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June 24, 2013

VIA HAND DELIVERY, EMAIL & FAX

Honorable Sheila Y. Oliver, Speaker  
New Jersey General Assembly  
125 West State Street  
Trenton, New Jersey 08608

Re: Assembly Rule Violations and Invalid Legislative Action

Dear Speaker Oliver:

We write on behalf of the Association of New Jersey Rifle & Pistol Clubs, the New Jersey State Federation of Sportsmen's Clubs, and the New Jersey Second Amendment Society (collectively, the "Organizations").

We write to put you on notice that, under current Assembly Rules, certain legislation scheduled to be considered by the Assembly today is not properly before the body and, as a result, any action attempted by the Assembly today on this legislation will be null and void.

Specifically, we refer to A4182 and all of the bills that were considered after A4182 on June 6, 2013 by the Assembly Law & Public Safety Committee (the "ALPS Committee"), in violation of Assembly Rules 10:6 and 12:3. In light of these violations, pursuant to Assembly Rule 10:22, none of these bills may be considered for third reading or final action. Accordingly, any action purported to be taken on them by the Assembly will be invalid and subject to legal challenge.

On June 6, the ALPS Committee violated Assembly Rules 10:6 and 12:3 by unlawfully halting a roll-call vote in progress on A4182, and never completing the roll-call, once it became clear that the bill was defeated because it lacked the 6 votes needed to pass. 9 of 11 votes had been cast

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when the roll call was aborted. While Assembly Rule 10:6 provides that committees can adopt their own rules, it also provides that any rules adopted must be consistent with Assembly Rules.

The Assembly already *has* a rule on the subject of roll-call voting. Rule 12:3 provides that “after a roll call vote has commenced, no motion is in order until the results are announced by the Speaker. [Emphasis supplied.]” There are important policy reasons for this rule, including ensuring the integrity of the voting process and preventing manipulation of voting results in bad faith.

Rule 10:6 required that the ALPS Committee follow Rule 12:3 and complete the roll-call vote on A4182 once it commenced. Halting the roll-call vote in progress was not only inconsistent with, but also directly in violation of, Assembly Rule 12:3. Once the roll-call began, the committee was bound to complete the voting, regardless of the outcome. Aborting the nearly-completed roll call was out of order and an abuse of process intended to obstruct recordation of the defeat of A4182 that had already occurred.

Accordingly, pursuant to Rule 12:3, no further business was in order until the vote on A4182 was completed. The ALPS Committee chairman’s attempt to “hold” the bill while a roll-call vote was pending was thus invalid, as was the subsequent “transfer” of the bill to the Assembly Budget Committee for more favorable treatment in a replacement vote. The Budget Committee’s “passage” of the bill on June 17 was therefore also invalid.

Assembly Rule 10:22 is crystal clear that “bills and resolutions reported by any committee in violation of these rules shall not be considered for third reading or final action. [Emphasis supplied.]” Accordingly, A4182 is not properly before the Assembly today. A4182 remains pending before the ALPS Committee, where it awaits recordation of the final two committee member votes and announcement of the results.

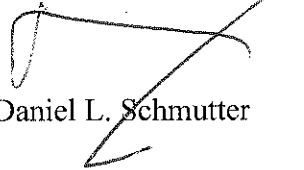
Additionally, since Rule 12:3 requires that “after a roll call vote has commenced, no motion is in order until the results are announced,” and Rule 10:22 mandates that bills and resolutions reported in violation of the rules “shall not be considered for third reading or final action,” all motions considered by the ALPS Committee after the June 6 aborted roll-call on A4182 were invalid, including motions to release the following bills, which are also not properly before the Assembly today (nor at the Assembly voting session of June 20, as applicable): A4181, A4179, A4152, A4178, A4180, S2720, S1279, S2804, S1133, and S2468.

While a legislative body may apply its rules with some degree of flexibility, that flexibility does not allow for the manipulation of voting results in bad faith, as was the case here.

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The Organizations reserve the right to pursue appropriate legal remedies if the Assembly attempts to enact A4182 unlawfully as described herein. Please be guided accordingly.

Very truly yours,

A handwritten signature in black ink, appearing to read "Daniel L. Schmutter". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Daniel L. Schmutter

DLS/amh

Cc: Senate President Stephen M. Sweeney (Via hand, email & fax)