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SENATE, No. 3157

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JANUARY 4, 2010

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

SYNOPSIS

Revises statutes concerning permissible length of time between certain public questions in certain municipalities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/12/2010)

S3157 SCUTARI

2

1 AN ACT concerning initiative and referendum in certain
2 municipalities and amending various parts of the statutory law.

3

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

6

7 1. R.S.40:74-18 is amended to read as follows:

8 40:74-18. If a majority of the qualified electors voting on the
9 proposed ordinance shall vote in favor thereof, such ordinance shall
10 thereupon become a valid and binding ordinance of the
11 municipality. **[Any]** An ordinance proposed by petition, or which
12 shall be adopted by a vote of the people, shall not be repealed or
13 amended within 3 years of the date of adoption by the voters, except
14 by a vote of the people; except that an ordinance proposed by
15 petition to increase or decrease either the term of office of the
16 members of the governing body or the number of members of the
17 governing body, or regarding the division of the municipality into a
18 number of wards, shall not be submitted to the voters of the
19 municipality more than once in any 10-year period.

20 (cf: P.L.1982, c.145, s.16)

21

22 2. R.S.40:76-26 is amended to read as follows:

23 40:76-26. If a majority of the votes cast at the special election
24 are against the proposition submitted, no other petition for the
25 submission, to the voters of such municipality, of the same
26 proposition, as provided for in this chapter shall be filed with the
27 clerk within two years thereafter, except that an ordinance proposed
28 by petition to increase or decrease either the term of office of the
29 members of the governing body or the number of members of the
30 governing body, or regarding the division of the municipality into a
31 number of wards, shall not be submitted to the voters of the
32 municipality more than once in any 10-year period, after which
33 date, upon the presentation of another petition or request as
34 provided for herein, the same procedure shall be had, and the same
35 proposition shall be again submitted to a vote in the manner herein
36 prescribed and with the same force and effect.

37 (cf: R.S.40:76-26)

38

39 3. Section 1-23 of P.L.1950, c.210 (C.40:69A-23) is amended
40 to read as follows:

41 1-23. The voters of any municipality which has adopted an
42 optional form of government pursuant to this act may not vote on
43 the question of adopting another form of government until **[three]**
44 10 years thereafter**[, in the case of municipalities of 7,000 or less**

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.

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1 inhabitants, and five years thereafter in the case of all other
2 municipalities].

3 (cf: P.L.1950, c.210, s.1-23)

4

5 4. Section 17-47 of P.L.1950, c.210 (C.40:69A-196) is
6 amended to read as follows:

7 17-47. a. If a majority of the qualified electors voting on the
8 proposed ordinance shall vote in favor thereof, such ordinance shall
9 thereupon become a valid and binding ordinance of the municipality
10 and be published as in the case of other ordinances. No such
11 ordinance shall be amended or repealed within 3 years immediately
12 following the date of its adoption by the voters, except by a vote of
13 the people. The council may, within 3 years immediately following
14 the date of adoption of the ordinance, submit a proposition for the
15 repeal or amendment of that ordinance to the voters at any
16 succeeding general election or regular municipal election. If the
17 proposition submitted shall receive a majority of the votes cast at
18 that election, the ordinance shall be repealed or amended
19 accordingly. If the provisions of two or more measures approved or
20 adopted at the same election conflict then the measure receiving the
21 greatest affirmative vote shall control.

22 b. Notwithstanding the provisions of this section, an ordinance
23 proposed by petition to increase or decrease the term of office of the
24 members of the governing body or the number of members of the
25 governing body, or the division of the municipality into a number of
26 wards, shall not be submitted to the voters of the municipality more
27 than once in any 10-year period.

28 (cf: P.L.1982, c.145, s.6)

29

30 5. Section 1 of P.L.1988, c.7 (C.40A:62-2) is amended to read
31 as follows:

32 1. a. The mayor shall be elected by the voters of the
33 municipality at large and shall be known as the councilman-at-
34 large. The mayor shall serve for a term of four years.

35 b. (Deleted by amendment, P.L.2005, c.93).

36 c. The council shall consist of eight members, two elected from
37 each of four wards. The members of council shall serve for a term
38 of four years.

