

40 45-5 et al

LEGISLATIVE HISTORY CHECKLIST

(Elections--allow for non-partisan municipal elections on July 1 and allow for "run-offs.")

NJSA 40:45-5 et al

LAWS 1981

CHAPTER 379

Bill No. S3172

Sponsor(s) Perskie

Date Introduced April 27, 1981

Committee: Assembly Municipal Government

Senate County and Municipal Government

Amended during passage Yes No

Date of Passage: Assembly Nov. 30, 1981

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Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

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Veto Message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

Report, cited in Senate statement:

974.90 Reock, Ernest C.

M966 Forms of municipal government in New Jersey. January, 1979. Trenton, 1979.
1979 (see especially pp.viii and 98-102)

6/22/81

PP DEC 1982

SENATE, No. 3172

STATE OF NEW JERSEY

INTRODUCED APRIL 27, 1981

By Senator PERSKIE

Referred to Committee on County and Municipal Government

AN ACT providing for a uniform method of holding nonpartisan elections, supplementing Title 40 of the Revised Statutes and revising and repealing parts of the statutory law pertaining thereto.

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

1 1. (New section) This act shall be known and may be cited as
2 the "Uniform Nonpartisan Elections Law."

1 2. (New section) This act shall govern all municipalities having
2 adopted a plan or form of government, or a charter, which provides
3 for the election of municipal officers at regular municipal elections
4 held on the second Tuesday in May, including municipalities hold-
5 ing regular municipal elections under the "Optional Municipal
6 Charter Law," P. L. 1950, c. 210 (C. 40:69A-1 et seq.), under the
7 "commission form of government law" (R. S. 40:70-1 et seq.),
8 under the "municipal manager form of government law" (R. S.
9 40:79-1 et seq.), under the village form of government (R. S.
10 40:157-16 et seq.), or under any plan or form of government, or
11 charter, hereafter authorized which provides for the holding of
12 regular municipal elections at that time. This act shall govern
13 these municipalities only with respect to the time, manner and
14 method of election of municipal officers. The officers to be elected,
15 and their number, the length of their terms of office, and their
16 powers and responsibilities shall be determined by the laws au-
17 thORIZING the plan or form of government, or charter, which the
18 municipalities have adopted.

1 3. (New section) Except as may otherwise be provided by law
2 for initial elections conducted in a municipality following its adop-
3 tion of a plan or form of government, or a charter or an amend-
4 ment thereto, regular municipal elections shall be held in each

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

5 municipality governed by this act on the second Tuesday in May
6 in the years in which municipal officers are to be elected. The
7 municipal election shall be held at the same place or places and
8 conducted in the same manner, so far as possible, as the general
9 election. The election officers shall be those provided for conduct-
10 ing the general election.

1 4. (New section) At least 47 days prior to a regular municipal
2 election, the names of candidates for all elected offices shall be filed
3 with the municipal clerk, in the following manner and form and
4 subject to the following conditions:

5 a. The petition of nomination shall consist of individual certifi-
6 cates, equal in number to at least 1%, but in no event less than 25,
7 of the registered voters of the municipality or the ward, as the
8 case may be, and shall read substantially as follows:

9 "I, the undersigned, a registered voter of the municipality
10 of residing at
11 certify that I do hereby join in a petition of the nomination
12 of whose residence is at
13 for the office of mayor (or council-
14 man-at-large, or ward councilman of the ward,
15 or commissioner, or village trustee, as the case may be) to
16 be voted for at the election to be held in the municipality on the
17 19...., and I further certify that I
18 know this candidate to be a registered voter, for the period
19 required by law, of the municipality (and the ward, in the case
20 of ward councilman) and a person of good moral character,
21 and qualified, in my judgment, to perform the duties of the
22 office, and I further certify that I have not signed more
23 petitions or certificates of nominations than there are places
24 to be filled for the above office.

25 Signed"

26 b. Each petition signature shall be on a separate sheet of paper
27 and shall bear the name and address of the petitioner. The candi-
28 date for office and his campaign manager shall make an oath be-
29 fore an officer competent to administer oaths that the statements
30 made therein are true, and that each signature to the papers
31 appended thereto is the genuine signature of the person whose
32 name it purports to be, to their best knowledge and belief. The
33 oath, signed by the candidate, shall constitute his acceptance of
34 nomination and shall be annexed to the petition, together with the
35 oath of his campaign manager, at the time the petition is sub-
36 mitted.

