

40:69A-25

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:69A-25 (Optional municipal charter law--reversion to previous form-status of officeholders during changeover)  
LAWS 1980 CHAPTER 82

Bill No. A1721

Sponsor(s) Edwards and Kern

Date Introduced June 9, 1980

Committee: Assembly Municipal Government

Senate -----

Amended during passage  Yes  No

Date of Passage: Assembly June 23, 1980

Senate June 26, 1980

Date of approval Aug. 10, 1980

Following statements are attached if available:

Sponsor statement Yes  No

Committee Statement: Assembly Yes  No

Senate  No

Fiscal Note  No

Veto Message  No

Message on signing  No

Following were printed:

Reports  No

Hearings  No

ASSEMBLY, No. 1721

STATE OF NEW JERSEY

INTRODUCED JUNE 9, 1980

By Assemblymen EDWARDS and KERN

Referred to Committee on Municipal Government

AN ACT to amend the "Optional Municipal Charter Law," approved June 8, 1950 (P. L. 1950, c. 210).

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

1 1. Section 1-25 of P. L. 1950, chapter 210 (C. 40:69A-25) is  
2 amended to read as follows:

3 1-25. Any municipality may, subject to the provisions of section  
4 1-23 of this act, abandon its optional plan and revert to the form  
5 of government under which it was governed immediately prior  
6 thereto, upon the filing of a petition and referendum as follows:

7 (a) Upon petition of the registered voters of the municipality  
8 signed by the same number thereof as required in section 1-19,  
9 for an election to submit the question of abandonment and rever-  
10 sion as herein provided, the municipal clerk shall provide for  
11 submission of the question in like manner as provided in section  
12 1-20.

13 (b) The form of the question shall be as follows:

14 Shall ..... abandon  
Name of Municipality

15 its present form of government and revert to its prior form of  
16 government, known as .....  
Popular Name of Plan

17 as provided by ..... ?  
Statutory Reference of Prior Plan

18 (c) If a majority of those voting on the question vote in the  
19 affirmative the municipality shall revert to its prior form of gov-  
20 ernment as of 12 m. of the fifty-ninth day following the election of  
21 officers under the form of government to which the municipality  
22 will revert. [The first officers under such form of government shall

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

23 be elected at the next regular municipal or general election in the  
24 year in which the reversion referendum is adopted or the next year  
25 following occurring not less than 60 days following the election at  
26 which the reversion to the prior form of government was approved,  
27 as the case may be, at which officers under the form of government  
28 to which the municipality will revert would be elected if such form  
29 were then in effect in the municipality and the term of office of such  
30 officers had expired simultaneously with the adoption of the rever-  
31 sionary referendum. **]** *The first officers under such form of govern-*  
32 *ment shall be elected at the next regular municipal or general*  
33 *election, as appropriate to the form of government to which the*  
34 *municipality will revert, occurring not less than 60 days following*  
35 *the referendum.* It shall be the duty of the municipal clerk to  
36 perform all the duties respecting such election as would be required  
37 of a municipal clerk for elections under the form of government to  
38 which the municipality will revert. Whenever a municipality has  
39 reverted to any form of government other than the commission  
40 form of government law (R. S. 40:70-1 et seq.) or the municipal  
41 manager form of government (R. S. 40:79-1 et seq.), at a later  
42 date than the one fixed for the filing of nominating petitions at the  
43 primary election, the candidates to be first elected shall be nomi-  
44 nated by direct petition in the manner provided by law for nomina-  
45 tion, by direct petition for a general election.

46 *Any law to the contrary notwithstanding, persons holding office*  
47 *at the time of a referendum approving reversion shall continue to*  
48 *hold office until the municipality reverts to the previous form of*  
49 *government. Vacancies existing at the holding of the referendum*  
50 *or which occur between the holding of the referendum and the*  
51 *reversion of the municipality to its previous form of government,*  
52 *shall be filled by appointment pursuant to procedures for the filling*  
53 *of vacancies appropriate to the "Optional Municipal Charter Law."*

54 If a majority of those voting on the question vote in the negative,  
55 the question of abandonment and reversion shall not again be sub-  
56 mitted for 5 years.

57 (d) The reversion to a prior form of government shall take effect  
58 as provided in section 17-57 through 17-59 of this act for transition  
59 to an optional plan hereunder.

1 2. This act shall take effect immediately.

## STATEMENT

This bill concerns a section of law under which a municipality may revert to the form of government by which it was governed prior to its adoption of an Optional Municipal Charter Law.

The bill specifies that persons holding office at the time of the referendum approving reversion shall continue to hold office until the municipality reverts to the previous form of government. The intent is to eliminate the necessity of holding elections to fill offices whose terms will expire prior to the change in form. The bill also specifies that vacancies occurring between the holding of the referendum and the reversion of the municipality to its previous form shall be filled by appointment to ensure that no unnecessary elections shall be held. This bill also clarifies that the first officers elected under the government to which the municipality will revert shall be elected at the next regular municipal or general election occurring not less than 60 days following the referendum; and the election, whether municipal or general, shall be appropriate to the form of government to which the municipality will revert. The change here is merely for clarification, not for substance.

            
A1721 (1980)

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1721

STATE OF NEW JERSEY

DATED: JUNE 16, 1980

The sponsor's statement adequately expresses the purposes of this bill. The bill has, at present, specific application to the Borough of Fair Lawn, whose voters on May 27, 1980 voted to change the form of government under which they are presently governed, to the municipal manager form under which the borough was previously governed. The "Optional Municipal Charter Law" (P. L. 1950, c. 210) makes provision for such reversion, but fails to specify that persons holding office at the time of the referendum shall continue to hold office until the municipality reverts to the previous form of government. In the absence any such provision an election must be held in Fair Lawn in November to fill offices in a form government which will cease to exist by July 1981. A-1721 will rectify this problem.