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SENATE, No. 918

STATE OF NEW JERSEY

INTRODUCED APRIL 20, 1972

By Senators STOUT, TURNER and CRABIEL

Referred to Committee on Labor, Industry and Professions

AN ACT to amend "An act concerning The United Methodist Church, supplementing Title 16 of the Revised Statutes, and repealing chapters 9 and 10 of Title 16 of the Revised Statutes," approved July 31, 1968 (P. L. 1968, c. 235).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 4 of P. L. 1968, c. 235 (C. 16:10A-5) is amended to
2 read as follows:

3 4. Any local church of, or any other organization connected
4 with, The United Methodist Church now or hereafter incorporated
5 may alter or amend its certificate of incorporation in the same
6 manner as provided by this act for the incorporation of a local
7 church or of such other organization; provided, however, that the
8 notice of meeting shall state the alterations or amendments to be
9 considered; and provided further, that no alteration or amendment
10 shall be inconsistent with the provisions of this act or the discipline
11 of The United Methodist Church. Any such alteration or amend-
12 ment shall become operative when an amended certificate of
13 incorporation has been **[executed]** *signed by the president or vice-*
14 *president and secretary and acknowledged as in the case of deeds*
15 *to real estate, and filed as provided by this act for an original*
16 *certificate of incorporation.*

1 2. Section 13 of P. L. 1968, c. 235 (C. 16:10A-14) is amended to
2 read as follows:

3 13. All real and personal property belonging to or held in trust
4 for any local church of The United Methodist Church that has or
5 shall become abandoned shall vest in and become the property of
6 that annual conference of The United Methodist Church in which
7 such local church was located. **[This section shall not affect the**
8 **reversion or interest of any person in such property.]**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

9 A local church of The United Methodist Church shall be regarded
10 as abandoned when its membership is so reduced that it has not
11 sufficient members to fill its offices, and when it has ceased to hold
12 its regular meetings and to keep its relation with any charge having
13 regular connection with an annual conference of The United Meth-
14 odist Church for a period of 2 consecutive years.

15 The annual conference of The United Methodist Church in which
16 any such abandoned local church was located may, in pursuance of
17 a resolution by it, sell the property of any such abandoned local
18 church and convey the same to the purchaser by deed in its corpo-
19 rate name.

1 3. Section 14 of P. L. 1968, c. 235 (C. 16:10A-15) is amended to
2 read as follows:

3 14. To be qualified to vote at a meeting of the charge conference,
4 or at a meeting of the membership of a local church of, or organiza-
5 tion connected with, The United Methodist Church, when such
6 meeting is held for the purpose of incorporation, alteration or
7 amendment of the certificate of incorporation, merger, election of
8 trustees, or any action relating to the property of such church or
9 organization, a person shall be a full member of such church or
10 organization who is not less than **[21]** 18 years of age. The presid-
11 ing officer of any such meeting shall be the judge of the qualifica-
12 tions of voters, subject to appeal to the vote of the members present
13 whose qualifications are not challenged. Such presiding officer shall
14 receive the votes cast and declare the result of same.

15 Unless otherwise provided by this act, or by the certificate of
16 incorporation or the bylaws of such local church or organization,
17 elections and approval of actions shall be by a majority vote of the
18 qualified voters present and voting. In elections of trustees a
19 written individual ballot shall be used if so directed by vote of the
20 members present, but cumulative voting shall be prohibited.

1 4. This act shall take effect immediately.

STATEMENT

The purpose of these amendments is to simplify the execution of amended certificates of incorporation; to eliminate any possible conflicts of interpretation when a reversion or other interest is rendered ineffective by voluntary, statutory or judicial action; and to reduce from 21 to 18 the age qualification for voting on the matters specified in section 15 of the act being amended.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

November 12, 1973

SENATE BILL NO. 918

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 918, with my objections, for reconsideration.