1 5. (New section) a. The municipal clerk shall furnish, upon
2 request, a reasonable number of forms of individual certificates
3 of nomination.

4 b. Each certificate shall contain the name of one candidate, and
5 no more. Each signer must not, at the time of signing the certifi-
6 cate, have signed more certificates for candidates for that office
7 than there are places to be filled for the office. Where ward council-
8 men are to be elected, no petitioner shall sign more than one cer-
9 tificate for ward council, and the candidate named in the petition
10 shall reside in the same ward as the signer. All certificates not
11 complying substantially with this act shall be rejected.

12 c. When a petition of nomination is presented for filing to the
13 municipal clerk, he shall examine it and ascertain whether or not
14 it conforms to the provisions of this act and, where applicable,
15 the provisions of the general election laws. If it does not conform,
16 he shall retain the petition and notify the person nominated of
17 the defect, by written notice delivered to him personally or by
18 certified mail to his place of residence stated in the petition.

19 d. Where the nominating petition, or any affidavit or affidavits
20 thereto is found defective, the candidate named therein may file
21 such amendment or amendments as may be necessary to eliminate
22 the defect, whether of matters of substance or form, and when
23 so amended the effect shall be as if the petition had been originally
24 filed in the amended form. After the last day for the filing of the
25 original petition, no amendment may be made for the purpose of
26 adding the name of any person who did not sign the original peti-
27 tion, nor shall any amendment be made at any time for the purpose
28 of changing the name of the candidate or the office for which he
29 was to be nominated. No amendment to a nominating petition shall
30 be made and filed less than 34 days before the election.

1 6. (New section) Any candidate whose name is to be printed on
2 the ballot may petition the municipal clerk to print, opposite his
3 name on the ballot, such designation, in not more than six words, as
4 requested by him in the petition, for the purpose of indicating
5 either an official act or policy to which he is pledged or committed.
6 The designation shall not indicate political party affiliations. On the
7 filing of the petition the clerk shall cause the designation to be
8 printed opposite the name of the candidate upon the ballot. If
9 several candidates for the same office shall petition that their
10 names be grouped together and that the one designation named by
11 them shall be printed opposite their names, the clerk shall group
12 their names in a bracket, and opposite the bracket shall print the
13 designation. Petitions requesting a designation or grouping of

14 candidates shall be filed with the clerk on or before the last day
15 fixed for filing the petition for nomination. If two candidates or
16 groups select the same designation, the clerk shall notify the candi-
17 date or group whose petition was last filed, and that candidate or
18 group shall select a new designation.

1 7. (New section) No person shall accept nomination for more
2 than one municipal office to be voted for at a regular municipal
3 election to be held under this act.

1 8. (New section) The municipal clerk shall draw lots to deter-
2 mine the order in which the names of the candidates or groups of
3 candidates shall appear upon the ballots. The name of the person
4 or group of candidates first drawn shall occupy first place on the
5 ballot, or voting machine, and the name of the person or group of
6 candidates next drawn shall occupy second place, and so forth. For
7 the purpose of conducting the drawing by lot paper cards with the
8 name of each candidate or group of candidates written thereon shall
9 be placed in a covered box with an aperture in the top large enough
10 to allow the cards to be withdrawn. The municipal clerk in the
11 presence of any candidate shall draw from the box each card with-
12 out knowledge on his part as to which card he is drawing. The
13 municipal clerk shall at least 2 days prior to the drawing notify
14 each candidate by registered mail of the time and place of the
15 drawing. The candidate or his representative shall have the right
16 to examine the cards prior to their being placed in the covered box.

1 9. (New section) Within 10 days after the expiration of the time
2 for filing certificates, statements and petitions for candidates, and
3 the drawing for position, the municipal clerk shall cause the names
4 of the candidates as they are to appear upon the ballots to be
5 published in proper form once in each of two newspapers having
6 circulation in the municipality and published in this State.

