

40A:16-11

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 40A:16-11

Municipal
vacancies--revise
procedures)

LAWS OF: 1990

CHAPTER: 57

Bill No: A2592

Sponsor(s): Doyle

Date Introduced: Pre-filed

Committee: Assembly: Municipal Government

Senate: County & Municipal Government

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: April 23, 1990

Senate: June 28, 1990

Date of Approval: July 6, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Senate Amendments statement *yes*

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

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JUL 10 1990
TRENTON, NJ

P.L.1990, CHAPTER 57, *approved July 6, 1990*1990 Assembly No. 2592 (*Second Reprint*)

1 AN ACT concerning the filling of certain vacancies in
 2 ~~2~~[municipalities and] municipal government and among
 3 candidates in municipal elections,² amending N.J.S.40A:16-11
 4 ¹and 40A:16-13¹ ²and supplementing Title 19 of the Revised
 5 Statutes².

6
 7 BE IT ENACTED by the Senate and General Assembly of the
 8 State of New Jersey:

9 1. N.J.S.40A:16-11 is amended to read as follows:

10 40A:16-11. Appointment to fill vacancy where incumbent was
 11 nominee of a political party; time to fill vacancy. If the
 12 incumbent whose office has become vacant was elected to office
 13 as the nominee of a political party, the municipal committee of
 14 the political party of which the incumbent was the nominee shall,
 15 no later than 15 days after the occurrence of the vacancy,
 16 present to the governing body the names of three nominees for
 17 the selection of a successor to fill the vacancy. The governing
 18 body ~~[may]~~ shall, within 30 days after the occurrence of the
 19 vacancy, appoint one of the nominees as the successor to fill the
 20 vacancy. If the governing body fails to appoint one of the
 21 nominees within the time prescribed herein, the municipal
 22 committee that named the three nominees shall, within the next
 23 15 days, appoint one of the nominees as the successor to fill the
 24 vacancy, and such person shall be sworn in immediately. If the
 25 municipal committee which nominated the incumbent fails to
 26 submit the names of the nominees within the time prescribed
 27 herein, the governing body may, within the next 15 days, fill the
 28 vacancy by the appointment of a successor from the same
 29 political party which had nominated the incumbent whose office
 30 has become vacant.

31 If, on the effective date of this act, the governing body had
 32 previously received from the municipal committee the names of
 33 three nominees to fill any such vacancy and had not filled the
 34 vacancy, the governing body, within 30 days after the effective
 35 date of this act, shall appoint one of the nominees as the
 36 successor to fill the vacancy.

37 (cf: P.L.1980, c.101, s.3)

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCM committee amendments adopted May 17, 1990.

² Senate floor amendments adopted June 25, 1990.

1 ¹2. N.J.S.40A:16-13 is amended to read as follows:
2 40A:16-13. Failure of governing body to fill vacancy in
3 membership of governing body. If a governing body shall fail or
4 decline to fill a vacancy in the membership of the governing body
5 by appointment as provided in N.J.S.40A:16-4 or 40A:16-5 within
6 the time prescribed by N.J.S.[40A:16-11 or] 40A:16-12, the office
7 shall remain vacant for the remainder of the term or until the
8 election and qualification of a successor, as the case may be.¹
9 (cf: P.L.1980, c.101, s.5)

10 ²3. (New section) A person whose name appears on the ballot
11 at a primary election as a candidate for nomination by a political
12 party for any municipal office shall not be eligible to serve as the
13 candidate of any other political party for that office in that
14 municipality at the general election following that primary.²

15 ¹[2.] ²[3,1] ^{4.}² This act shall take effect immediately.

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LOCAL GOVERNMENT

19

20

Revises procedure for filling certain vacancies in municipal
government and among candidates in municipal elections.

21

ASSEMBLY, No. 2592
STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblyman DOYLE

1 AN ACT concerning the filling of certain vacancies in
2 municipalities and amending N.J.S.40A:16-11.

3
4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

6 1. N.J.S.40A:16-11 is amended to read as follows:

7 40A:16-11. Appointment to fill vacancy where incumbent was
8 nominee of a political party; time to fill vacancy. If the
9 incumbent whose office has become vacant was elected to office
10 as the nominee of a political party, the municipal committee for
11 the political party of which the incumbent was the nominee shall,
12 no later than 15 days after the occurrence of the vacancy,
13 present to the governing body the names of three nominees for
14 the selection of a successor to fill the vacancy. The governing
15 body [may] shall, within 30 days after the occurrence of the
16 vacancy, appoint one of the nominees as the successor to fill the
17 vacancy. If the governing body fails to appoint one of the
18 nominees within the time prescribed herein, the municipal
19 committee that named the three nominees shall, within the next
20 15 days, appoint one of the nominees as the successor to fill the
21 vacancy, and such person shall be sworn in immediately. If the
22 municipal committee which nominated the incumbent fails to
23 submit the names of the nominees within the time prescribed
24 herein, the governing body may, within the next 15 days, fill the
25 vacancy by the appointment of a successor from the same
26 political party which had nominated the incumbent whose office
27 has become vacant.

