

# 40A:62-2

## LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

**LAWS OF:** 2005 **CHAPTER:** 93

**NJSA:** 40A:62-2 (Increases term of office of mayor and council in towns to 4 years)

**BILL NO:** A3710 (Substituted for S2203)

**SPONSOR(S):** Sires and Manzo

**DATE INTRODUCED:** January 11, 2005

**COMMITTEE:** **ASSEMBLY:** Housing and Local Government  
**SENATE:** Community and Urban Affairs

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** March 14, 2005

**SENATE:** May 12, 2005

**DATE OF APPROVAL:** June 6, 2005

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

### A3710

[SPONSOR'S STATEMENT](#): (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** [Yes](#)

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

### S2203

[SPONSOR'S STATEMENT](#): (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>

**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

IS 5/30/07

P.L. 2005, CHAPTER 93, *approved June 6, 2005*  
Assembly, No. 3710

1 **AN ACT** concerning the term of office of town mayors and council  
2 members and amending N.J.S.40A:62-2.

3

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

6

7 1. N.J.S.40A:62-2 is amended to read as follows:

8 40A:62-2. a. The mayor shall be elected by the voters of the  
9 municipality at large and shall be known as the councilman-at-large.

10 **[**In a municipality operating under this chapter, with a population of  
11 less than 12,000 or more than 16,000, according to the most recent  
12 federal decennial census, the mayor shall serve for a term of two years,  
13 except as otherwise provided by referendum of the voters. In a  
14 municipality operating under this chapter with a population of at least  
15 12,000 but not more than 16,000, according to the most recent federal  
16 decennial census, **the]**The mayor shall serve for a term of four years.

17 b. **[**The legal voters of any town divided into wards, in which the  
18 mayor and council members are elected for two-year terms of office,  
19 may by petition and referendum, require that the mayor shall be  
20 elected for a three-year term of office.

21 Upon the submission to the town clerk of a petition, signed by at  
22 least fifteen per centum (15%) of the legal voters of the municipality  
23 who cast their votes in the municipality at the last election in which  
24 members of the General Assembly were elected, the proposition shall  
25 be submitted to the voters at the next general election. The  
26 proposition shall not be submitted more than once in any three-year  
27 period.

28 The notice, advertisement and conduct of the election shall be in the  
29 same manner as for offices voted at the election.

30 The proposition shall be submitted to the voters at the election in  
31 substantially the following form: "Shall the term of the mayor  
32 in.....(name of town)..... be increased to three years?"

33 A canvass and return of the vote upon the proposition shall be made  
34 by the election officers in the same manner as for officers voted for at  
35 the election, and a majority of all the votes cast upon the proposition  
36 in favor of the proposition shall be sufficient to make the change.

37 Notwithstanding any other provisions of law to the contrary, upon  
38 approval by the legal voters of the town of the proposition to increase  
39 the term of the mayor to three years, the mayor elected at the first  
40 annual election after the approval of the proposition, and at an election  
41 held every third year thereafter, shall serve for a term of three years.]

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

**Matter underlined thus is new matter.**

1 (Deleted by amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_) (pending before the  
2 Legislature as this bill)

3 c. The council shall consist of eight members, two elected from  
4 each of four wards. [In a municipality operating under this chapter,  
5 with a population of less than 12,000 or more than 16,000, according  
6 to the most recent federal decennial census, the members of council  
7 shall serve for a term of two years. Their terms shall be arranged, to  
8 be designated on the ballot if necessary, so that one member of the  
9 council shall be elected from each ward at each election. In a  
10 municipality operating under this chapter with a population of at least  
11 12,000 but not more than 16,000, according to the most recent federal  
12 decennial census, the]The members of council shall serve for a term  
13 of four years.