1 10. (New section) When persons bearing the same name are
2 nominated for the same office, either person may file with the
3 municipal clerk a statement in writing containing not more than
4 six words as a means of identification. The statement or designa-
5 tion shall be printed upon the official ballot to be used at the election.

1 11. (New section) The municipal clerk shall cause the ballots to be
2 printed and authenticated by his signature. Upon the ballots shall
3 be printed the title of each office to be filled. Under each of the titles
4 of office shall be printed the names of the candidates for each office
5 with a square to the left of each name. Below the names of the
6 candidates for each office the words "vote for (insert number of
7 positions to be filled at the election)." The ballot shall be printed
8 upon plain, substantial white paper, and shall be substantially in
9 the following form:

10 "Municipal election of (insert name of municipality), county
11 of (insert name of county), held (insert the date of the elec-
12 tion). To vote for any person make a cross (X) or plus (+)
13 or a check (✓) mark in the square preceding the name. Vote
14 for only as many persons as there are officers to be elected. If
15 you wrongly mark the ballot, tear or deface it and return it to
16 election officer and obtain a new ballot."

17 Blank spaces equal to the number of offices to be filled shall be
18 left below the printed names of the candidates for each office to be
19 voted, wherein the voter may write the name or names of any
20 person or persons for whom he may wish to vote.

21 The municipal clerk shall deliver ballots to the election officials
22 at each polling place equal in number to 110% of the number of
23 registered voters in each election district, except that where voting
24 machines are used ballots shall be furnished as otherwise provided
25 by law.

1 12. (New section) The district boards of registry and election
2 shall, immediately upon the closing of the polls, count the ballots
3 and ascertain the number of votes cast in the election district for
4 each of the candidates in the manner provided by law for the
5 general election, and return the numbers to the municipal clerk
6 immediately upon the completion of the count, upon proper blanks
7 to be furnished by the clerk. In counties having a superintendent
8 of elections one of the returns shall be made available immediately
9 to the superintendent of elections. The superintendent may arrange
10 to accept the statement of returns in each municipality within the
11 county at the office of the clerk of the municipality or some other
12 convenient place. On the day following the municipal election, the
13 municipal clerk shall canvass all returns received from the election
14 districts and the absentee ballots, and immediately make and file
15 in his office the result thereof. The canvass by the municipal clerk
16 shall be publicly made.

1 13. (New section) At the regular municipal election in any muni-
2 cipality which has adopted this act, the candidates receiving the
3 greatest number of votes cast shall be elected to the respective
4 offices. The term of office of any officer elected pursuant to this
5 act shall begin on July 1 next following election.

1 14. (New section) Notwithstanding the provisions of section 13
2 of this act, if the voters of any municipality shall adopt the proposi-
3 tion of holding run-off elections in the municipality, at the regular
4 municipal election held in that municipality the candidates receiv-
5 ing the greatest number and a majority of votes cast shall be
6 elected to the respective offices, except that if:

7 a. Nine councilmen-at-large (or commissioners, or village
8 trustees) are to be elected and four or more candidates for that
9 office receive a majority of the votes cast, the nine candidates
10 receiving the greatest number of votes shall be elected; or

11 b. Eight councilmen-at-large (or commissioners, or village
12 trustees) are to be elected and four or more candidates for that
13 office receive a majority of the votes cast, the eight candidates
14 receiving the greatest number of votes shall be elected; or

15 c. Seven councilmen-at-large (or commissioners, or village trust-
16 ees) are to be elected and three or more candidates for that office
17 receive a majority of the votes cast, the seven candidates receiving
18 the greatest number of votes shall be elected; or

19 d. Six councilmen-at-large (or commissioners, or village trustees)
20 are to be elected and three or more candidates for that office receive
21 a majority of the votes cast, the six candidates receiving the great-
22 est number of votes shall be elected; or

23 e. Five councilmen-at-large (or commissioners, or village trust-
24 tees) are to be elected and two or more candidates for that office
25 receive a majority of the votes cast, the five candidates receiving
26 the greatest number of votes shall be elected; or

27 f. Four councilmen-at-large (or commissioners, or village trust-
28 ees) are to be elected and two or more candidates for that office
29 receive a majority of the votes cast, the four candidates receiving
30 the greatest number of votes shall be elected; or

31 g. Three councilmen-at-large (or commissioners, or village trust-
32 ees) are to be elected and one or more candidates for that office
33 receive a majority of the votes cast, the three candidates receiving
34 the greatest number of votes shall be elected; or

35 h. Two councilmen-at-large (or commissioners, or village trust-
36 ees) are to be elected and one or more candidates for that office
37 receive a majority of the votes cast, the two candidates receiving
38 the greatest number of votes shall be elected.