39 d. Notwithstanding the provisions of subsection c. of this
40 section, any town, whose council immediately prior to the effective
41 date of P.L.1988, c.7 had a council whose method of election,
42 composition or tenure of its membership differed in any way from
43 the provisions set out in subsection c. of this section, shall continue
44 to be governed by those provisions which determined the council's
45 method of election, composition or tenure of its membership, as the
46 case may be, until such time it wishes to adopt the provisions as set
47 out in subsection c. of this section. Any adoption shall be by
48 referendum of voters, after the town council shall have passed an

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1 ordinance not less than 60 days preceding any general election
2 calling for the referendum to be placed upon the ballot. The
3 referendum shall not be submitted to the voters more than once in
4 any ~~three-year~~ 10-year period.

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

9 (cf: P.L.2005, c.93, s.1)

10

11 6. Section 1 of P.L.1991, c.227 (C.40A:62-2.1) is amended to
12 read as follows:

13 1. a. The legal voters of any town in which the mayor and
14 council members are elected for two-year terms of office, may by
15 petition and referendum, require that the mayor and council
16 members shall be elected for four-year terms of office.

17 b. Upon the submission to the town clerk of a petition, signed
18 by at least fifteen per centum (15%) of the legal voters of the
19 municipality who cast their votes in the municipality at the last
20 election in which members of the General Assembly were elected,
21 the proposition shall be submitted to the voters at the next general
22 election. The proposition shall not be submitted more than once in
23 any ~~four-year~~ 10-year period.

24 c. The notice, advertisement and conduct of the referendum
25 shall be in the same manner as for offices voted at the general
26 election.

27 d. The proposition shall be submitted to the voters at the
28 election in substantially the following form: "Shall the term of the
29 mayor and council members in(name of town).....
30 be increased to four years?"

31 e. A canvass and return of the vote upon the proposition shall
32 be made by the election officers in the same manner as for officers
33 voted for at the general election, and a majority of all the votes cast
34 upon the proposition in favor of the proposition shall be sufficient
35 to adopt it.

36 (cf: P.L.1991, c.227, s.1)

37

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

39 40:81-1. The municipal council shall consist of three, five,
40 seven or nine members as authorized on the effective date of this
41 1981 amendatory act.

42 After the effective date of this 1981 amendatory act, the legal
43 voters of any municipality may, by petition and referendum,
44 increase or decrease the number of the municipal council to three,
45 five, seven or nine members. Upon the submission of a petition
46 signed by a number of the legal voters of the municipality equal in
47 number to at least 15% of the total votes cast in the municipality at
48 the last election at which members of the General Assembly were

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1 elected, the proposition to increase or decrease the membership of
2 the municipal council shall be submitted to the voters at the next
3 general election. The proposition shall not be submitted more than
4 once in any **[3-year]** 10-year period.

5 The signatures, verification, authentication, inspection,
6 certification, amendment and submission of the petition shall be the
7 same as for petitions to recall councilmen and shall be filed and
8 certified to by the municipal clerk at least 60 days before the
9 general election at which the proposition shall be submitted to a
10 vote.

11 The question of the increase in the number of commissioners
12 shall be submitted to the voters at the election in substantially the
13 following form:

14 "Shall the membership of the municipal council of (name
15 of municipality) be (insert "increased" or "decreased"
16 as appropriate) from to members?" (insert current
17 number) (insert proposed number)

18 A canvass and return of the vote upon the proposition shall be
19 made by the election officers in the same manner as for officers
20 voted for at the election, and a majority of all the votes cast upon
21 the proposition in favor of the proposition shall be sufficient to
22 make the change.

23 When the legal voters shall have voted to increase or decrease
24 the membership of the municipal council as provided in this section,
25 the increase or decrease shall take effect for the next regular
26 municipal election of councilmen.

27 (cf: P.L.1981, c.427, s.2)

28

29 8. Section 4 of P.L.1981, c.427 (C.40:81-5.1) is amended to
30 read as follows:

31 4. Where the members of the municipal council in any
32 municipality adopting the municipal manager form of government
33 have 4-year terms of office pursuant to R.S. 40:81-5, the legal
34 voters of the municipality, by petition and referendum, may provide
35 that the terms of office of the members of the municipal council
36 shall expire in staggered years as provided in this section.

