

40:69A-25.1
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2019 **CHAPTER:** 161

NJSA: 40:69A-25.1 (Modifies procedure for change to manner of holding certain municipal elections.)

BILL NO: A5404 (Substituted for S3883)

SPONSOR(S) Carol A. Murphy and others

DATE INTRODUCED: 5/20/2019

COMMITTEE: **ASSEMBLY:** Appropriations

SENATE: State Government, Wagering, Tourism & Historic Preservation

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** 6/20/2019

SENATE: 6/27/2019

DATE OF APPROVAL: 7/12/2019

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced version of bill enacted) Yes

A5404

SPONSOR'S STATEMENT: (Begins on page 4 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S3883

SPONSOR'S STATEMENT: (Begins on page 4 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH/CL

P.L. 2019, CHAPTER 161, *approved July 12, 2019*
Assembly, No. 5404

1 AN ACT concerning the manner of holding certain municipal
2 elections and amending P.L.1981, c.465.

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

6
7 1. Section 7 of P.L.1981, c.465 (C.40:69A-25.1) is amended to
8 read as follows:

9 7. a. (1) Any municipality governed by a plan of
10 government adopted pursuant to P.L.1950, c.210 (C.40:69A-
11 1 et seq.) may, by referendum, amend its charter to include any
12 alternative permitted under that plan of government. **[The]** Except
13 as provided in paragraph (2) of this subsection, the question of
14 adopting an alternative may be initiated by the voters pursuant to,
15 and subject to the pertinent provisions of, sections 17-35 through
16 17-47 (C.40:69A-184 through 40:69A-196); or may be submitted to
17 the voters by ordinance adopted by the governing body, in which
18 case the question and ordinance shall be subject to the pertinent
19 provisions of sections 17-42 through 17-47 (C.40:69A-191 through
20 40:69A-196), except that no petition of the voters shall be
21 necessary in order to submit the question.

22 (2) (a) The voters may initiate the question of amending the
23 municipal charter to hold elections according to an alternative set
24 forth in Group A. of subsection b. of this section pursuant to, and
25 subject to the pertinent provisions of, sections 17-35 through 17-47
26 (C.40:69A-184 through 40:69A-196), however, the petition
27 submitting the ordinance to the municipal council pursuant to
28 section 17-35 of P.L.1950, c.210 (C.40:69A-184) shall be signed by
29 a number of the legal voters of the municipality equal in number to
30 at least 25 percent of the total votes cast in the municipality at the
31 last election at which members of the General Assembly were
32 elected.

33 (b) A governing body may submit to the voters a question to
34 amend the municipal charter to hold elections according to an
35 alternative set forth in Group A. of subsection b. of this section,
36 subject to the pertinent provisions of sections 17-42 through 17-47
37 (C.40:69A-191 through 40:69A-196), however, the ordinance shall
38 receive an affirmative vote of at least two-thirds of the fully
39 constituted membership of the municipal council.

40 b. At any election at which the question of adopting an
41 alternative is to be submitted to the voters pursuant to this section,
42 the question shall be submitted in substantially the following form:

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 "Shall the charter of (insert name of municipality) governed by
2 (insert plan of government) be amended, as permitted under that
3 plan, to provide for (insert appropriate language from below for
4 the alternative to be voted upon)?"

5 GROUP A.

- 6 (1) "the holding of regular municipal elections in May;"
7 (2) "the holding of general elections in November;"

8 GROUP B.

- 9 (3) "the election of all council members at large;"
10 (4) "the division of the municipality into (insert number)
11 wards with (insert number) council members to be elected at
12 large and one from each ward;"

13 GROUP C.

- 14 (5) "the election of all council members for concurrent
15 terms;"
16 (6) "the election of council members for staggered
17 terms;"

18 GROUP D.

- 19 (7) "the election of the mayor by the members of the
20 council from among their own number;"
21 (8) "the election of the mayor directly by the voters of
22 the municipality;"

23 GROUP E.

- 24 (9) "a municipal council to consist of three members;"
25 (10) "a municipal council to consist of five members;"
26 (11) "a municipal council to consist of seven members;"
27 (12) "a municipal council to consist of nine members."