14 d. Notwithstanding the provisions of subsection c. of this section,  
15 any town, whose council immediately prior to the effective date of  
16 [this act] P.L.1988, c.7 had a council whose method of election,  
17 composition or tenure of its membership differed in any way from the  
18 provisions set out in subsection c. of this section, shall continue to be  
19 governed by those provisions which determined the council's method  
20 of election, composition or tenure of its membership, as the case may  
21 be, until such time it wishes to adopt the provisions as set out in  
22 subsection c. of this section. Any adoption shall be by referendum of  
23 voters, after the town council shall have passed an ordinance not less  
24 than 60 days preceding any general election calling for the referendum  
25 to be placed upon the ballot. The referendum shall not be submitted  
26 to the voters more than once in any three-year period.

27 e. The annual election for town officers shall be held at the same  
28 time and places as the general election. No person shall be permitted  
29 to vote at any such election unless he is an actual resident of the  
30 election district in which he offers his vote.

31 (cf: P.L.2001, c.118, s.2)

32

33 2. This act shall take effect immediately but the amendatory  
34 provisions shall remain inoperative in a municipality until the first  
35 election for the office of mayor and members of council next following  
36 enactment and shall apply to the terms of those mayors and members  
37 of council elected at that election.

38

39

#### STATEMENT

40

41 This bill would increase the term of office of the mayor and  
42 members of council in municipalities operating under the town form of  
43 government to four years. The term changes proposed in the bill  
44 would not take effect in these municipalities until the first election for  
45 the office of mayor and members of council next following the  
46 enactment of the bill.

1

\_\_\_\_\_

2

3 Increases term of office of mayor and council in towns to four years.

# ASSEMBLY, No. 3710

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED JANUARY 11, 2005

**Sponsored by:**

**Assemblyman ALBIO SIRES**

**District 33 (Hudson)**

**Assemblyman LOUIS MANZO**

**District 31 (Hudson)**

**Co-Sponsored by:**

**Assemblyman Conners, Senators Kenny and Sacco**

**SYNOPSIS**

Increases term of office of mayor and council in towns to four years.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/13/2005)**

A3710 SIRES, MANZO

2

1 AN ACT concerning the term of office of town mayors and council  
2 members and amending N.J.S.40A:62-2.

3

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

6

7 1. N.J.S.40A:62-2 is amended to read as follows:

8 40A:62-2. a. The mayor shall be elected by the voters of the  
9 municipality at large and shall be known as the councilman-at-large.  
10 [In a municipality operating under this chapter, with a population of  
11 less than 12,000 or more than 16,000, according to the most recent  
12 federal decennial census, the mayor shall serve for a term of two years,  
13 except as otherwise provided by referendum of the voters. In a  
14 municipality operating under this chapter with a population of at least  
15 12,000 but not more than 16,000, according to the most recent federal  
16 decennial census, the]The mayor shall serve for a term of four years.

17 b. [The legal voters of any town divided into wards, in which the  
18 mayor and council members are elected for two-year terms of office,  
19 may by petition and referendum, require that the mayor shall be  
20 elected for a three-year term of office.

21 Upon the submission to the town clerk of a petition, signed by at  
22 least fifteen per centum (15%) of the legal voters of the municipality  
23 who cast their votes in the municipality at the last election in which  
24 members of the General Assembly were elected, the proposition shall  
25 be submitted to the voters at the next general election. The  
26 proposition shall not be submitted more than once in any three-year  
27 period.

28 The notice, advertisement and conduct of the election shall be in the  
29 same manner as for offices voted at the election.

30 The proposition shall be submitted to the voters at the election in  
31 substantially the following form: "Shall the term of the mayor  
32 in.....(name of town)..... be increased to three years?"

33 A canvass and return of the vote upon the proposition shall be made  
34 by the election officers in the same manner as for officers voted for at  
35 the election, and a majority of all the votes cast upon the proposition  
36 in favor of the proposition shall be sufficient to make the change.