37 a. An election upon the proposition to elect members of the
38 municipal council to terms of office which expire in staggered years
39 shall be ordered by the municipal council upon the submission of a
40 petition signed by a number of the legal voters of the municipality
41 equal to not less than 15% of the total votes cast in the municipality
42 at the last preceding election at which members of the General
43 Assembly were elected. The proposition shall be submitted at the
44 next general election. The proposition shall not be submitted more
45 than once in any 3-year period;

46 b. The signatures, verification, authentication, inspection,
47 certification, amendment and submission of the petition shall be
48 the same as for petitions to recall councilmen and shall be filed and

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6

1 certified to by the municipal clerk at least 60 days before the
2 general election at which the proposition shall be submitted to a
3 vote;

4 c. The question of the election of members of the municipal
5 council to staggered terms of office shall be submitted to the voters
6 at such election in substantially the following form:

7 "Shall the terms of office of members of the municipal council of
8 expire in staggered years?" (name of municipality)

9 d. A canvass and return of the vote upon the proposition shall
10 be made by the election officers in the same manner as for officers
11 voted for at the election, and a majority of all the votes cast upon
12 the proposition in favor of the proposition shall be sufficient to
13 make the change;

14 e. When the legal voters shall have voted to have the terms of
15 office of members of the municipal council expire in staggered
16 years, there shall be elected at the next regular municipal election of
17 councilmen the following:

18 (1) If the municipal council consists of three members, two of
19 the members shall be elected for 4 years, and one for 2 years, the
20 respective terms of each to be designated on the ballot;

21 (2) If the municipal council consists of five members, two of the
22 members shall be elected for 4 years, and three for 2 years, the
23 respective terms of each to be designated on the ballot;

24 (3) If the municipal council consists of seven members, three of
25 the members shall be elected for 4 years, and four for 2 years, the
26 respective terms of each to be designated on the ballot;

27 (4) If the municipal council consists of nine members, four of
28 the members shall be elected for 4 years, and five for 2 years, the
29 respective terms of each to be designated on the ballot.

30 Each council member elected thereafter shall serve for a 4-year
31 term of office.

32 Notwithstanding the provisions of this section, an ordinance
33 proposed by petition to increase or decrease the term of office of the
34 members of the governing body or the number of members of the
35 governing body, or the division of the municipality into a number of
36 wards, shall not be submitted to the voters of the municipality more
37 than once in any 10-year period.

38 (cf: P.L.1981, c.427, s.4)

39

40 9. This act shall take effect immediately and shall be
41 retroactive to public questions on the November 3, 2009 ballot.

42

43

44

STATEMENT

45

46 This bill would revise statutes concerning permissible length of
47 time between public questions related to the election of certain
48 municipal officials in municipalities operating under the "Optional

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1 Municipal Charter Law,” and the commission, town, and municipal
2 manager forms of government. These forms of municipal
3 government permit initiative and referendum, or simply
4 referendum, in order to effect public policy (or a change in public
5 policy) on the local level, including the number of members of the
6 governing body, the terms of office of those governing body
7 members, and the method by which those governing body members
8 are elected (either at-large or by ward). Under current law, the
9 voters in a municipality operating under one of these forms of
10 government can be distracted by referendum questions posed by and
11 benefitting a minority of the local electorate on the number, terms
12 of office, or the method of election of local governing body
13 members on a fairly regular basis, usually every two, three or four
14 years. The sponsor is concerned that the interests of the voters with
15 respect to other necessary or desirable local public policy issues fall
16 victim to these campaigns advocating governing body-related
17 changes, and believes that the statutes should provide for a longer
18 period of time before such questions can be reconsidered. The bill
19 would set the time period for consideration of such matters to once
20 every 10 years, which should be interpreted as “election years”
21 since the calendar date of elections changes from year to year.

22 Specifically, the bill provides that ordinances proposed by
23 petition in municipalities operating under the “Optional Municipal
24 Charter Law,” (N.J.S.A.40:69A-1 et seq.), and the commission
25 (N.J.S.A.40:70-1 et seq.), town (N.J.S.A.40:62-1 et seq.), and
26 municipal manager (N.J.S.A.40:81-1 et seq.) forms of government
27 to increase or decrease either the term of office of the members of
28 the governing body or the number of members of the governing
29 body, or regarding the division of the municipality into a number of
30 wards, shall not be submitted to the voters of the municipality more
31 than once in any ten-year period. The bill also provides that the
32 voters of any municipality which has adopted an optional form of
33 government under the “Optional Municipal Charter Law” may not
34 vote on the question of adopting another form of government until
35 10 years thereafter.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 3157

STATE OF NEW JERSEY

DATED: JANUARY 4, 2010

The Senate State Government Committee reports favorably Senate Bill No. 3157.