This bill amends the laws pertaining to The United Methodist Church. It provides that members of the church who are 18 years of age and older shall be entitled to vote at meetings, conferences, etc., and to otherwise participate in administrative functions. The bill also provides for the alteration or amendment of a certificate of incorporation of any church incorporated under this law by the filing of an appropriate certificate signed by the president or vice-president and secretary and acknowledged as in the case of deeds to real estate. The bill also clarifies some language in respect to the reversion of property belonging to or held in trust for any local church of The United Methodist Church that has become abandoned.

I am in agreement with the language of this bill insofar as it authorizes persons 18 or more years of age to vote and participate in church functions. It is consistent with the change in the age of majority in New Jersey from 21 to 18 years pursuant to P.L. 1972, c. 81. However, the bill does not amend Sections of P.L. 1968, c. 235, which require that trustees of the local church of The United Methodist Church must be 21 years of age. It is my recommendation that the age in this instance be similarly reduced to 18 years of age.

While this legislation authorizes changes in a certificate of incorporation upon the signature of either the president or vice-president and the secretary, no change is made in the language of the existing law which requires the certificate of incorporation of such churches to be executed by the duly elected trustees. It is my recommendation that the trustees be authorized to elect appropriate officers such as president,

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EXECUTIVE DEPARTMENT

Senate Bill No. 918

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vice president and secretary for the execution of certificates of incorporation in the first instance.

Accordingly, I herewith return Senate Bill No. 918 for reconsideration and recommend that it be amended as follows:

Page 1, after enacting clause: Insert a new Section 1 and Section 2 as follows:

"1. Section 1 of P.L. 1968, c. 235 (C. 16:10A-2) is amended to read as follows:

1. When so authorized and directed by the charge conference of any unincorporated local church duly organized in accordance with the Discipline of The United Methodist Church, the board of trustees may incorporate, or if incorporated may reincorporate, such church in the following manner:

a. Pursuant to a resolution adopted by such board of trustees, a meeting of the membership of such church shall be called by notice in writing signed by the president or secretary of such board. Such notice shall state that at a specified date, time and place a meeting will be held for the purpose of incorporating or reincorporating such church, selecting a name therefor and electing trustees thereof. Such notice shall be posted conspicuously at the main entrance of the usual place of worship at least 10 days prior to the date of such meeting, and shall be read at each of the 2 morning services of worship, at least 1 week apart, preceding the date of such meeting.

b. At such meeting the district superintendent, or by his written designation the pastor, shall preside, and a secretary shall be elected to record the proceedings.

c. If at such meeting the members present and voting shall determine by resolution to incorporate or reincorporate such

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church, they shall similarly determine the name of the incorporated church and the number of its trustees which shall be 3, 6 or 9. Such members shall elect the number of trustees, decided upon, which trustees shall be not less than [21] 18 years of age, and 2/3 of whom shall be full members of The United Methodist Church. One-third of such trustees shall be elected to hold office until the end of the annual conference year in which elected, 1/3 until the end of the next succeeding annual conference year, and 1/3 until the end of the second succeeding annual conference year."

"2. Section 2 of P.L. 1968, 3. 235 (C. 16:10A-3) is amended to read as follows:

2. Whenever a local church of The United Methodist Church shall have resolved to incorporate or reincorporate at a meeting held for such purpose, as provided by section 1 of this act, the duly elected trustees or appropriate officers elected by such trustees shall execute and acknowledge, before any person authorized to take acknowledgement of deeds, a certificate of incorporation setting forth:

- a. The place and date of such meeting;
- b. The name of the incorporated church and the municipality and county in which it is located;
- c. The names and respective periods of office of the trustees elected;
- d. A statement that the members of the corporation shall be the members of the charge conference of such church as constituted in accordance with the Discipline of The United Methodist Church;

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e. A statement that the corporation shall support the doctrine, and it, and all its property, both real and personal shall be subject to the laws, usages, and ministerial appointments of The United Methodist Church as are now or shall be from time to time established, made, and declared by the lawful authority of The United Methodist Church; and

f. The approval of the district superintendent of that district of the annual conference in which such local church is located.

