

40:45-6

LEGISLATIVE HISTORY CHECKLIST
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(Uniform
Nonpartisan
Election Law--not
applicable to
commission form
of government)

LAWS OF: 1990

CHAPTER: 17

Bill No: A2931

Sponsor(s): Bryant

Date Introduced: January 25, 1990

Committee: Assembly: Municipal Government

Senate: County & Municipal Government

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: March 1, 1990

Senate: April 30, 1990

Date of Approval: May 2, 1990

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

(over)

Sponsors statement:

The purpose of this bill is to amend the "Uniform Nonpartisan Elections Law," P.L. 1981, c.379 (C.40:45-5 et seq.) so that it is not applicable to commission forms of government

See newspaper clippings--attached:

"Run off-election bill gets Florio's signature," 5-3-90 Philadelphia Inquirer

"Florio ends run-off elections in 3 towns," 5-3-90 Star Ledger

[FIRST REPRINT]
ASSEMBLY, No. 2931

STATE OF NEW JERSEY

INTRODUCED JANUARY 25, 1990

By Assemblyman BRYANT

1 AN ACT concerning municipal elections and amending P.L.1981,
2 c.379.

3

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

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

8 2. This act shall govern all municipalities having adopted a
9 plan or form of government, or a charter, which provides for the
10 election of municipal officers at regular municipal elections held
11 on the second Tuesday in May, including municipalities holding
12 regular municipal elections under the "Optional Municipal
13 Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.), [under the
14 "commission form of government law" (R.S.40:70-1 et seq.),]
15 1under the "commission form of government law" (R.S.40:70-1 et
16 seq.),¹ under the "municipal manager form of government law"
17 (R.S.40:79-1 et seq.), under the village form of government
18 (R.S.40:157-16 et seq.), or under any plan or form of government,
19 or charter, hereafter authorized which provides for the holding of
20 regular municipal elections at that time. This act shall govern
21 these municipalities only with respect to the time, manner and
22 method of election of municipal officers. The officers to be
23 elected, and their number, the length of their terms of office,
24 and their powers and responsibilities shall be determined by the
25 laws authorizing the plan or form of government, or charter,
26 which the municipalities have adopted¹, however, as of the
27 effective date of this amendatory act, a municipality operating
28 under the "commission form of government law" (R.S.40:70-1 et
29 seq.) shall not adopt or continue to use the provisions of section
30 15 of P.L.1981, c.379 (C.40:45-19) concerning the holding of
31 run-off elections¹.

32 (cf: P.L.1981, c.379, s.2)

33 ¹[2. Section 4 of P.L.1981, c.379 (C.40:45-8) is amended to
34 read as follows:

35 4. On or before the 59th day prior to a regular municipal
36 election, the names of candidates for all elective offices shall be
37 filed with the municipal clerk, in the following manner and form
38 and subject to the following conditions:

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 AMG committee amendments adopted February 8, 1990.

1 a. The petition of nomination shall consist of individual
 2 certificates, equal in number to at least 1%, but in no event less
 3 than 25, of the registered voters of the municipality or the ward,
 4 as the case may be, and shall read substantially as follows:

5 "I, the undersigned, a registered voter of the municipality of
 6, residing at certify that I do
 7 hereby join in a petition of the nomination of
 8 whose residence is at
 9 for the office of mayor (or
 10 councilman-at-large, or ward councilman of the ward,
 11 [or commissioner,] or village trustee, as the case may be) to be
 12 voted for at the election to be held in the municipality on the
 13, 19....., and I further certify that I know this candidate
 14 to be a registered voter, for the period required by law, of the
 15 municipality (and the ward, in the case of ward councilman) and a
 16 person of good moral character, and qualified, in my judgment, to
 17 perform the duties of the office, and I further certify that I have
 18 not signed more petitions or certificates of nomination than there
 19 are places to be filled for the above office.

20 Signed"

21 Any such petition of nomination which is provided to
 22 candidates by the municipal clerk shall contain the following
 23 notice: "Notice: All candidates are required by law to comply
 24 with the provisions of the "New Jersey Campaign Contributions
 25 and Expenditures Reporting Act." For further information, please
 26 call (insert phone number of the Election Law Enforcement
 27 Commission)."

28 b. Each petition signature shall be on a separate sheet of paper
 29 and shall bear the name and address of the petitioner. The
 30 candidate for office and his campaign manager shall make an
 31 oath before an officer competent to administer oaths that the
 32 statements made therein are true, and that each signature to the
 33 papers appended thereto is the genuine signature of the person
 34 whose name it purports to be, to their best knowledge and belief.
 35 The oath, signed by the candidate, shall constitute his acceptance
 36 of nomination and shall be annexed to the petition, together with
 37 the oath of his campaign manager, at the time the petition is
 38 submitted.

39 c. The municipal clerk shall immediately provide the Election
 40 Law Enforcement Commission with official certification of the
 41 filing or withdrawal of a petition of nomination.

