

40A:16-15

LEGISLATIVE HISTORY CHECKLIST
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(Municipal Vacancies)

NJSA: 40A:16-15

LAWS OF: 1993 **CHAPTER:** 341

BILL NO: A1493

SPONSOR(S): T. Smith and Kamin

DATE INTRODUCED: May 28, 1992

COMMITTEE: **ASSEMBLY:** Local Government
SENATE: Community Affairs

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** November 12, 1992
SENATE: December 16, 1993

DATE OF APPROVAL: December 27, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

[FIRST REPRINT]
ASSEMBLY, No. 1493

STATE OF NEW JERSEY

INTRODUCED MAY 28, 1992

By Assemblymen T. SMITH and KAMIN

1 AN ACT concerning certain vacancies on local governing bodies
2 and amending N.J.S.40A:16-15.

3

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

6 1. N.J.S.40A:16-15 is amended to read as follows:

7 40A:16-15. Special election when person elected to office dies
8 before commencement of term. If at any time after an election
9 for the office of mayor or for a member of the governing body
10 and before the time fixed for the commencement of the term of
11 the office, the person elected to that office dies, the [municipal
12 clerk shall forthwith fix the date for a special election to fill that
13 office for its term or unexpired term, as the case may be, to be
14 held not less than 45 days nor more than 50 days from the date of
15 such death] municipal committee of the political party of which
16 the person elected was the nominee shall appoint another person
17 to fill the position until the next regular municipal election. ¹If
18 the person elected was not the nominee of a political party, on or
19 within 30 days after the time fixed for the commencement of the
20 term of office, the governing body shall appoint a successor to
21 fill the office until the next regular municipal election without
22 regard to party.¹

23 (cf: P.L.1980, c.93, s.2)

24 2. This act shall take effect immediately.

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29 Revises procedure for filling certain municipal vacancies.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted October 29, 1992.

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14 held not less than 45 days nor more than 50 days from the date of
15 such death] municipal committee of the political party of which
16 the person elected was the nominee shall appoint another person
17 to fill the position until the next regular municipal election.

18 (cf: P.L.1980, c.93, s.2)

19 2. This act shall take effect immediately.

20

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STATEMENT

22

23 This bill would authorize the appointment of a successor to an
24 elected member of the governing body or to an elected mayor if
25 such an individual dies after his election but prior to the
26 commencement of his term of office. The bill authorizes the
27 municipal committee of the political party of which the person
28 elected was the nominee to appoint another person, who will
29 serve as either mayor or a member of the governing body, as the
30 case may be, until the next regular municipal election is held.

31 Current law provides that the municipal clerk is to fix the date
32 of a special election to fill such a vacancy for its term or
33 unexpired term, as the case may be. Such a special election must
34 be held 45 days from the date of the death of the elected official.

35 By authorizing the appointment of a successor until the next
36 general election is held, this bill would result in substantial
37 savings for municipalities, as special elections for the sole
38 purpose of filling one vacancy are very costly. The method of
39 appointment set forth in this bill would prevent municipalities
40 from incurring the expense of holding two elections within a short
41 period of time to fill the same position.

42

43

44

45 Revises procedure for filling certain municipal vacancies.

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.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1493

STATE OF NEW JERSEY

DATED: OCTOBER 1, 1992

The Assembly Local Government Committee reports favorably Assembly Bill No. 1493.

Assembly Bill No. 1493 would authorize the appointment of a successor to an elected member of the governing body or to an elected mayor if such an individual dies after his election but prior to the commencement of his term of office. The bill authorizes the municipal committee of the political party of which the person elected was the nominee to appoint another person, who will serve as either mayor or a member of the governing body, as the case may be, until the next regular municipal election is held.

Current law provides that the municipal clerk is to fix the date of a special election to fill such a vacancy for its term or unexpired term, as the case may be. Such a special election must be held 45 days from the date of the death of the elected official.

By authorizing the appointment of a successor until the next general election is held, this bill would result in substantial savings for municipalities, as special elections for the sole purpose of filling one vacancy are very costly. The method of appointment set forth in this bill would prevent municipalities from incurring the expense of holding two elections within a short period of time to fill the same position.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 1493

STATE OF NEW JERSEY

DATED: MARCH 18, 1993

The Senate Community Affairs Committee favorably reports Assembly Bill No. 1493 (1R).

Assembly Bill No. 1493 (1R) would authorize the appointment of a successor to an elected member of the governing body or to an elected mayor if such an individual dies after his election but prior to the commencement of his term of office.

The bill authorizes the municipal committee of the political party of which the person elected was the nominee to appoint another person, who will serve as either mayor or a member of the governing body, as the case may be, until the next regular municipal election is held. If the person elected was not the nominee of a political party, the governing body shall appoint a successor to fill the office until the next regular municipal election on or within 30 days after the time fixed for the commencement of the term of office.

Current law provides that the municipal clerk is to fix the date of a special election to fill such a vacancy for its term or unexpired term, as the case may be. Such a special election must be held 45 days from the date of the death of the elected official.

By authorizing the appointment of a successor until the next general election is held, this bill would result in substantial savings for municipalities, as special elections for the sole purpose of filling one vacancy are very costly. The method of appointment set forth in this bill would prevent municipalities from incurring the expense of holding two elections within a short period of time to fill the same position.