This bill would revise current law concerning the permissible length of time between the vote on public questions that relate to the election of certain municipal officials in municipalities operating under the “Optional Municipal Charter Law,” and the commission, town, and municipal manager forms of government. The bill would set the time period for the consideration of such matters to once every 10 years, which should be interpreted as “election years” since the calendar date of elections changes from year to year.

Specifically, the bill provides that ordinances proposed by petition in municipalities operating under the “Optional Municipal Charter Law,” (N.J.S.A.40:69A-1 et seq.), and the commission (N.J.S.A.40:70-1 et seq.), town (N.J.S.A.40:62-1 et seq.), and municipal manager (N.J.S.A.40:81-1 et seq.) forms of government to increase or decrease either the term of office of the members of the governing body or the number of members of the governing body, or regarding the division of the municipality into a number of wards, would not be submitted to the voters of the municipality more than once in any ten-year period. The bill also provides that the voters of any municipality that has adopted an optional form of government under the “Optional Municipal Charter Law” may not vote on the question of adopting another form of government until 10 years after such adoption.

This bill is identical to Assembly Bill No. 4264.

ASSEMBLY, No. 4264

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 30, 2009

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

SYNOPSIS

Revises statutes concerning permissible length of time between certain public questions in certain municipalities.

CURRENT VERSION OF TEXT

As introduced.



A4264 QUIJANO

2

1 AN ACT concerning initiative and referendum in certain
2 municipalities and amending various parts of the statutory law.

3

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

6

7 1. R.S.40:74-18 is amended to read as follows:

8 40:74-18. If a majority of the qualified electors voting on the
9 proposed ordinance shall vote in favor thereof, such ordinance shall
10 thereupon become a valid and binding ordinance of the
11 municipality. **[Any]** An ordinance proposed by petition, or which
12 shall be adopted by a vote of the people, shall not be repealed or
13 amended within 3 years of the date of adoption by the voters, except
14 by a vote of the people; except that an ordinance proposed by
15 petition to increase or decrease either the term of office of the
16 members of the governing body or the number of members of the
17 governing body, or regarding the division of the municipality into a
18 number of wards, shall not be submitted to the voters of the
19 municipality more than once in any 10-year period.

20 (cf: P.L.1982, c.145, s.16)

21

22 2. R.S.40:76-26 is amended to read as follows:

23 40:76-26. If a majority of the votes cast at the special election
24 are against the proposition submitted, no other petition for the
25 submission, to the voters of such municipality, of the same
26 proposition, as provided for in this chapter shall be filed with the
27 clerk within two years thereafter, except that an ordinance proposed
28 by petition to increase or decrease either the term of office of the
29 members of the governing body or the number of members of the
30 governing body, or regarding the division of the municipality into a
31 number of wards, shall not be submitted to the voters of the
32 municipality more than once in any 10-year period, after which
33 date, upon the presentation of another petition or request as
34 provided for herein, the same procedure shall be had, and the same
35 proposition shall be again submitted to a vote in the manner herein
36 prescribed and with the same force and effect.

37 (cf: R.S.40:76-26)

38

39 3. Section 1-23 of P.L.1950, c.210 (C.40:69A-23) is amended to
40 read as follows:

41 1-23. The voters of any municipality which has adopted an
42 optional form of government pursuant to this act may not vote on
43 the question of adopting another form of government until **[three]**
44 10 years thereafter**[**, in the case of municipalities of 7,000 or less

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 inhabitants, and five years thereafter in the case of all other
2 municipalities].