39 For the purpose of this section, the number constituting a
40 majority of the votes cast shall be computed by dividing by two
41 the number of voters who cast a vote for at least one candidate for
42 councilman-at-large (or commissioner, or village trustee) and then
43 adding one. Voting machines to be used in the election shall be
44 equipped, as soon as practicable, with one or more counters so
45 connected as to keep a tally of the number of voters who cast votes
46 for one or more of the candidates for councilman-at-large (or
47 commissioner, or village trustee). Until suitable counters have been
48 provided, or whenever the tally of the number of voters cannot
49 be determined for any reason, then the number constituting the
50 majority of the votes cast shall be computed by adding all the

51 votes cast for each candidate for that office, dividing that total
52 by twice the number of councilmen-at-large (or commissioners, or
53 village trustees) to be elected and then adding one.

1 15. (New section) In any regular municipal election held under
2 section 14 of this act, if a sufficient number of candidates do not
3 receive a majority of the votes cast to elect the required number
4 of councilmen-at-large (or commissioners, or village trustees) or
5 no candidate for mayor or no candidate for ward councilman re-
6 ceives a majority of the votes cast for his respective office, a run-off
7 election in the municipality or ward, as the case may be, shall be
8 held on the fourth Tuesday next following that municipal election.

9 At the run-off election, the candidates for councilman-at-large
10 (or commissioner, or village trustee) shall be those candidates not
11 elected at the regular municipal election who received the greatest
12 number of votes at that election, but the candidates shall be equal
13 in number to twice the number of councilmen-at-large (or commis-
14 sioners, or village trustees) remaining to be elected. The candidates
15 for mayor or ward councilmen at the run-off election shall be the
16 two candidates for the office who received the greatest number of
17 votes at the regular municipal election. Military service ballots
18 shall be printed and distributed for the run-off election in the
19 same manner, so far as possible, as for other municipal elections.

20 The candidate or candidates who receive the greatest number of
21 votes at the run-off election shall be elected to the office or offices
22 to be filled. If two or more candidates shall be equal and greatest
23 in votes for any of the purposes of this section, they shall draw lots
24 to determine which one shall enter the run-off election, or be elected,
25 as the case may be.

26 If any candidate to be voted for at the run-off election dies 7
27 or more days prior to the run-off election, the candidate for the
28 office not theretofore included in the run-off election but next
29 highest in number of votes for that purpose, shall be substituted
30 at the run-off election in the place of the deceased candidate and
31 his name shall be substituted on the ballots for that of the deceased
32 candidate.

1 16. (New section) Any municipality in which, immediately prior
2 to the effective date of this act, run-off elections were required to
3 be held pursuant to the plan or form of government, or charter,
4 of the municipality, shall, on and after the effective date of this
5 act, be governed by the provisions of sections 14 and 15 of this act
6 for so long as it continues to be governed by that plan or form of
7 government, or that charter, except as provided in section 17 of
8 this act.

1 17. (New section) a. Any municipality governed by the provisions
2 of this act, but not by the provisions of sections 14 and 15 of this
3 act, may, by referendum, adopt the provisions of those sections.
4 Any municipality governed by the provisions of this act and by the
5 provisions of sections 14 and 15 may, by referendum, abandon the
6 provisions of those sections and continue to be governed by the
7 provisions of this act. The question of adopting, or of abandoning,
8 those provisions may be submitted to the voters either by ordinance
9 of the governing body or by petition of the registered voters. Any
10 ordinance adopted, or each petition paper submitted, for the pur-
11 pose shall state the proposition that run-off elections be held in the
12 municipality; or, in the case of abandonment, that run-off elections
13 not be held in the municipality.

14 b. Upon adoption by the governing body of an ordinance con-
15 forming with the provisions of this section, the municipal clerk
16 shall provide for the submission of the question at the next general
17 election or regular municipal election occurring in the municipality
18 not less than 60 days after the date of the adoption of the ordinance.