37 Notwithstanding any other provisions of law to the contrary, upon  
38 approval by the legal voters of the town of the proposition to increase  
39 the term of the mayor to three years, the mayor elected at the first  
40 annual election after the approval of the proposition, and at an election  
41 held every third year thereafter, shall serve for a term of three years.]  
42 (Deleted by amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_) (pending before the  
43 Legislature as this bill)

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

**Matter underlined thus is new matter.**

1 c. The council shall consist of eight members, two elected from  
2 each of four wards. [In a municipality operating under this chapter,  
3 with a population of less than 12,000 or more than 16,000, according  
4 to the most recent federal decennial census, the members of council  
5 shall serve for a term of two years. Their terms shall be arranged, to  
6 be designated on the ballot if necessary, so that one member of the  
7 council shall be elected from each ward at each election. In a  
8 municipality operating under this chapter with a population of at least  
9 12,000 but not more than 16,000, according to the most recent federal  
10 decennial census, the]The members of council shall serve for a term  
11 of four years.

12 d. Notwithstanding the provisions of subsection c. of this section,  
13 any town, whose council immediately prior to the effective date of  
14 [this act] P.L.1988, c.7 had a council whose method of election,  
15 composition or tenure of its membership differed in any way from the  
16 provisions set out in subsection c. of this section, shall continue to be  
17 governed by those provisions which determined the council's method  
18 of election, composition or tenure of its membership, as the case may  
19 be, until such time it wishes to adopt the provisions as set out in  
20 subsection c. of this section. Any adoption shall be by referendum of  
21 voters, after the town council shall have passed an ordinance not less  
22 than 60 days preceding any general election calling for the referendum  
23 to be placed upon the ballot. The referendum shall not be submitted  
24 to the voters more than once in any three-year period.

25 e. The annual election for town officers shall be held at the same  
26 time and places as the general election. No person shall be permitted  
27 to vote at any such election unless he is an actual resident of the  
28 election district in which he offers his vote.

29 (cf: P.L.2001, c.118, s.2)

30

31 2. This act shall take effect immediately but the amendatory  
32 provisions shall remain inoperative in a municipality until the first  
33 election for the office of mayor and members of council next following  
34 enactment and shall apply to the terms of those mayors and members  
35 of council elected at that election.

36

37

38

STATEMENT

39

40 This bill would increase the term of office of the mayor and  
41 members of council in municipalities operating under the town form of  
42 government to four years. The term changes proposed in the bill  
43 would not take effect in these municipalities until the first election for  
44 the office of mayor and members of council next following the  
45 enactment of the bill.



ASSEMBLY HOUSING AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3710**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 7, 2005

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 3710.

This bill would increase the term of office of the mayor and members of council in municipalities operating under the town form of government to four years. The term changes proposed in the bill would not take effect in these municipalities until the first election for the office of mayor and members of council next following the enactment of the bill.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3710**

**STATE OF NEW JERSEY**

DATED: MAY 5, 2005

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 3710.

This bill would increase the term of office of the mayor and members of council in municipalities operating under the town form of government to four years. The term changes proposed in the bill would not take effect in these municipalities until the first election for the office of mayor and members of council next following the enactment of the bill.

**SENATE, No. 2203**

---

**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

---

INTRODUCED JANUARY 11, 2005

**Sponsored by:**

**Senator BERNARD F. KENNY, JR.**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Senator Sacco**

**SYNOPSIS**

Increases term of office of mayor and council in towns to four years.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/13/2005)**

S2203 KENNY

2

1 AN ACT concerning the term of office of town mayors and council  
2 members and amending N.J.S.40A:62-2.

3

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

6

7 1. N.J.S.40A:62-2 is amended to read as follows:

8 40A:62-2. a. The mayor shall be elected by the voters of the  
9 municipality at large and shall be known as the councilman-at-large.  
10 [In a municipality operating under this chapter, with a population of  
11 less than 12,000 or more than 16,000, according to the most recent  
12 federal decennial census, the mayor shall serve for a term of two years,  
13 except as otherwise provided by referendum of the voters. In a  
14 municipality operating under this chapter with a population of at least  
15 12,000 but not more than 16,000, according to the most recent federal  
16 decennial census, the]The mayor shall serve for a term of four years.