Upon the filing of such certificate in the office of the clerk of the county in which such local church is located and in the office of the Secretary of State, such local church shall be a corporation by the name stated in such certificate, and the persons therein stated to be the elected trustees of such incorporated local church shall be authorized to serve for the terms for which they were elected and until their successors have been duly elected and qualified."

Page 1, Section 1, Line 1: Delete "1." insert "3."

Page 1, Section 1, after Line 16: Insert a new Section 4 as follows:

"4. Section 7 of P.L. 1968, c. 235 (C. 16:10A-8) is amended to read as follows:

7. The board of trustees of any local church of The United Methodist Church shall consist of 3, 6 or 9 members, as may be provided by the certificate of incorporation, each of whom shall be not less than [21] 18 years of age, and at least 2/3 of whom shall be full members of The United Methodist Church. The members of the board of trustees shall be divided into 3 classes, each class having an equal

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number of members, and the terms of office of one class shall expire at the end of each annual conference year.

An election of trustees of a local church of The United Methodist Church shall be held annually at a meeting of the charge conference. Trustees shall be elected by the charge conference unless the charge conference shall have previously ordered that election shall be by the membership of the church. At least 10 days' notice of the time and place of meeting for election of trustees shall be given to the members of the church in writing or from the pulpit or in the weekly bulletin. Such notice shall be given by the pastor or the charge conference or the district superintendent, and shall state the names of those trustees whose successors are to be elected.

Trustees shall be elected to succeed those whose terms expire at the end of the annual conference year in which such meeting is held, and to fill a vacancy or vacancies in any other class which has occurred since the last annual election; provided, however, that a trustee may be elected to succeed himself. The persons elected shall take office at the beginning of the ensuing annual conference year, to serve for a term of 3 years or until their successors have been duly elected and qualified; but any trustee elected to fill a vacancy shall serve only for the term of such vacancy.

Any vacancy in the board of trustees of a local church of The United Methodist Church may be filled until the next annual election by the charge conference of such church at any regular or special meeting."

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Page 2, Section 3, Line 1: Delete "3." insert "6."

Page 2, Section 4, Line 1: Delete "4." insert "7."

Respectfully,

/s/ William T. Cahill

GOVERNOR

[seal]

Attest:

/s/ Jean E. Mulford

Acting Secretary to the Governor

SENATE AMENDMENTS TO
SENATE, No. 918

STATE OF NEW JERSEY

ADOPTED NOVEMBER 12, 1973

Amend page 1, after enacting clause, insert a new section 1 and section 2 as follows:

"1. Section 1 of P. L. 1968, c. 235 (C. 16:10A-2) is amended to read as follows:

1. When so authorized and directed by the charge conference of any unincorporated local church duly organized in accordance with the Discipline of The United Methodist Church, the board of trustees may incorporate, or if incorporated may reincorporate, such church in the following manner:

a. Pursuant to a resolution adopted by such board of trustees, a meeting of the membership of such church shall be called by notice in writing signed by the president or secretary of such board. Such notice shall state that at a specified date, time and place a meeting will be held for the purpose of incorporating or reincorporating such church, selecting a name therefor and electing trustees thereof. Such notice shall be posted conspicuously at the main entrance of the usual place of worship at least 10 days prior to the date of such meeting, and shall be read at each of the two morning services of worship, at least 1 week apart, preceding the date of such meeting.

b. At such meeting the district superintendent, or by his written designation the pastor, shall preside, and a secretary shall be elected to record the proceedings.

c. If at such meeting the members present and voting shall determine by resolution to incorporate or reincorporate such church, they shall similarly determine the name of the incorporated church and the number of its trustees which shall be three, six or nine. Such members shall select the number of trustees, decided upon, which trustees shall be not less than **[21]** 18 years of age, and $\frac{2}{3}$ of whom shall be full members

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

of The United Methodist Church. One-third of such trustees shall be elected to hold office until the end of the annual conference year in which elected, $\frac{1}{3}$ until the end of the next succeeding annual conference year, and $\frac{1}{3}$ until the end of the second succeeding annual conference year.”