19 c. Any petition submitted by the registered voters pursuant to
20 this section shall be signed by the registered voters of the muni-
21 cipality in a number at least equal to 10% of the total votes cast
22 in the municipality at the last preceding general election at which
23 members of the General Assembly were elected. The petition shall
24 be filed with the clerk of the municipality who shall, upon filing,
25 ascertain and certify the number and validity of the signatures
26 affixed thereto. If the petition is determined to be insufficient, the
27 person designated in the petition for the purpose shall have 10
28 days from the notification of insufficiency to file a supplementary
29 petition designed to rectify the insufficiency, which shall be in the
30 same form and shall be filed in the same manner as the original
31 petition. If no supplementary petition is filed within 10 days after
32 notification, or if the clerk shall examine the supplementary peti-
33 tion and determine that an insufficiency still exists, the clerk shall
34 file a certificate of insufficiency in his office and notify the desig-
35 nated person of the insufficiency. A finding of insufficiency shall
36 not prejudice the filing of a new petition for the same purpose.

37 If the petition is determined to be sufficient, the clerk shall so
38 certify, shall transmit a certified copy to the governing body of
39 the municipality, and shall provide for the submission of the
40 question at the next general election or regular municipal election
41 occurring in the municipality not less than 60 days after the date
42 of certification.

43 d. At the election, the question shall be submitted in the appro-
44 priate form as follows:

45 (1) If the ordinance or petition proposes the holding of run-off
46 elections in the municipality, the question shall be posed: "Shall
47 run-off elections be held in (insert name of municipality) as per-
48 mitted by the "Uniform Non-partisan Elections Law?"

49 (2) If the ordinance or petition proposes the abandonment of
50 run-off elections in the municipality, the question shall be posed:
51 "Shall (insert name of municipality) abandon the holding of run-
52 off elections as permitted by the "Uniform Nonpartisan Elections
53 Law?"

54 e. The question submitted pursuant to subsection d. of this
55 section shall be approved if a majority of those voting on the
56 question shall vote in favor of the question, and shall take effect
57 for the next regular municipal election held in the municipality
58 and thereafter.

59 f. No ordinance may be adopted and no petition may be filed
60 proposing the adoption of the provisions of sections 14 and 15 of
61 this act, or the abandonment of the provisions of those sections,
62 within 4 years after the date on which the municipality initially
63 adopted a plan or form of government, or charter, requiring the
64 holding of run-off elections in the municipality, or within 4
65 years after the date on which a question was last submitted to the
66 voters pursuant to subsection d. of this section.

1 18. R. S. 40:75-1 is amended to read as follows:

2 40:75-1. The members of the first commission shall be elected,
3 at an election to be held on the fifth Tuesday following the adoption
4 of chapters 70 to 76 of this title (§ 40:70-1 et seq.), by the duly
5 authorized voters of the municipality and shall serve as commis-
6 sioners from twelve o'clock noon on the first Tuesday following
7 their election until twelve o'clock noon on [the third Tuesday in
8 May] *July 1* in the fourth year following such election and until
9 their successors are elected and shall have duly qualified. *The*
10 *election shall be conducted pursuant to the "Uniform Nonpartisan*
11 *Elections Law," P. L., c. . . . (C.).*

1 19. R. S. 40:75-2 is amended to read as follows:

2 40:75-2. On the second Tuesday in May in every fourth year
3 thereafter there shall be elected at [the] a regular municipal elec-
4 tion held pursuant to the "Uniform Nonpartisan Elections Law,"
5 P. L., c. . . . (C.), the number of persons as
6 hereinbefore provided as commissioners to serve for the term of
7 4 years and until their successors shall have been elected and duly

8 qualified. The term of office of all succeeding commissioners shall
 9 commence at twelve o'clock noon on **the third Tuesday of May**
 10 *July 1* next ensuing their election.

1 20. (New section) The terms of all commissioners currently serv-
 2 ing in a municipality governed by the "commission form of govern-
 3 ment law" (R. S. 40:70-1 et seq.) on the effective date of this act are
 4 extended until twelve o'clock noon on July 1 next following the next
 5 regular municipal election held in the municipality.