17 b. [The legal voters of any town divided into wards, in which the  
18 mayor and council members are elected for two-year terms of office,  
19 may by petition and referendum, require that the mayor shall be  
20 elected for a three-year term of office.

21 Upon the submission to the town clerk of a petition, signed by at  
22 least fifteen per centum (15%) of the legal voters of the municipality  
23 who cast their votes in the municipality at the last election in which  
24 members of the General Assembly were elected, the proposition shall  
25 be submitted to the voters at the next general election. The  
26 proposition shall not be submitted more than once in any three-year  
27 period.

28 The notice, advertisement and conduct of the election shall be in the  
29 same manner as for offices voted at the election.

30 The proposition shall be submitted to the voters at the election in  
31 substantially the following form: "Shall the term of the mayor  
32 in.....(name of town)..... be increased to three years?"

33 A canvass and return of the vote upon the proposition shall be made  
34 by the election officers in the same manner as for officers voted for at  
35 the election, and a majority of all the votes cast upon the proposition  
36 in favor of the proposition shall be sufficient to make the change.

37 Notwithstanding any other provisions of law to the contrary, upon  
38 approval by the legal voters of the town of the proposition to increase  
39 the term of the mayor to three years, the mayor elected at the first  
40 annual election after the approval of the proposition, and at an election  
41 held every third year thereafter, shall serve for a term of three years.]  
42 (Deleted by amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_) (pending before the  
43 Legislature as this bill)

**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 c. The council shall consist of eight members, two elected from  
2 each of four wards. [In a municipality operating under this chapter,  
3 with a population of less than 12,000 or more than 16,000, according  
4 to the most recent federal decennial census, the members of council  
5 shall serve for a term of two years. Their terms shall be arranged, to  
6 be designated on the ballot if necessary, so that one member of the  
7 council shall be elected from each ward at each election. In a  
8 municipality operating under this chapter with a population of at least  
9 12,000 but not more than 16,000, according to the most recent federal  
10 decennial census, the]The members of council shall serve for a term  
11 of four years.

12 d. Notwithstanding the provisions of subsection c. of this section,  
13 any town, whose council immediately prior to the effective date of  
14 [this act] P.L.1988, c.7 had a council whose method of election,  
15 composition or tenure of its membership differed in any way from the  
16 provisions set out in subsection c. of this section, shall continue to be  
17 governed by those provisions which determined the council's method  
18 of election, composition or tenure of its membership, as the case may  
19 be, until such time it wishes to adopt the provisions as set out in  
20 subsection c. of this section. Any adoption shall be by referendum of  
21 voters, after the town council shall have passed an ordinance not less  
22 than 60 days preceding any general election calling for the referendum  
23 to be placed upon the ballot. The referendum shall not be submitted  
24 to the voters more than once in any three-year period.

25 e. The annual election for town officers shall be held at the same  
26 time and places as the general election. No person shall be permitted  
27 to vote at any such election unless he is an actual resident of the  
28 election district in which he offers his vote.

29 (cf: P.L.2001, c.118, s.2)

30

31 2. This act shall take effect immediately but the amendatory  
32 provisions shall remain inoperative in a municipality until the first  
33 election for the office of mayor and members of council next following  
34 enactment and shall apply to the terms of those mayors and members  
35 of council elected at that election.

36

37

38

STATEMENT

39

40 This bill would increase the term of office of the mayor and  
41 members of council in municipalities operating under the town form of  
42 government to four years. The term changes proposed in the bill  
43 would not take effect in these municipalities until the first election for  
44 the office of mayor and members of council next following the  
45 enactment of the bill.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 2203**

**STATE OF NEW JERSEY**

DATED: MAY 5, 2005

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 2203.

This bill would increase the term of office of the mayor and members of council in municipalities operating under the town form of government to four years. The term changes proposed in the bill would not take effect in these municipalities until the first election for the office of mayor and members of council next following the enactment of the bill.