

40:84-6

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:84-6 (Elections--councilmen under municipal manager form--drawing of lots for ballot positions)

LAWS 1981 CHAPTER 58

Bill No. A1

Sponsor(s) Bate

Date Introduced Pre-filed

Committee: Assembly Municipal Government

Senate County and Municipal Government

Amended during passage ~~Yes~~ No

Date of Passage: Assembly Nov. 24, 1980

Senate Feb. 19, 1981

Date of approval March 3, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~ (Below)

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing *yes* ~~Yes~~ ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Sponsor's statement:

The purpose of this bill is to provide for the ballot positioning of candidates for the municipal council in the municipal manager form of government, by lot rather than according to when they file their petitions. At present, some candidates camp in front of the municipal clerks's door all night in order to insure a high ballot position.

6/50/81

ASSEMBLY, No. 1

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Assemblyman BATE

AN ACT concerning "the municipal manager form of government law," amending R. S. 40:84-6 and supplementing chapter 84 of Title 40 of the Revised Statutes.

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

1 1. R. S. 40:84-6 is amended to read as follows:

2 40:84-6. Upon the expiration of the time for filing certificates,
3 statements and petitions for candidates, the municipal clerk shall
4 inspect said petitions and ascertain their authenticity, and at least
5 10 days before the election shall cause to be published for 3
6 successive days in one of the daily newspapers circulating in such
7 municipality, in proper form, the names of the persons to appear
8 upon the ballots of the election in the order in which they [were
9 filed with him] *are to appear upon the ballots*, and if there be no
10 such daily newspaper, then in one issue of any other newspaper
11 that may be published or circulating in said municipality.

1 2. (New section) The municipal clerk shall draw lots to deter-
2 mine the order in which the names of the candidates shall appear
3 upon the ballots. The name of the person first drawn shall occupy
4 first place on the ballot, or voting machine and the name of the
5 person next drawn shall occupy second place, and so forth. The
6 manner of drawing by lot shall be as follows: Paper cards with
7 the name of each candidate written thereon shall be placed in a
8 covered box with an aperture in the top large enough to allow the
9 cards to be drawn therefrom. The municipal clerk in the presence
10 of any candidate shall draw from the box each card without
11 knowledge on his part as to which card he is drawing. The munic-
12 pal clerk shall at least 2 days prior to the drawing notify each
13 candidate by registered mail of the time and place of the drawing.

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

14 The candidate or his representative shall have the right to examine
15 the cards prior to their being placed in the covered box.

1 3. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to provide for the ballot positioning of candidates for the municipal council in the municipal manager form of government, by lot rather than according to when they file their petitions. At present some candidates camp in front of the municipal clerk's door all night in order to insure a high ballot position.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1

STATE OF NEW JERSEY

DATED: NOVEMBER 10, 1980

This bill provides that the ballot position for candidates for the municipal council in the municipal manager form of government be selected by lot. Presently, filing time determines the ballot position. The first candidate to file, gets the first position, the second filing, the second position and so forth. According to the sponsor, some candidates camp all night in front of the clerk's door to insure a high ballot position.

This bill would bring municipal management form into conformity with the method used in the Faulkner Act and Commission forms.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1

STATE OF NEW JERSEY

DATED: JANUARY 29, 1981

Assembly Bill No. 1 would provide that ballot position for candidates for municipal council in the "municipal manager form of government" (1923) shall be selected by lot. Presently, ballot position is determined by the order of candidates' filing. This bill would provide the same method in this regard for the municipal manager form of government as for the other nonpartisan government forms those provided in the "Optional Municipal Charter Law" and the commission form of government. The language of this bill is the same as that contained in the "Optional Municipal Charter Law" (N. J. S. A. 40:69A-156).

The committee notes a printing error in the bill. A comma should occur after "machine" on line 4, section 2.

MARCH 4, 1981

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The bill would also increase the aid which goes directly to parents and guardians whose private school children do not qualify for transportation. About 26,000 children fall into this category.

The currently aid level for these two categories is not to exceed \$250 per child. This bill would increase the maximum aid for the 1981-82 school year and thereafter to \$325 per child.

A-1, sponsored by Assemblyman William Bate (D-Passaic), which provides that ballot positions for candidates for municipal council in the municipal manager form of government will be selected by lot.

Current law provides that ballot position is determined by the order of filing.

A-689, sponsored by Assemblyman Walter M.D. Kern (R-Bergen) which adds the possession of, consumption of or being under the influence of alcoholic beverages or controlled dangerous substances while on school premises to the statutory list on conduct constitution as good cause for expulsion or suspension from school

The bill makes the suspension or expulsion discretionary.

A-3034, sponsored by Assembly Speaker Christopher J. Jackman (D-Hudson), which validates the past treatment of urban aid in municipal cap calculations and permits municipalities to treat urban aid in their future cap calculations in the same way that urban aid was treated in 1980.

S-734, sponsored by Senator Frank Graves, Jr. (D-Passaic), which exempts the following expenditures from the municipal and county cap laws.

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