1 21. R. S. 40:81-4 is amended to read as follows:

2 40:81-4. The members of the first municipal council shall be
 3 elected at the municipal election held on the fourth Tuesday after
 4 the adoption of this subtitle and shall serve as members of the
 5 council from twelve o'clock noon of the fourth Tuesday following
 6 such election until twelve o'clock noon of **the fourth Tuesday in**
 7 **May** *July 1* in the fourth year thereafter, save in those cases in
 8 which the terms of some of the members of the council shall expire
 9 at twelve o'clock noon on **the fourth Tuesday of May** *July 1* in
 10 each year in accordance with the provisions of article 3 of chapter
 11 84 of this title (§ 40:84-9 et seq.), and until their successors shall
 12 have been elected and duly qualified, unless their places shall have
 13 become vacant **as hereinafter provided**. *The election shall be*
 14 *conducted pursuant to the "Uniform Nonpartisan Elections Law,"*
 15 *P. L., c. . . . (C.).*

1 22. R. S. 40:81-5 is amended to read as follows:

2 40:81-5. On the second Tuesday of May of the fourth year
 3 following such first election and on the second Tuesday of May of
 4 every fourth year thereafter, there shall be elected the number of
 5 electors hereinbefore prescribed of like qualifications to serve as
 6 members of the municipal council for the term of 4 years and until
 7 their successors shall have been elected and duly qualified or unless
 8 their places become vacant **as hereinafter provided**. The term
 9 of office of councilmen subsequently elected shall commence on **the**
 10 **fourth Tuesday of May** *July 1* next ensuing their election at twelve
 11 o'clock noon. *Elections shall be conducted pursuant to the "Uniform*
 12 *Nonpartisan Elections Law," P. L., c. . . . (C.).*

1 23. (New section) The final year of the terms of all councilmen
 2 currently serving on the effective date of this act in a municipality
 3 governed by the "municipal manager form of government law"
 4 (R. S. 40:79-1 et seq.), are extended until twelve o'clock noon on
 5 July 1 of that year.

1 24. R. S. 40:81-7 is amended to read as follows:

2 40:81-7. Four weeks after their election in the case of the first
 3 municipal council elected, and on **the fourth Tuesday in May**

4 *July 1* following all subsequent municipal elections, the members
 5 elect of the municipal council shall assemble at the usual place of
 6 meeting of the governing body of the municipality and organize and
 7 elect one of their number as mayor. The mayor shall be chosen by
 8 ballot by majority vote of all members of the municipal council. If
 9 the members shall be unable, within five ballots to be taken within
 10 2 days of said organization meeting, to elect a mayor, then the
 11 member who in the election for members of the municipal council
 12 received the highest vote, in accord with the manner of canvassing
 13 the ballots as herein set forth, shall be the mayor. Should such
 14 person decline to accept the office, then the person receiving the next
 15 highest vote shall be the mayor, and so on, until the office is filled.

1 25. R. S. 40:84-2 is amended to read as follows:

2 40:84-2. The first municipal election for councilmen shall be held
 3 on the fourth Tuesday after the adoption of this subtitle and there-
 4 after an election shall be held on the second Tuesday in May in the
 5 fourth succeeding year and in each fourth year thereafter. *Elec-*
 6 *tions shall be conducted pursuant to the "Uniform Nonpartisan*
 7 *Elections Law," P. L., c. . . . (C.).*

1 26. R. S. 40:84-11 is amended to read as follows:

2 40:84-11. In cases provided for in this article the municipal elec-
 3 tions to be held in accordance with [sections 40:81-5 and 40:84-2
 4 of this Title] *the "Uniform Nonpartisan Elections Law," P. L.*
 5 *., c. . . . (C.)* shall be held on the second Tuesday
 6 in May in each year, and the number of persons to be elected at
 7 [the] municipal elections shall be equal to the number of vacancies
 8 which are then to be filled, and the terms of office of the persons so
 9 elected shall be 3 years and until their successors are elected and
 10 qualified.

