LEGISLATIVE HISTORY CHECKLIST
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(Municipalities--run-off elections)

NJSA: 40:45-6

LAWS OF: 1995   **CHAPTER:**   97

BILL NO: S651

SPONSOR(S):   Littell

DATE INTRODUCED: February 10, 1994

COMMITTEE: **ASSEMBLY:**   ---

                         SENATE: Community Affairs

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:**   May 1, 1995

                         SENATE: March 3, 1994

DATE OF APPROVAL: May 8, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:**   No

                            SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

AN ACT concerning run-off elections in certain municipalities and amending P.L.1981, c.379.

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

1. Section 2 of P.L.1981, c.379 (C.40:45-6) is amended to read as follows:

2. This act shall govern all municipalities having adopted a plan or form of government, or a charter, which provides for the election of municipal officers at regular municipal elections held on the second Tuesday in May, including municipalities holding regular municipal elections under the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.), under the "commission form of government law" (R.S.40:70-1 et seq.), under the "municipal manager form of government law" [(R.S.40:79-1 et seq.)] N.J.S.40A:63-8, under the "village form of government" (R.S.40:157-16 et seq.), or under any plan or form of government, or charter, hereafter authorized which provides for the holding of regular municipal elections at that time. This act shall govern these municipalities only with respect to the time, manner and method of election of municipal officers. The officers to be elected, and their number, the length of their terms of office, and their powers and responsibilities shall be determined by the laws authorizing the plan or form of government, or charter, which the municipalities have adopted[, however, as of the effective date of this amendatory act, a municipality operating under the "commission form of government law" (R.S.40:70-1 et seq.) shall not adopt or continue to use the provisions of section 15 of P.L.1981, c.379 (C.40:45-19) concerning the holding of run-off elections].
(cf: P.L.1990, c.17, s.1)

2. Section 14 of P.L.1981, c.379 (C.40:45-18) is amended to read as follows:

14. Notwithstanding the provisions of section 13 of [this act] P.L.1981, c.379 (C.40:45-17), if the voters of any municipality shall adopt the proposition of holding run-off elections in the municipality, either prior to or subsequent to May 2, 1990, at the regular municipal election held in that municipality the candidates receiving the greatest number and a majority of votes cast shall be elected to the respective offices, except that if:

a. Nine councilmen-at-large (or commissioners, or village trustees) are to be elected and four or more candidates for that office receive a majority of the votes cast, the nine candidates receiving the greatest number of votes shall be elected; or

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.

b. Eight councilmen-at-large (or commissioners, or village trustees) are to be elected and four or more candidates for that office receive a majority of the votes cast, the eight candidates receiving the greatest number of votes shall be elected; or

c. Seven councilmen-at-large (or commissioners, or village trustees) are to be elected and three or more candidates for that office receive a majority of the votes cast, the seven candidates receiving the greatest number of votes shall be elected; or

d. Six councilmen-at-large (or commissioners, or village trustees) are to be elected and three or more candidates for that office receive a majority of the votes cast, the six candidates receiving the greatest number of votes shall be elected; or

e. Five councilmen-at-large (or commissioners, or village trustees) are to be elected and two or more candidates for that office receive a majority of the votes cast, the five candidates receiving the greatest number of votes shall be elected; or

f. Four councilmen-at-large (or commissioners, or village trustees) are to be elected and two or more candidates for that office receive a majority of the votes cast, the four candidates receiving the greatest number of votes shall be elected; or

g. Three councilmen-at-large (or commissioners, or village trustees) are to be elected and one or more candidates for that office receive a majority of the votes cast, the three candidates receiving the greatest number of votes shall be elected; or

h. Two councilmen-at-large (or commissioners, or village trustees) are to be elected and one or more candidates for that office receive a majority of the votes cast, the two candidates receiving the greatest number of votes shall be elected.

For the purpose of this section, the number constituting a majority of the votes cast shall be computed by dividing by two the number of voters who cast a vote for at least one candidate for councilman-at-large (or commissioner, or village trustee) and then adding one. Voting machines to be used in the election shall be equipped, as soon as practicable, with one or more counters so connected as to keep a tally of the number of voters who cast votes for one or more of the candidates for councilman-at-large (or commissioner, or village trustee). Until suitable counters have been provided, or whenever the tally of the number of voters cannot be determined for any reason, then the number constituting the majority of the votes cast shall be computed by adding all the votes cast for each candidate for that office, dividing that total by twice the number of councilmen-at-large (or commissioners, or village trustees) to be elected and then adding one.