28 If, on the effective date of this act, the governing body had
29 previously received from the municipal committee the names of
30 three nominees to fill any such vacancy and had not filled the
31 vacancy, the governing body, within 30 days after the effective
32 date of this act, shall appoint one of the nominees as the
33 successor to fill the vacancy.

34 (cf: P.L.1980, c.101, s.3)

35 2. This act shall take effect immediately.

36
37 STATEMENT

38
39 This bill changes the procedure for filling vacancies in

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

Matter underlined thus is new matter.

1 municipal offices for which the incumbent was elected as a
2 nominee of a political party.

3 Under current law, within 30 days of the occurrence of such a
4 vacancy, the governing body of the municipality has the option of
5 selecting one of the three persons recommended to fill the office
6 by the municipal committee of the political party that nominated
7 the incumbent. If the governing body does not choose one of the
8 persons recommended within the allotted time period, the office
9 remains unfilled until the next election.

10 This bill requires the municipal governing body, within thirty
11 days of the occurrence of the vacancy, to select one of the three
12 persons recommended by the municipal committee. The bill
13 removes the ability of the remaining members of the governing
14 body to preserve the vacancy and allow the governing body to be
15 composed of fewer members than the law authorizes.

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18 LOCAL GOVERNMENT

19

20 Revises procedure for filling certain municipal vacancies.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2592

STATE OF NEW JERSEY

DATED: MARCH 19, 1990

The Assembly Municipal Government Committee favorably reports Assembly Bill No. 2592.

This bill changes the procedure for filling vacancies in municipal offices for which the incumbent was elected as a nominee of a political party.

Under current law, within 30 days of the occurrence of such a vacancy, the governing body of the municipality has the option of selecting one of the three persons recommended to fill the office by the municipal committee of the political party that nominated the incumbent. If the governing body does not choose one of the persons recommended within the allotted time period, the office remains unfilled until the next election.

This bill requires the municipal governing body, within thirty days of the occurrence of the vacancy, to select one of the three persons recommended by the municipal committee. The bill removes the ability of the remaining members of the governing body to preserve the vacancy and allow the governing body to be composed of fewer members than the law authorizes.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2592

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 17, 1990

The Senate County and Municipal Government Committee reports favorably Assembly Bill No. 2592 with committee amendments.

Assembly Bill No. 2592, as amended by the committee, changes the procedure for filling vacancies in municipal offices for which the incumbent was elected as a nominee of a political party.

Under current law, within 30 days of the occurrence of such a vacancy, the governing body of the municipality has the option of selecting one of the three persons recommended to fill the office by the municipal committee of the political party that nominated the incumbent. If the governing body does not choose one of the persons recommended within the allotted time period, the office remains unfilled until the next election.

This bill requires the municipal governing body, within thirty days of the occurrence of the vacancy, to select one of the three persons recommended by the municipal committee. The bill removes the ability of the remaining members of the governing body to preserve the vacancy and allow the governing body to be composed of fewer members than the law authorizes.

The committee amended the bill by removing from N.J.S.40A:16-13 a reference to N.J.S.40A:16-11, which creates an inconsistency with respect to the mandatory provisions that A2592 seeks to establish.

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ADOPTED

JUN 25 1990

SENATE Amendments
(Proposed by Senator Russo)

to

ASSEMBLY, No. 2592 (1R)

(Sponsored by Assemblyman Doyle and Assemblywoman Ford)

REPLACE TITLE TO READ:

AN ACT concerning the filling of certain vacancies in ²[municipalities and] municipal government and among candidates in municipal elections,² amending N.J.S.40A:16-11 ¹and 40A:16-13¹ ²and supplementing Title 19 of the Revised Statutes².

INSERT NEW SECTION 3 TO READ:

²3. (New section) A person whose name appears on the ballot at a primary election as a candidate for nomination by a political party for any municipal office shall not be eligible to serve as the candidate of any other political party for that office in that municipality at the general election following that primary.²

RENUMBER SECTION 3 AS SECTION 4:

REPLACE SYNOPSIS TO READ:

Revises procedure for filling certain vacancies in municipal government and among candidates in municipal elections.

STATEMENT

These amendments provide that a person whose name appears on the ballot at a primary election as a candidate for nomination by a political party for any municipal office shall not be eligible to be the candidate of any other political party for that office in that municipality at the general election following that primary.