28 If more than one alternative is to be submitted to the voters at the
29 same time, each alternative shall be separately stated on the ballot
30 in the form of a question as set forth above. If the provisions of two
31 or more alternatives adopted at the same election conflict, then that
32 receiving the greatest affirmative vote shall control. Nothing
33 contained in this section shall authorize the submission to the voters
34 of the question of adopting any alternative not authorized by the
35 plan of government under which the municipality is governed. No
36 question shall be submitted to the voters pursuant to this section
37 within 4 years next following the adoption by the municipality of a
38 plan of government authorized by P.L.1950, c.210 (C.40:69A-1 et
39 seq.) or **[this act]** P.L.1981, c.465 (C.40:69A-25.1 et al.), or within
40 4 years next following the date on which the question of adopting it
41 or any alternative in the same group was last submitted to the voters
42 pursuant to this section.

43 c. In any municipality having adopted a charter providing for
44 the division of the municipality into wards, the question of
45 increasing or decreasing the number of council members to be
46 elected in the municipality shall be submitted to the voters in the
47 manner set forth in alternative (4) of Group B. of subsection b. of
48 this section. None of the alternatives set forth in Group E. of that

1 subsection shall be submitted to the voters in any municipality
2 divided into wards, unless at the same election alternative (3) of
3 Group B. of that subsection is also submitted, in which case both
4 alternatives shall be approved by the voters in order for either to
5 take effect.

6 (cf: P.L.1981, c.465, s.7)

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8 2. This act shall take effect immediately.

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STATEMENT

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13 This bill would modify the provisions of the Optional Municipal
14 Charter Law, P.L.1950, c.210 (C.40:69A-1 et seq.), concerning the
15 amendment of a municipal charter in order to enhance the
16 participation requirements necessary to change the manner of
17 holding municipal elections. It is the sponsor's belief that the
18 process to propose a change to the manner of holding municipal
19 elections should require a higher threshold than that required to
20 make other types of changes to a municipal charter.

21 Under current law, a proposed amendment to a municipal charter
22 to change from partisan to nonpartisan elections, or nonpartisan to
23 partisan elections, may be adopted by voter referendum. The public
24 question may be either initiated by the voters by petition signed by
25 at least 10 percent of the votes cast in the municipality at the last
26 General Assembly election, or submitted to the voters by ordinance
27 approved by a simple majority of the municipal governing body.

28 The bill would require a proposed change to the manner of
29 election to be either initiated by voter petition signed by at least 25
30 percent of the votes cast in the municipality at the last General
31 Assembly election, or submitted to the voters by ordinance
32 approved by an affirmative vote of at least two-thirds of the fully
33 constituted membership of the municipal council.

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38 Modifies procedure for change to manner of holding certain
39 municipal elections.

ASSEMBLY, No. 5404

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 20, 2019

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Senator TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

Modifies procedure for change to manner of holding certain municipal elections.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/21/2019)

1 AN ACT concerning the manner of holding certain municipal
2 elections and amending P.L.1981, c.465.

3

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

6

7 1. Section 7 of P.L.1981, c.465 (C.40:69A-25.1) is amended to
8 read as follows:

9 7. a. (1) Any municipality governed by a plan of
10 government adopted pursuant to P.L.1950, c.210 (C.40:69A-
11 1 et seq.) may, by referendum, amend its charter to include any
12 alternative permitted under that plan of government. **[The]** Except
13 as provided in paragraph (2) of this subsection, the question of
14 adopting an alternative may be initiated by the voters pursuant to,
15 and subject to the pertinent provisions of, sections 17-35 through
16 17-47 (C.40:69A-184 through 40:69A-196); or may be submitted to
17 the voters by ordinance adopted by the governing body, in which
18 case the question and ordinance shall be subject to the pertinent
19 provisions of sections 17-42 through 17-47 (C.40:69A-191 through
20 40:69A-196), except that no petition of the voters shall be
21 necessary in order to submit the question.

22 (2) (a) The voters may initiate the question of amending the
23 municipal charter to hold elections according to an alternative set
24 forth in Group A. of subsection b. of this section pursuant to, and
25 subject to the pertinent provisions of, sections 17-35 through 17-47
26 (C.40:69A-184 through 40:69A-196), however, the petition
27 submitting the ordinance to the municipal council pursuant to
28 section 17-35 of P.L.1950, c.210 (C.40:69A-184) shall be signed by
29 a number of the legal voters of the municipality equal in number to
30 at least 25 percent of the total votes cast in the municipality at the
31 last election at which members of the General Assembly were
32 elected.