1 27. R. S. 40:161-5 is amended to read as follows:

2 40:161-5. If the result of such election shall be in favor of such
 3 change the local municipal or charter elections in such village shall
 4 thereafter be held on the second Tuesday in May in each year. The
 5-6 annual meetings of the board of trustees shall be held on [the
 7 third Monday in May] *July 1* next following such annual election
 8 and the terms of all elective officers shall begin on [the third Mon-
 9 day in May] *July 1* next following the annual election. The terms
 10 of all elective officers in office at the time of the special election pro-
 11 vided for in sections 40:161-1 to 40:161-4 of this Title whose terms
 12 would have expired prior to [the third Monday in May] *July 1*
 13 next succeeding such special election shall be extended from the
 14 date when such terms would have expired to [the third Monday

15 in May] *July 1* next following said first annual election in such
 16 village. Nothing herein contained shall be construed to affect the
 17 election of any member of any board of education.

1 28. R. S. 40:161-6 is amended to read as follows:

2 40:161-6. Local municipal or charter elections held by any village
 3 which has heretofore voted or shall hereafter vote to change to the
 4 second Tuesday in May the time for holding the local municipal or
 5 charter elections therein, shall be regulated by and held in accor-
 6 dance with [law] the "*Uniform Nonpartisan Elections Law*," P. L.
 7, c. (C.).

1 29. (New section) The terms of all village trustees currently
 2 serving in a municipality governed by the village form of govern-
 3 ment (R. S. 40:157-16 et seq.) on the effective date of this act are
 4 extended until July 1 next following the next regular municipal
 5 election held in the municipality.

1 30. Section 17-1 of P. L. 1950, c. 210 (C. 40:69A-150) is amended
 2 to read as follows:

3 17-1. Regular municipal elections shall be held in each munici-
 4 pality on the second Tuesday in May in the years in which municipal
 5 officers are to be elected, where the election of such officers is not
 6 provided to be at the general election. *Regular municipal elections*
 7 *shall be conducted pursuant to the "Uniform Nonpartisan Elec-*
 8 *tions Law," P. L., c. (C.).*

1 31. The following are repealed:

2 R. S. 40:75-3 through 40:75-12, inclusive;

3 R. S. 40:75-14 through 40:75-24, inclusive;

4 R. S. 40:84-1;

5 R. S. 40:84-3 through 40:84-8, inclusive;

6 P. L. 1940, c. 44 (C. 40:75-12.1);

7 P. L. 1945, c. 28 (C. 40:84-11.1);

8 P. L. 1945, c. 29 (C. 40:75-11.1);

9 Section 17-2 of P. L. 1950, c. 210 (C. 40:69A-151);

10 Sections 17-4 through 17-12, inclusive, of P. L. 1950, c. 210 (C.
 11 40:69A-153 through 40:69A-161);

12 Sections 2 through 21, inclusive, of P. L. 1953, c. 317 (C. 40:161-7
 13 through 40:161-26);

14 P. L. 1955, c. 237 (C. 40:75-8.1); and,

15 P. L. 1959, c. 118 (C. 40:69A-159.1).

1 32. This act shall take effect January 1 following enactment.

STATEMENT

This bill, the "Uniform Non-Partisan Elections Law," would provide a uniform method of holding nonpartisan regular municipal elections in May. Elections held under this law would parallel substantially those currently held under the nonpartisan election provisions of the "Optional Municipal Charter Law." Run-off elections are included as an optional feature.

The legislation would govern uniformly regular municipal elections held in municipalities governed by a plan of government or charter adopted under the "Optional Municipal Charter Law" which requires nonpartisan elections; by the "commission form of government law;" by the "municipal manager form of government law (1923);" and by the village form of government.

53172 (1981)

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE
STATEMENT TO
SENATE, No. 3172
STATE OF NEW JERSEY

DATED: JUNE 29, 1981

Senate Bill No. 3172, the "Uniform Nonpartisan Election Law," would establish a uniform procedure for the holding of nonpartisan regular municipal elections. All such elections would be held on the second Tuesday in May and the bill would establish uniform procedures for the manner in which these elections shall be conducted. The procedures established by the bill closely parallel the nonpartisan election procedures provided in the "Optional Municipal Charter Law" (P. L. 1950, c. 210, C. 40:69A-1 et seq.).