“2. Section 2 of P. L. 1968, c. 235 (C. 16:10A-3) is amended to read as follows:

2. Whenever a local church of The United Methodist Church shall have resolved to incorporate or reincorporate at a meeting held for such purpose, as provided by section 1 of this act, the duly elected trustees or appropriate officers elected by such trustees shall execute and acknowledge, before any person authorized to take acknowledgment of deeds, a certificate of incorporation setting forth:

a. The place and date of such meeting;

b. The name of the incorporated church and the municipality and county in which it is located;

c. The names and respective periods of office of the trustees elected;

d. A statement that the members of the corporation shall be the members of the charge conference of such church as constituted in accordance with the Discipline of The United Methodist Church;

e. A statement that the corporation shall support the doctrine, and it, and all its property, both real and personal shall be subject to the laws, usages, and ministerial appointments of The United Methodist Church as are now or shall be from time to time established, made, and declared by the lawful authority of The United Methodist Church; and

f. The approval of the district superintendent of that district of the annual conference in which such local church is located.

Upon the filing of such certificate in the office of the clerk of the county in which such local church is located and in the office of the Secretary of State, such local church shall be a corporation by the name stated in such certificate, and the persons therein stated to be the elected trustees of such incorporated local church shall be authorized to serve for the terms for which they were elected and until their successors have been duly elected and qualified.”

Amend page 1, section 1, line 1, delete “1.”, insert “3.”.

Amend page 1, section 1, after line 16, insert a new section 4 as follows:

“4. Section 7 of P. L. 1968, c. 235 (C. 16:10A-8) is amended to read as follows:

7. The board of trustees of any local church of The United Methodist Church shall consist of three, six or nine members, as may be provided by the certificate of incorporation, each of whom shall be not less than [21] 18 years of age, and at least $\frac{2}{3}$ of whom shall be full members of

The United Methodist Church. The members of the board of trustees shall be divided into three classes, each class having an equal number of members, and the terms of office of one class shall expire at the end of each annual conference year.

An election of trustees of a local church of The United Methodist Church shall be held annually at a meeting of the charge conference. Trustees shall be elected by the charge conference unless the charge conference shall have previously ordered that election shall be by the membership of the church. At least 10 days' notice of the time and place of meeting for election of trustees shall be given to the members of the church in writing or from the pulpit or in the weekly bulletin. Such notice shall be given by the pastor or the charge conference or the district superintendent, and shall state the names of those trustees whose successors are to be elected.

Trustees shall be elected to succeed those whose terms expire at the end of the annual conference year in which such meeting is held, and to fill a vacancy or vacancies in any other class which has occurred since the last annual election; provided, however, that a trustee may be elected to succeed himself. The persons elected shall take office at the beginning of the ensuing annual conference year, to serve for a term of 3 years or until their successors have been duly elected and qualified; but any trustee elected to fill a vacancy shall serve only for the term of such vacancy.

Any vacancy in the board of trustees of a local church of The United Methodist Church may be filled until the next annual election by the charge conference of such church at any regular or special meeting."

Amend page 1, section 2, line 1, delete "2.", insert "5."

Amend page 2, section 3, line 1, delete "3.", insert "6."

Amend page 2, section 4, line 1, delete "4.", insert "7."

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APPROVED 11-29-73

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SENATE, No. 918

STATE OF NEW JERSEY

INTRODUCED APRIL 20, 1972

By Senators STOUT, TURNER and CRABIEL

Referred to Committee on Labor, Industry and Professions

AN ACT to amend "An act concerning The United Methodist Church, supplementing Title 16 of the Revised Statutes, and repealing chapters 9 and 10 of Title 16 of the Revised Statutes," approved July 31, 1968 (P. L. 1968, c. 235).