33 (b) A governing body may submit to the voters a question to
34 amend the municipal charter to hold elections according to an
35 alternative set forth in Group A. of subsection b. of this section,
36 subject to the pertinent provisions of sections 17-42 through 17-47
37 (C.40:69A-191 through 40:69A-196), however, the ordinance shall
38 receive an affirmative vote of at least two-thirds of the fully
39 constituted membership of the municipal council.

40 b. At any election at which the question of adopting an
41 alternative is to be submitted to the voters pursuant to this section,
42 the question shall be submitted in substantially the following form:

43 "Shall the charter of (insert name of municipality) governed by
44 (insert plan of government) be amended, as permitted under that

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 plan, to provide for (insert appropriate language from below for
2 the alternative to be voted upon)?"

3 GROUP A.

4 (1) "the holding of regular municipal elections in May;"

5 (2) "the holding of general elections in November;"

6 GROUP B.

7 (3) "the election of all council members at large;"

8 (4) "the division of the municipality into (insert number)
9 wards with (insert number) council members to be elected at
10 large and one from each ward;"

11 GROUP C.

12 (5) "the election of all council members for concurrent
13 terms;"

14 (6) "the election of council members for staggered
15 terms;"

16 GROUP D.

17 (7) "the election of the mayor by the members of the
18 council from among their own number;"

19 (8) "the election of the mayor directly by the voters of
20 the municipality;"

21 GROUP E.

22 (9) "a municipal council to consist of three members;"

23 (10) "a municipal council to consist of five members;"

24 (11) "a municipal council to consist of seven members;"

25 (12) "a municipal council to consist of nine members."

26 If more than one alternative is to be submitted to the voters at the
27 same time, each alternative shall be separately stated on the ballot
28 in the form of a question as set forth above. If the provisions of two
29 or more alternatives adopted at the same election conflict, then that
30 receiving the greatest affirmative vote shall control. Nothing
31 contained in this section shall authorize the submission to the voters
32 of the question of adopting any alternative not authorized by the
33 plan of government under which the municipality is governed. No
34 question shall be submitted to the voters pursuant to this section
35 within 4 years next following the adoption by the municipality of a
36 plan of government authorized by P.L.1950, c.210 (C.40:69A-1 et
37 seq.) or **[this act]** P.L.1981, c.465 (C.40:69A-25.1 et al.), or within
38 4 years next following the date on which the question of adopting it
39 or any alternative in the same group was last submitted to the voters
40 pursuant to this section.

41 c. In any municipality having adopted a charter providing for
42 the division of the municipality into wards, the question of
43 increasing or decreasing the number of council members to be
44 elected in the municipality shall be submitted to the voters in the
45 manner set forth in alternative (4) of Group B. of subsection b. of
46 this section. None of the alternatives set forth in Group E. of that
47 subsection shall be submitted to the voters in any municipality
48 divided into wards, unless at the same election alternative (3) of

1 Group B. of that subsection is also submitted, in which case both
2 alternatives shall be approved by the voters in order for either to
3 take effect.

4 (cf: P.L.1981, c.465, s.7)

5

6 2. This act shall take effect immediately.

7

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STATEMENT

10

11 This bill would modify the provisions of the Optional Municipal
12 Charter Law, P.L.1950, c.210 (C.40:69A-1 et seq.), concerning the
13 amendment of a municipal charter in order to enhance the
14 participation requirements necessary to change the manner of
15 holding municipal elections. It is the sponsor's belief that the
16 process to propose a change to the manner of holding municipal
17 elections should require a higher threshold than that required to
18 make other types of changes to a municipal charter.

19 Under current law, a proposed amendment to a municipal charter
20 to change from partisan to nonpartisan elections, or nonpartisan to
21 partisan elections, may be adopted by voter referendum. The public
22 question may be either initiated by the voters by petition signed by
23 at least 10 percent of the votes cast in the municipality at the last
24 General Assembly election, or submitted to the voters by ordinance
25 approved by a simple majority of the municipal governing body.

