

40A: 4-45.3a

LEGISLATIVE HISTORY CHECKLIST

NJSA 40A:4-45.3a (Municipal budget referenda--absentee ballot notice publication & validating act)

LAWS 1981 CHAPTER 66

Bill No. S3143

Sponsor(s) Orechio

Date Introduced Feb. 26, 1981

Committee: Assembly -----

Senate -----

Amended during passage Yes No

Date of Passage: Assembly March 5, 1981

Senate Feb. 26, 1981

Date of approval March 12, 1981

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto Message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

6/25/81

SENATE, No. 3143

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 26, 1981

By Senator ORECHIO

(Without Reference)

AN ACT providing for the publishing of notice for absentee voting for municipal budget referenda, validating certain actions of municipalities taken in that regard, and amending P. L. 1979, c. 268.

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

1 1. Section 1 of P. L. 1979, c. 268 (C. 40A:4-45.3a) is amended to
2 read as follows:

3 1. The provisions of any other law to the contrary notwithstanding,
4 any referendum conducted by a municipality pursuant to sub-
5 section i. of section 3 of P. L. 1976, c. 68 (C. 40A:4-45.3i.), for the pur-
6 pose of requesting approval for increasing the municipal budget by
7 more than 5% over the previous year's final appropriations, shall
8 be held on the last Tuesday in the month of February of the year
9 in which the proposed increase is to take effect. The municipal
10 budget proposing such increase shall be introduced and approved
11 in the manner otherwise provided in N. J. S. 40A:4-5 at least 20
12 days prior to the date on which such referendum is to be held, and
13 shall be published in the manner otherwise provided in N. J. S.
14 40A:4-6 at least 12 days prior to said referendum date. *Notice*
15 *shall be published pursuant to section 7 of P. L. 1953, c. 211*
16 *(C. 19:57-7) on the next day following the introduction of the*
17 *budget.*

1 2. For any municipal referendum to be held on March 31 of the
2 1981 municipal budget year, notice shall be published pursuant to
3 section 7 of P. L. 1953, c. 211 (C. 19:57-7) on the next day following
4 the introduction of the budget as required by P. L. 1981, c. 14.

1 3. All actions heretofore taken by any municipality with respect
2 to any referendum held or to be held pursuant to the provisions
3 of P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.) are ratified, validated
4 and confirmed, notwithstanding any failure of the municipality to
5 comply with the provisions of chapter 57 of Title 19 (Elections)
6 of the Revised Statutes.

1 4. This act shall take effect immediately.

STATEMENT

This bill provides for a date on which notice shall be published to absentee voters for municipal referenda to be held under the "caps" law. It appears that P. L. 1953, c. 211, s. 7 (C. 19:57-7) requires publication of that notice 40 days prior to an election. Since the municipal budget proposing a referendum is not required to be introduced until 20 days prior to the referendum election, this publication time is impracticable. This bill requires the notice to be published on the day following the introduction of the budget; that is, 19 days prior to the referendum election.

The bill validates all prior municipal actions taken with respect to "caps" referenda, notwithstanding any failure to comply with P. L. 1953, c. 211 (C. 19:57-1 et seq.).

53143 (1981)

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

MARCH 12, 1981

FOR FURTHER INFORMATION

KATHRYN FORSYTH

Governor Brendan Byrne has signed S-3143, sponsored by Senator Carmen A. Orechio (D-Essex), which resolves a technical problem regarding notice for absentee ballots for a municipal cap referendum.

Current law requires that municipal budgets must be introduced at least 20 days before any referendum to exceed the spending limits. The referendum date is set by statute as the last Tuesday in February and this year legislation extending the budget deadlines provided for an alternate referendum date of March 31,

However, this timetable does not mesh with the general election law governing absentee ballots, which requires that election notices regarding absentee ballots be published 40 days in advance of the election. In effect, this would require that the budget be completed 40 days rather than 20 days before the election.

This bill resolves those problems by requiring that absentee ballot notices for cap referendum be published the day after the budget is introduced, which would be 19 days before the election.

Many municipalities were unaware of these requirements and failed to give timely notice, so the bill validates past cap referendums despite some municipalities' failure to comply with the absentee ballot law.

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