(cf: P.L.1990, c.17, s.2)

3. Section 15 of P.L.1981, c.379 (C.40:45-19) is amended to read as follows:

15. In any regular municipal election held under section 14 of [this act] P.L.1981, c.379 (C.40:45-18), if a sufficient number of candidates do not receive a majority of the votes cast to elect the required number of councilmen-at-large (or commissioners, or village trustees) or no candidate for mayor or no candidate for ward councilman receives a majority of the votes cast for his respective office, a run-off election in the municipality or ward,

as the case may be, shall be held on the fourth Tuesday next following that municipal election; unless in any year that Tuesday shall be the date upon which a primary election shall be held, in which case the run-off election shall be held on the fifth Tuesday next following the municipal election.

At the run-off election, the candidates for councilman-at-large (or commissioner, or village trustee) shall be those candidates not elected at the regular municipal election who received the greatest number of votes at that election, but the candidates shall be equal in number to twice the number of councilmen-at-large (or commissioners, or village trustees) remaining to be elected. The candidates for mayor or ward councilmen at the run-off election shall be the two candidates for the office who received the greatest number of votes at the regular municipal election. Military service ballots shall be printed and distributed for the run-off election in the same manner, so far as possible, as for other municipal elections.

The candidate or candidates who receive the greatest number of votes at the run-off election shall be elected to the office or offices to be filled. If two or more candidates shall be equal and greatest in votes for any of the purposes of this section, they shall draw lots to determine which one shall enter the run-off election, or be elected, as the case may be.

If any candidate to be voted for at the run-off election dies seven or more days prior to the run-off election, the candidate for the office not theretofore included in the run-off election, but next highest in number of votes for that purpose shall be substituted at the run-off election in the place of the deceased candidate and his name shall be substituted on the ballots for that of the deceased candidate.
(cf: P.L.1990, c.17, s.3)

4. This act shall take effect immediately.

STATEMENT

This bill removes from current law the language prohibiting municipalities operating under the commission form of government from utilizing the provisions of the "Uniform Nonpartisan Elections Law," P.L.1981, c.379 (C.40:45-5 et seq.) concerning run-off elections. This bill would effectively require run-off elections in the two municipalities affected by the provisions of P.L.1990, c.17, which specifically prohibited those municipalities from holding run-off elections after May 2, 1990.

The two municipalities currently affected by the provisions of this bill are Union City and West New York in Hudson County since the residents of those two municipalities, which operate under the commission form of government, had previously chosen to have run-off elections by voter referendum. This bill would also enable the voters in any other municipality operating under the commission form of government to choose to have run-off elections by referendum.

Permits municipalities having commission form of government to utilize run-off elections.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 651

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 1994

The Senate Community Affairs Committee reports favorably Senate Bill No. 651.

Senate Bill No. 651 reinstates the authorization for municipalities operating under the commission form of government to utilize the provisions of the "Uniform Nonpartisan Elections Law," P.L.1981, c.379 (C.40:45-5 et seq.) concerning run-off elections. This bill would effectively reestablish run-off elections in the two municipalities affected by the provisions of P.L.1990, c.17, which specifically prohibited those municipalities from holding run-off elections after May 2, 1990.

Those two municipalities are Union City and West New York in Hudson County whose residents had previously chosen to have run-off elections by voter referendum. This bill will also enable the voters in any other municipality operating under the commission form of government to choose to have run-off elections by referendum.

OFFICE OF THE GOVERNOR
NEWS RELEASE

CN-001
Contact: CARL GOLDEN
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TRENTON, N.J. 08625
Release: IMMEDIATE
            MAY 8, 1995

Gov. Christie Whitman today signed legislation to permit certain municipalities with a commission form of government to utilize run-off elections.

The legislation would authorize run-off elections in those municipalities which were precluded from doing so under the provisions of a 1990 law.

The bill, S-651, was sponsored by Sen. Robert Littell, R-Sussex.