26 The bill would require a proposed change to the manner of
27 election to be either initiated by voter petition signed by at least 25
28 percent of the votes cast in the municipality at the last General
29 Assembly election, or submitted to the voters by ordinance
30 approved by an affirmative vote of at least two-thirds of the fully
31 constituted membership of the municipal council.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5404

STATE OF NEW JERSEY

DATED: JUNE 13, 2019

The Assembly Appropriations Committee reports favorably Assembly Bill No. 5404.

Assembly Bill No. 5404 modifies the provisions of the Optional Municipal Charter Law, P.L.1950, c.210 (C.40:69A-1 et seq.), concerning the amendment of a municipal charter in order to enhance the participation requirements necessary to change the manner of holding municipal elections. It is the sponsor's belief that the process to propose a change to the manner of holding municipal elections should require a higher threshold than that required to make other types of changes to a municipal charter.

Under current law, a proposed amendment to a municipal charter to change from partisan to nonpartisan elections, or nonpartisan to partisan elections, may be adopted by voter referendum. The public question may be either initiated by the voters by petition signed by at least 10 percent of the votes cast in the municipality at the last General Assembly election, or submitted to the voters by ordinance approved by a simple majority of the municipal governing body.

The bill requires a proposed change to the manner of election to be either initiated by voter petition signed by at least 25 percent of the votes cast in the municipality at the last General Assembly election, or submitted to the voters by ordinance approved by an affirmative vote of at least two-thirds of the fully constituted membership of the municipal council.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

SENATE, No. 3883

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JUNE 3, 2019

Sponsored by:
Senator TROY SINGLETON
District 7 (Burlington)

SYNOPSIS

Modifies procedure for change to manner of holding certain municipal elections.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the manner of holding certain municipal
2 elections and amending P.L.1981, c.465.

3

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

6

7 1. Section 7 of P.L.1981, c.465 (C.40:69A-25.1) is amended to
8 read as follows:

9 7. a. (1) Any municipality governed by a plan of government
10 adopted pursuant to P.L.1950, c.210 (C.40:69A-1 et seq.) may, by
11 referendum, amend its charter to include any alternative permitted
12 under that plan of government. **【The】** Except as provided in
13 paragraph (2) of this subsection, the question of adopting an
14 alternative may be initiated by the voters pursuant to, and subject to
15 the pertinent provisions of, sections 17-35 through 17-47
16 (C.40:69A-184 through 40:69A-196); or may be submitted to the
17 voters by ordinance adopted by the governing body, in which case
18 the question and ordinance shall be subject to the pertinent
19 provisions of sections 17-42 through 17-47 (C.40:69A-191 through
20 40:69A-196), except that no petition of the voters shall be
21 necessary in order to submit the question.

22 (2) (a) The voters may initiate the question of amending the
23 municipal charter to hold elections according to an alternative set
24 forth in Group A. of subsection b. of this section pursuant to, and
25 subject to the pertinent provisions of, sections 17-35 through 17-47
26 (C.40:69A-184 through 40:69A-196), however, the petition
27 submitting the ordinance to the municipal council pursuant to
28 section 17-35 of P.L.1950, c.210 (C.40:69A-184) shall be signed by
29 a number of the legal voters of the municipality equal in number to
30 at least 25 percent of the total votes cast in the municipality at the
31 last election at which members of the General Assembly were
32 elected.

33 (b) A governing body may submit to the voters a question to
34 amend the municipal charter to hold elections according to an
35 alternative set forth in Group A. of subsection b. of this section,
36 subject to the pertinent provisions of sections 17-42 through 17-47
37 (C.40:69A-191 through 40:69A-196), however, the ordinance shall
38 receive an affirmative vote of at least two-thirds of the fully
39 constituted membership of the municipal council.

40 b. At any election at which the question of adopting an
41 alternative is to be submitted to the voters pursuant to this section,
42 the question shall be submitted in substantially the following form:

43 "Shall the charter of (insert name of municipality)
44 governed by (insert plan of government) be amended, as

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.

S3883 SINGLETON

3

1 permitted under that plan, to provide for (insert appropriate
2 language from below for the alternative to be voted upon)?"