3 (cf: P.L.1950, c.210, s.1-23)

4

5 4. Section 17-47 of P.L.1950, c.210 (C.40:69A-196) is amended
6 to read as follows:

7 17-47. a. If a majority of the qualified electors voting on the
8 proposed ordinance shall vote in favor thereof, such ordinance shall
9 thereupon become a valid and binding ordinance of the municipality
10 and be published as in the case of other ordinances. No such
11 ordinance shall be amended or repealed within 3 years immediately
12 following the date of its adoption by the voters, except by a vote of
13 the people. The council may, within 3 years immediately following
14 the date of adoption of the ordinance, submit a proposition for the
15 repeal or amendment of that ordinance to the voters at any
16 succeeding general election or regular municipal election. If the
17 proposition submitted shall receive a majority of the votes cast at
18 that election, the ordinance shall be repealed or amended
19 accordingly. If the provisions of two or more measures approved or
20 adopted at the same election conflict then the measure receiving the
21 greatest affirmative vote shall control.

22 b. Notwithstanding the provisions of this section, an ordinance
23 proposed by petition to increase or decrease the term of office of the
24 members of the governing body or the number of members of the
25 governing body, or the division of the municipality into a number of
26 wards, shall not be submitted to the voters of the municipality more
27 than once in any 10-year period.

28 (cf: P.L.1982, c.145, s.6)

29

30 5. Section 1 of P.L.1988, c.7 (C.40A:62-2) is amended to read
31 as follows:

32 1. a. The mayor shall be elected by the voters of the
33 municipality at large and shall be known as the councilman-at-
34 large. The mayor shall serve for a term of four years.

35 b. (Deleted by amendment, P.L.2005, c.93).

36 c. The council shall consist of eight members, two elected from
37 each of four wards. The members of council shall serve for a term
38 of four years.

39 d. Notwithstanding the provisions of subsection c. of this
40 section, any town, whose council immediately prior to the effective
41 date of P.L.1988, c.7 had a council whose method of election,
42 composition or tenure of its membership differed in any way from
43 the provisions set out in subsection c. of this section, shall continue
44 to be governed by those provisions which determined the council's
45 method of election, composition or tenure of its membership, as the
46 case may be, until such time it wishes to adopt the provisions as set
47 out in subsection c. of this section. Any adoption shall be by
48 referendum of voters, after the town council shall have passed an

1 ordinance not less than 60 days preceding any general election
2 calling for the referendum to be placed upon the ballot. The
3 referendum shall not be submitted to the voters more than once in
4 any ~~three-year~~ 10-year period.

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

9 (cf: P.L.2005, c.93, s.1)

10

11 6. Section 1 of P.L.1991, c.227 (C.40A:62-2.1) is amended to
12 read as follows:

13 1. a. The legal voters of any town in which the mayor and
14 council members are elected for two-year terms of office, may by
15 petition and referendum, require that the mayor and council
16 members shall be elected for four-year terms of office.

17 b. Upon the submission to the town clerk of a petition, signed by
18 at least fifteen per centum (15%) of the legal voters of the
19 municipality who cast their votes in the municipality at the last
20 election in which members of the General Assembly were elected,
21 the proposition shall be submitted to the voters at the next general
22 election. The proposition shall not be submitted more than once in
23 any ~~four-year~~ 10-year period.

24 c. The notice, advertisement and conduct of the referendum shall
25 be in the same manner as for offices voted at the general election.

26 d. The proposition shall be submitted to the voters at the
27 election in substantially the following form: "Shall the term of the
28 mayor and council members in(name of town).....
29 be increased to four years?"

30 e. A canvass and return of the vote upon the proposition shall be
31 made by the election officers in the same manner as for officers
32 voted for at the general election, and a majority of all the votes cast
33 upon the proposition in favor of the proposition shall be sufficient
34 to adopt it.

35 (cf: P.L.1991, c.227, s.1)

36

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

38 40:81-1. The municipal council shall consist of three, five,
39 seven or nine members as authorized on the effective date of this
40 1981 amendatory act.

41 After the effective date of this 1981 amendatory act, the legal
42 voters of any municipality may, by petition and referendum,
43 increase or decrease the number of the municipal council to three,
44 five, seven or nine members. Upon the submission of a petition
45 signed by a number of the legal voters of the municipality equal in
46 number to at least 15% of the total votes cast in the municipality at
47 the last election at which members of the General Assembly were
48 elected, the proposition to increase or decrease the membership of

1 the municipal council shall be submitted to the voters at the next
2 general election. The proposition shall not be submitted more than
3 once in any ~~3-year~~ 10-year period.

