

40A:62-2

LEGISLATIVE HISTORY CHECKLIST

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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:

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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 Connors, 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

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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.

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STATEMENT

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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.