3 GROUP A.

4 (1) "the holding of regular municipal elections in May;"

5 (2) "the holding of general elections in November;"

6 GROUP B.

7 (3) "the election of all council members at large;"

8 (4) "the division of the municipality into (insert number)
9 wards with (insert number) council members to be elected at
10 large and one from each ward;"

11 GROUP C.

12 (5) "the election of all council members for concurrent
13 terms;"

14 (6) "the election of council members for staggered terms;"

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16 (7) "the election of the mayor by the members of the
17 council from among their own number;"

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19 municipality;"

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21 (9) "a municipal council to consist of three members;"

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26 same time, each alternative shall be separately stated on the ballot
27 in the form of a question as set forth above. If the provisions of two
28 or more alternatives adopted at the same election conflict, then that
29 receiving the greatest affirmative vote shall control. Nothing
30 contained in this section shall authorize the submission to the voters
31 of the question of adopting any alternative not authorized by the
32 plan of government under which the municipality is governed. No
33 question shall be submitted to the voters pursuant to this section
34 within 4 years next following the adoption by the municipality of a
35 plan of government authorized by P.L.1950, c.210 (C.40:69A-1 et
36 seq.) or **[this act]** P.L.1981, c.465 (C.40:69A-25.1 et al.), or within
37 4 years next following the date on which the question of adopting it
38 or any alternative in the same group was last submitted to the voters
39 pursuant to this section.

40 c. In any municipality having adopted a charter providing for the
41 division of the municipality into wards, the question of increasing
42 or decreasing the number of council members to be elected in the
43 municipality shall be submitted to the voters in the manner set forth
44 in alternative (4) of Group B. of subsection b. of this section. None
45 of the alternatives set forth in Group E. of that subsection shall be
46 submitted to the voters in any municipality divided into wards,
47 unless at the same election alternative (3) of Group B. of that

1 subsection is also submitted, in which case both alternatives shall
2 be approved by the voters in order for either to take effect.

3 (cf: P.L.1981, c.465, s.7)

4

5 2. This act shall take effect immediately.

6

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8

STATEMENT

9

10 This bill would modify the provisions of the Optional Municipal
11 Charter Law, P.L.1950, c.210 (C.40:69A-1 et seq.), concerning the
12 amendment of a municipal charter in order to enhance the
13 participation requirements necessary to change the manner of
14 holding municipal elections. It is the sponsor's belief that the
15 process to propose a change to the manner of holding municipal
16 elections should require a higher threshold than that required to
17 make other types of changes to a municipal charter.

18 Under current law, a proposed amendment to a municipal charter
19 to change from partisan to nonpartisan elections, or nonpartisan to
20 partisan elections, may be adopted by voter referendum. The public
21 question may be either initiated by the voters by petition signed by
22 at least 10 percent of the votes cast in the municipality at the last
23 General Assembly election, or submitted to the voters by ordinance
24 approved by a simple majority of the municipal governing body.

25 The bill would require a proposed change to the manner of
26 election to be either initiated by voter petition signed by at least 25
27 percent of the votes cast in the municipality at the last General
28 Assembly election, or submitted to the voters by ordinance
29 approved by an affirmative vote of at least two-thirds of the fully
30 constituted membership of the municipal council.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE, No. 3883

STATE OF NEW JERSEY

DATED: JUNE 13, 2019

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Senate Bill No. 3883.

This bill would modify the provisions of the Optional Municipal Charter Law, P.L.1950, c.210 (C.40:69A-1 et seq.), concerning the amendment of a municipal charter in order to enhance the participation requirements necessary to change the manner of holding municipal elections. It is the sponsor's belief that the process to propose a change to the manner of holding municipal elections should require a higher threshold than that required to make other types of changes to a municipal charter.

Under current law, a proposed amendment to a municipal charter to change from partisan to nonpartisan elections, or nonpartisan to partisan elections, may be adopted by voter referendum. The public question may be either initiated by the voters by petition signed by at least 10 percent of the votes cast in the municipality at the last General Assembly election, or submitted to the voters by ordinance approved by a simple majority of the municipal governing body.

The bill would require a proposed change to the manner of election to be either initiated by voter petition signed by at least 25 percent of the votes cast in the municipality at the last General Assembly election, or submitted to the voters by ordinance approved by an affirmative vote of at least two-thirds of the fully constituted membership of the municipal council.

Acting Governor Oliver Takes Action on Legislation

07/12/2019

TRENTON – Today, Acting Governor Oliver signed the following bill into law:

A5404 (Murphy, Conaway/Singleton) – Modifies procedure for change to manner of holding certain municipal elections.