4 The signatures, verification, authentication, inspection,
5 certification, amendment and submission of the petition shall be the
6 same as for petitions to recall councilmen and shall be filed and
7 certified to by the municipal clerk at least 60 days before the
8 general election at which the proposition shall be submitted to a
9 vote.

10 The question of the increase in the number of commissioners
11 shall be submitted to the voters at the election in substantially the
12 following form:

13 "Shall the membership of the municipal council of (name
14 of municipality) be (insert "increased" or "decreased"
15 as appropriate) from to members?" (insert current
16 number) (insert proposed number)

17 A canvass and return of the vote upon the proposition shall be
18 made by the election officers in the same manner as for officers
19 voted for at the election, and a majority of all the votes cast upon
20 the proposition in favor of the proposition shall be sufficient to
21 make the change.

22 When the legal voters shall have voted to increase or decrease
23 the membership of the municipal council as provided in this section,
24 the increase or decrease shall take effect for the next regular
25 municipal election of councilmen.

26 (cf: P.L.1981, c.427, s.2)

27

28 8. Section 4 of P.L.1981, c.427 (C.40:81-5.1) is amended to read
29 as follows:

30 4. Where the members of the municipal council in any
31 municipality adopting the municipal manager form of government
32 have 4-year terms of office pursuant to R.S. 40:81-5, the legal
33 voters of the municipality, by petition and referendum, may provide
34 that the terms of office of the members of the municipal council
35 shall expire in staggered years as provided in this section.

36 a. An election upon the proposition to elect members of the
37 municipal council to terms of office which expire in staggered years
38 shall be ordered by the municipal council upon the submission of a
39 petition signed by a number of the legal voters of the municipality
40 equal to not less than 15% of the total votes cast in the municipality
41 at the last preceding election at which members of the General
42 Assembly were elected. The proposition shall be submitted at the
43 next general election. The proposition shall not be submitted more
44 than once in any 3-year period;

45 b. The signatures, verification, authentication, inspection,
46 certification, amendment and submission of the petition shall be
47 the same as for petitions to recall councilmen and shall be filed and
48 certified to by the municipal clerk at least 60 days before the

1 general election at which the proposition shall be submitted to a
2 vote;

3 c. The question of the election of members of the municipal
4 council to staggered terms of office shall be submitted to the voters
5 at such election in substantially the following form:

6 "Shall the terms of office of members of the municipal council of
7 expire in staggered years?" (name of municipality)

8 d. A canvass and return of the vote upon the proposition shall be
9 made by the election officers in the same manner as for officers
10 voted for at the election, and a majority of all the votes cast upon
11 the proposition in favor of the proposition shall be sufficient to
12 make the change;

13 e. When the legal voters shall have voted to have the terms of
14 office of members of the municipal council expire in staggered
15 years, there shall be elected at the next regular municipal election of
16 councilmen the following:

17 (1) If the municipal council consists of three members, two of
18 the members shall be elected for 4 years, and one for 2 years, the
19 respective terms of each to be designated on the ballot;

20 (2) If the municipal council consists of five members, two of the
21 members shall be elected for 4 years, and three for 2 years, the
22 respective terms of each to be designated on the ballot;

23 (3) If the municipal council consists of seven members, three of
24 the members shall be elected for 4 years, and four for 2 years, the
25 respective terms of each to be designated on the ballot;

26 (4) If the municipal council consists of nine members, four of the
27 members shall be elected for 4 years, and five for 2 years, the
28 respective terms of each to be designated on the ballot.

29 Each council member elected thereafter shall serve for a 4-year
30 term of office.

31 Notwithstanding the provisions of this section, an ordinance
32 proposed by petition to increase or decrease the term of office of the
33 members of the governing body or the number of members of the
34 governing body, or the division of the municipality into a number of
35 wards, shall not be submitted to the voters of the municipality more
36 than once in any 10-year period.

37 (cf: P.L.1981, c.427, s.4)

38
39 9. This act shall take effect immediately and shall be retroactive
40 to public questions on the November 3, 2009 ballot.