The bill authorizes municipalities to hold run-off elections if they elect to do so. It also provides authorization for municipalities which are now required to hold run-off elections to abandon that procedure. Initiating or abandoning run-off elections is determined by a referendum which may be authorized either by a municipal governing body or by petition. The run-off procedures provided in the bill correspond to the recent changes made in the "Optional Municipal Charter Law" by P. L. 1980, c. 75 with regard to this kind of election.

The bill fixes July 1 as the date on which all municipal officers elected at May elections shall assume office. Officers currently serving terms expiring on another date would have their terms extended in the final year to July 1.

The provisions of the bill would apply to municipalities which have adopted the "Optional Municipal Charter Law" and have nonpartisan elections, the "commission form of government" (R. S. 40:70-1 et seq.), the "municipal manager form of government law (1923)" (C. 40:79-1 et seq.) and the village form of government.

Senate Bill No. 3172 is part of a series of bills which revise, amend and modernize the statutes governing municipalities and is dependent on Senate Bill No. 3153 and Senate Bill No. 3155 for its meaning and intent. The bills should be treated as a package.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 3172

STATE OF NEW JERSEY

DATED: MAY 4, 1981

Senate Bill No. 3172, the "Uniform Non-Partisan Election Law," would provide a uniform method of holding nonpartisan regular municipal elections in May. Elections held under this law would parallel substantially those currently held under the nonpartisan election provisions of the "Optional Municipal Charter Law." Run-off elections are included as an optional feature.

The legislation would govern uniformly regular municipal elections held in municipalities governed by a plan of government or charter adopted under the "Optional Municipal Charter Law" which requires nonpartisan elections; by the "commission form of government law;" by the "municipal manager form of government law (1923);" and by the village form of government.

This bill would repeal the various statutes under which regular municipal elections are now conducted in those municipalities governed by those forms of government, and consolidate them into a single statute. If municipality governed by those statutes to be repealed was required to hold run-off elections, it shall continue to hold run-offs under this bill, until such time as the voters shall approve the abandonment of run-offs by referendum. The provisions of the bill in this regard substantially parallel the recent change made in the "Optional Municipal Charter Law" by P. L. 1980, c. 75 (Senate Bill No. 738) which was recommended in the County and Municipal Government Study (Musto) Commission report: *Forms of Municipal Government in New Jersey* (recommendation #24).

The bill additionally sets a uniform July 1 date for municipal officers elected at May elections to take office. Officers currently serving terms expiring on another date would have their terms extended in the final year to July 1.

Senate Bill No. 3153, as amended by this committee, is dependent upon this bill for its meaning and intent. The two bills should be treated as a package.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

DECEMBER 31, 1981

BOB DOWD

Governor Brendan Byrne today signed the following bills into law:

A-1527, sponsored by Assemblyman Dean Gallo (D-Morris), increases the maximum salary of an Undersheriff from 75 percent to 90 percent of the Sheriff's salary. This salary increase is not mandatory but allows county freeholders the option to attract more qualified personnel.

A-3539, sponsored by Assemblyman David Schwartz (D-Middlesex), allows the continuation of certain municipally-granted tax abatements and exemptions for improvements to multiple dwellings and conversions of industrial and commercial properties to apartment units. Currently, the exemptions or abatements may last for up to five years or until the property is sold. A-3539 would allow the tax incentives to be transferred with the property title for the full five years.

S-3172, sponsored by Senator Steven Perskie (D-Atlantic), is entitled the "Uniform Non-Partisan Elections Law" and, in effect, provides uniform regulations for non-partisan municipal elections regardless of whether the municipal government is operated as a commission form, a municipal manager form, a village or under the Falkner Act (Optional Municipal Charter Law). Some of the new regulations include the requirement that candidate's petitions have signatures equal to one percent of the registered voters; that the filing deadline is 47 days before the election; the commencement of the term be July 1st and that voters may approve a runoff election.

A-2122, sponsored by Assemblyman James Bornheimer (D-Middlesex), removes a number of restrictions on the establishment of branch offices by savings and loan institutions. The legislation puts New Jersey statutes more into conformity with the federal "Depository Institutions Deregulation and Monetary Control Act" by liberalizing the regulations on the use of automated cash dispensing machines and deleting state-level administrative procedures and repeals sections of New Jersey law contrary to the new federal deregulation act.