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 *1. Section 1 of P. L. 1968, c. 235 (C. 16:10A-2) is amended to
2 read as follows:

3 1. When so authorized and directed by the charge conference
4 of any unincorporated local church duly organized in accordance
5 with the Discipline of The United Methodist Church, the board of
6 trustees may incorporate, or if incorporated may reincorporate,
7 such church in the following manner:

8 a. Pursuant to a resolution adopted by such board of trustees,
9 a meeting of the membership of such church shall be called by notice
10 in writing signed by the president or secretary of such board. Such
11 notice shall state that at a specified date, time and place a meeting
12 will be held for the purpose of incorporating or reincorporating
13 such church, selecting a name therefor and electing trustees thereof.
14 Such notice shall be posted conspicuously at the main entrance of
15 the usual place of worship at least 10 days prior to the date of
16 such meeting, and shall be read at each of the two morning ser-
17 vices of worship, at least 1 week apart, preceding the date of such
18 meeting.

19 b. At such meeting the district superintendent, or by his written
20 designation the pastor, shall preside, and a secretary shall be
21 elected to record the proceedings.

22 c. If at such meeting the members present and voting shall de-
23 termine by resolution to incorporate or reincorporate such church,
24 they shall similarly determine the name of the incorporated church

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

25 and the number of its trustees which shall be three, six or nine.
 26 Such member shall elect the number of trustees, decided upon,
 27 which trustees shall be not less than [21] 18 years of age, and
 28 $\frac{2}{3}$ of whom shall be full members of The United Methodist Church.
 29 One-third of such trustees shall be elected to hold office until the
 30 end of the annual conference year in which elected, $\frac{1}{3}$ until the
 31 end of the next succeeding annual conference year, and $\frac{1}{3}$ until
 32 the end of the second succeeding annual conference year.

1 2. Section 2 of P. L. 1968, c. 235 (C. 16:10A-3) is amended to
 2 read as follows:

3 2. Whenever a local church of The United Methodist Church
 4 shall have resolved to incorporate or reincorporate at a meeting
 5 held for such purpose, as provided by section 1 of this act, the
 6 duly elected trustees or appropriate officers elected by such trust-
 7 tees shall execute and acknowledge, before any person authorized
 8 to take acknowledgment of deeds, a certificate of incorporation
 9 setting forth:

10 a. The place and date of such meeting;

11 b. The name of the incorporated church and the municipality
 12 and county in which it is located;

13 c. The names and respective periods of office of the trustees
 14 elected;

15 d. A statement that the members of the corporation shall be the
 16 members of the charge conference of such church as constituted
 17 in accordance with the Discipline of The United Methodist Church;

18 e. A statement that the corporation shall support the doctrine,
 19 and it, and all its property, both real and personal shall be subject
 20 to the laws, usages, and ministerial appointments of The United
 21 Methodist Church as are now or shall be from time to time estab-
 22 lished, made, and declared by the lawful authority of The United
 23 Methodist Church; and

24 f. The approval of the district superintendent of that district of
 25 the annual conference in which such local church is located.

26 Upon the filing of such certificate in the office of the clerk of the
 27 county in which such local church is located and in the office of the
 28 Secretary of State, such local church shall be a corporation by the
 29 name stated in such certificate, and the persons therein stated to be
 30 the elected trustees of such incorporated local church shall be
 31 authorized to serve for the terms for which they were elected and
 32 until their successors have been duly elected and qualified.*

1 ***[1.]*** *3.* Section 4 of P. L. 1968, c. 235 (C. 16:10A-5) is
 2 amended to read as follows:

3 4. Any local church of, or any other organization connected
4 with, The United Methodist Church now or hereafter incorporated
5 may alter or amend its certificate of incorporation in the same
6 manner as provided by this act for the incorporation of a local
7 church or of such other organization; provided, however, that the
8 notice of meeting shall state the alterations or amendments to be
9 considered; and provided further, that no alteration or amendment
10 shall be inconsistent with the provisions of this act or the discipline
11 of The United Methodist Church. Any such alteration or amend-
12 ment shall become operative when an amended certificate of
13 incorporation has been [executed] *signed by the president or vice-*
14 *president and secretary and acknowledged as in the case of deeds*
15 *to real estate, and filed as provided by this act for an original*
16 *certificate of incorporation.*

1 *4. *Section 7 of P. L. 1968, c. 235 (C. 16:10A-8) is amended to*
2 *read as follows:*