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42
43
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STATEMENT

45 This bill would revise statutes concerning permissible length of
46 time between public questions related to the election of certain
47 municipal officials in municipalities operating under the "Optional
48 Municipal Charter Law," and the commission, town, and municipal

1 manager forms of government. These forms of municipal
2 government permit initiative and referendum, or simply
3 referendum, in order to effect public policy (or a change in public
4 policy) on the local level, including the number of members of the
5 governing body, the terms of office of those governing body
6 members, and the method by which those governing body members
7 are elected (either at-large or by ward). Under current law, the
8 voters in a municipality operating under one of these forms of
9 government can be distracted by referendum questions posed by and
10 benefitting a minority of the local electorate on the number, terms
11 of office, or the method of election of local governing body
12 members on a fairly regular basis, usually every two, three or four
13 years. The sponsor is concerned that the interests of the voters with
14 respect to other necessary or desirable local public policy issues fall
15 victim to these campaigns advocating governing body-related
16 changes, and believes that the statutes should provide for a longer
17 period of time before such questions can be reconsidered. The bill
18 would set the time period for consideration of such matters to once
19 every 10 years, which should be interpreted as “election years”
20 since the calendar date of elections changes from year to year.

21 Specifically, the bill provides that ordinances proposed by
22 petition in municipalities operating under the “Optional Municipal
23 Charter Law,” (N.J.S.A.40:69A-1 et seq.), and the commission
24 (N.J.S.A.40:70-1 et seq.), town (N.J.S.A.40:62-1 et seq.), and
25 municipal manager (N.J.S.A.40:81-1 et seq.) forms of government
26 to increase or decrease either the term of office of the members of
27 the governing body or the number of members of the governing
28 body, or regarding the division of the municipality into a number of
29 wards, shall not be submitted to the voters of the municipality more
30 than once in any ten-year period. The bill also provides that the
31 voters of any municipality which has adopted an optional form of
32 government under the “Optional Municipal Charter Law” may not
33 vote on the question of adopting another form of government until
34 10 years thereafter.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4264

STATE OF NEW JERSEY

DATED: JANUARY 4, 2010

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 4264.

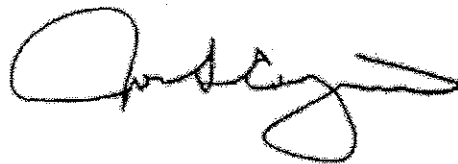
This bill would revise statutes concerning permissible length of time between public questions related to the election of certain municipal officials in municipalities operating under the “Optional Municipal Charter Law,” and the commission, town, and municipal manager forms of government. These forms of municipal government permit initiative and referendum, or simply referendum, in order to effect public policy (or a change in public policy) on the local level, including the number of members of the governing body, the terms of office of those governing body members, and the method by which those governing body members are elected (either at-large or by ward). Under current law, the voters in a municipality operating under one of these forms of government can be distracted by referendum questions posed by and benefitting a minority of the local electorate on the number, terms of office, or the method of election of local governing body members on a fairly regular basis, usually every two, three or four years. It is the committee's understanding that voters would better be able to attend to and consider other local public policy issues submitted by referendum if the statutes provided for a longer interval of time between repeated reconsideration of public questions. The bill would set the time period for consideration of such matters to once every 10 years, which should be interpreted as “election years” since the calendar date of elections changes from year to year.

Specifically, the bill provides that ordinances proposed by petition in municipalities operating under the “Optional Municipal Charter Law,” (N.J.S.A.40:69A-1 et seq.), and the commission (N.J.S.A.40:70-1 et seq.), town (N.J.S.A.40:62-1 et seq.), and municipal manager (N.J.S.A.40:81-1 et seq.) forms of government to increase or decrease either the term of office of the members of the governing body or the number of members of the governing body, or regarding the division of the municipality into a number of wards, shall not be submitted to the voters of the municipality more than once in any ten-year period. The bill also provides that the voters of any municipality which has adopted an optional form of government under the “Optional

Municipal Charter Law” may not vote on the question of adopting another form of government until 10 years thereafter.

GOVERNOR'S STATEMENT UPON SIGNING
SENATE BILL NO. 3157

I approve Senate Bill No. 3157 based upon a commitment from legislative leadership in both Houses, as well as the bill's sponsors, that legislation will be advanced within the next 90 days to change the length of time under which an ordinance proposed by petition may be submitted again from 10 years to 6 years.



Jon S. Corzine
Governor

Date: 1/18/10

Attest:



William F. Castner, Jr.
Chief Counsel to the Governor