another possibility is the lieutenant governor presiding over the Senate as the vice president of the United States does.

5. *Specify that the successor be a nonelected cabinet member such as attorney general.*

Under existing law, this office is the line of succession after the legislative leadership.

Obviously, other options should be added

to the list and seriously considered.

Although it may not be clear what New Jersey should do to have a sensible succession policy, what is clear is that the citizens of New Jersey deserve to have the current plan openly and rigorously examined to determine a path that would ensure the best leadership in the 21st century.

Do citizens care? Yes, as shown in a *Star-Ledger/Eagleton-Rutgers* Poll released on March 22, which asked whether residents preferred keeping the current system or electing a lieutenant governor. When the recent problems with an acting governor were explained, respondents moved from supporting the status quo to favoring an elected lieutenant governor (see www.slerp.rutgers.edu).

The commission the Legislature might appoint would be a vehicle to make sure that we examine how we deal with gubernatorial leadership in extraordinary circumstances and that it is a serious effort, broadly conceived and discussed. The process would speak well for a state that has suffered ridicule and risk for a shortcoming in a modern constitution that has served us extremely well in many other ways. ■



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