3 7. *The board of trustees of any local church of The United*
4 *Methodist Church shall consist of three, six or nine members, as*
5 *may be provided by the certificate of incorporation, each of whom*
6 *shall be not less than [21] 18 years of age, and at least 2/3 of whom*
7 *shall be full members of The United Methodist Church. The mem-*
8 *bers of the board of trustees shall be divided into three classes, each*
9 *class having an equal number of members, and the terms of office*
10 *of one class shall expire at the end of each annual conference year.*

11 *An election of trustees of a local church of The United Methodist*
12 *Church shall be held annually at a meeting of the charge conference.*
13 *Trustees shall be elected by the charge conference unless the charge*
14 *conference shall have previously ordered that election shall be by*
15 *the membership of the church. At least 10 days' notice of the time*
16 *and place of meeting for election of trustees shall be given to the*
17 *members of the church in writing or from the pulpit or in the weekly*
18 *bulletin. Such notice shall be given by the pastor or the charge*
19 *conference or the district superintendent, and shall state the names*
20 *of those trustees whose successors are to be elected.*

21 *Trustees shall be elected to succeed those whose terms expire at*
22 *the end of the annual conference year in which such meeting is held,*
23 *and to fill a vacancy or vacancies in any other class which has*
24 *occurred since the last annual election; provided, however, that a*
25 *trustee may be elected to succeed himself. The persons elected shall*
26 *take office at the beginning of the ensuing annual conference year,*
27 *to serve for a term of 3 years or until their successors have been*
28 *duly elected and qualified; but any trustee elected to fill a vacancy*
29 *shall serve only for the term of such vacancy.*

30 *Any vacancy in the board of trustees of a local church of The*
 31 *United Methodist Church may be filled until the next annual elec-*
 32 *tion by the charge conference of such church at any regular or*
 33 *special meeting.**

1 ***[2.]*** *5.* Section 13 of P. L. 1968, c. 235 (C. 16:10A-14) is
 2 amended to read as follows:

3 13. All real and personal property belonging to or held in trust
 4 for any local church of The United Methodist Church that has or
 5 shall become abandoned shall vest in and become the property of
 6 that annual conference of The United Methodist Church in which
 7 such local church was located. **[This section shall not affect the**
 8 **reversion or interest of any person in such property.]**

9 A local church of The United Methodist Church shall be regarded
 10 as abandoned when its membership is so reduced that it has not
 11 sufficient members to fill its offices, and when it has ceased to hold
 12 its regular meetings and to keep its relation with any charge having
 13 regular connection with an annual conference of The United Meth-
 14 odist Church for a period of 2 consecutive years.

15 The annual conference of The United Methodist Church in which
 16 any such abandoned local church was located may, in pursuance of
 17 a resolution by it, sell the property of any such abandoned local
 18 church and convey the same to the purchaser by deed in its corpo-
 19 rate name.

1 ***[3.]*** *6.* Section 14 of P. L. 1968, c. 235 (C. 16:10A-15) is
 2 amended to read as follows:

3 14. To be qualified to vote at a meeting of the charge conference,
 4 or at a meeting of the membership of a local church of, or organiza-
 5 tion connected with, The United Methodist Church, when such
 6 meeting is held for the purpose of incorporation, alteration or
 7 amendment of the certificate of incorporation, merger, election of
 8 trustees, or any action relating to the property of such church or
 9 organization, a person shall be a full member of such church or
 10 organization who is not less than **[21]** 18 years of age. The presid-
 11 ing officer of any such meeting shall be the judge of the qualifica-
 12 tions of voters, subject to appeal to the vote of the members present
 13 whose qualifications are not challenged. Such presiding officer shall
 14 receive the votes cast and declare the result of same.

15 Unless otherwise provided by this act, or by the certificate of
 16 incorporation or the bylaws of such local church or organization,
 17 elections and approval of actions shall be by a majority vote of the
 18 qualified voters present and voting. In elections of trustees a
 19 written individual ballot shall be used if so directed by vote of the
 20 members present, but cumulative voting shall be prohibited.

1 ***[4.]*** *7.* This act shall take effect immediately.