42 (cf: P.L.1985, c. 92, s.34)]¹

43 ¹[3.] 2.¹ Section 14 of P.L.1981, c.379 (C.40:45-18) is amended
 44 to read as follows:

45 14. Notwithstanding the provisions of section 13 of this act, if
 46 the voters of any municipality shall adopt the proposition of
 47 holding run-off elections in the municipality, at the regular
 48 municipal election held in that municipality the candidates
 49 receiving the greatest number and a majority of votes cast shall

- 1 be elected to the respective offices, except that if:
- 2 a. Nine councilmen-at-large ([or commissioners,] or village
3 trustees) are to be elected and four or more candidates for that
4 office receive a majority of the votes cast, the nine candidates
5 receiving the greatest number of votes shall be elected; or
- 6 b. Eight councilmen-at-large ([or commissioners,] or village
7 trustees) are to be elected and four or more candidates for that
8 office receive a majority of the votes cast, the eight candidates
9 receiving the greatest number of votes shall be elected; or
- 10 c. Seven councilmen-at-large ([or commissioners,] or village
11 trustees) are to be elected and three or more candidates for that
12 office receive a majority of the votes cast, the seven candidates
13 receiving the greatest number of votes shall be elected; or
- 14 d. Six councilmen-at-large ([or commissioners,] or village
15 trustees) are to be elected and three or more candidates for that
16 office receive a majority of the votes cast, the six candidates
17 receiving the greatest number of votes shall be elected; or
- 18 e. Five councilmen-at-large ([or commissioners,] or village
19 trustees) are to be elected and two or more candidates for that
20 office receive a majority of the votes cast, the five candidates
21 receiving the greatest number of votes shall be elected; or
- 22 f. Four councilmen-at-large ([or commissioners,] or village
23 trustees) are to be elected and two or more candidates for that
24 office receive a majority of the votes cast, the four candidates
25 receiving the greatest number of votes shall be elected; or
- 26 g. Three councilmen-at-large ([or commissioners,] or village
27 trustees) are to be elected and one or more candidates for that
28 office receive a majority of the votes cast, the three candidates
29 receiving the greatest number of votes shall be elected; or
- 30 h. Two councilmen-at-large ([or commissioners,] or village
31 trustees) are to be elected and one or more candidates for that
32 office receive a majority of the votes cast, the two candidates
33 receiving the greatest number of votes shall be elected.
- 34 For the purpose of this section, the number constituting a
35 majority of the votes cast shall be computed by dividing by two
36 the number of voters who cast a vote for at least one candidate
37 for councilman-at-large ([or commissioner,] or village trustee)
38 and then adding one. Voting machines to be used in the election
39 shall be equipped, as soon as practicable, with one or more
40 counters so connected as to keep a tally of the number of voters
41 who cast votes for one or more of the candidates for
42 councilman-at-large ([or commissioner,] or village trustee).
43 Until suitable counters have been provided, or whenever the tally
44 of the number of voters cannot be determined for any reason,
45 then the number constituting the majority of the votes cast shall
46 be computed by adding all the votes cast for each candidate for
47 that office, dividing that total by twice the number of
48 councilmen-at-large ([or commissioners,] or village trustees) to
49 be elected and then adding one.
50 (cf: P.L.1981, c.379, s.14)

1 ¹[4.] 3.¹ Section 15 of P.L.1981, c.379 (C.40:45-19) is amended
2 to read as follows:

3 15. In any regular municipal election held under section 14 of
4 this act, if a sufficient number of candidates do not receive a
5 majority of the votes cast to elect the required number of
6 councilmen-at-large ([or commissioners,] or village trustees) or
7 no candidate for mayor or no candidate for ward councilman
8 receives a majority of the votes cast for his respective office, a
9 run-off election in the municipality or ward, as the case may be,
10 shall be held on the fourth Tuesday next following that municipal
11 election; unless in any year that Tuesday shall be the date upon
12 which a primary election shall be held, in which case the run-off
13 election shall be held on the fifth Tuesday next following the
14 municipal election.

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

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

33 If any candidate to be voted for at the run-off election dies 7
34 or more days prior to the run-off election, the candidate for the
35 office not theretofore included in the run-off election, but next
36 highest in number of votes for that purpose shall be substituted at
37 the run-off election in the place of the deceased candidate and
38 his name shall be substituted on the ballots for that of the
39 deceased candidate.

40 (cf: P.L.1982, c.13, s.1)

41 ¹[5.] 4.¹ This act shall take effect immediately.

42

43

44

LOCAL GOVERNMENT

45

46 Prohibits municipalities with commission form of government
47 from utilizing run-off election provisions of "Uniform
48 Nonpartisan Elections Law."

ASSEMBLY, No. 2931

STATE OF NEW JERSEY

INTRODUCED JANUARY 25, 1990

By Assemblyman BRYANT

1 AN ACT concerning municipal elections and amending P.L.1981,
2 c.379.

3
4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

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

8 2. This act shall govern all municipalities having adopted a
9 plan or form of government, or a charter, which provides for the
10 election of municipal officers at regular municipal elections held
11 on the second Tuesday in May, including municipalities holding
12 regular municipal elections under the "Optional Municipal
13 Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.), [under the
14 "commission form of government law" (R.S.40:70-1 et seq.),]
15 under the "municipal manager form of government law"
16 (R.S.40:79-1 et seq.), under the village form of government
17 (R.S.40:157-16 et seq.), or under any plan or form of government,
18 or charter, hereafter authorized which provides for the holding of
19 regular municipal elections at that time. This act shall govern
20 these municipalities only with respect to the time, manner and
21 method of election of municipal officers. The officers to be
22 elected, and their number, the length of their terms of office,
23 and their powers and responsibilities shall be determined by the
24 laws authorizing the plan or form of government, or charter,
25 which the municipalities have adopted.

26 (cf: P.L.1981, c.379, s.2)

27 2. Section 4 of P.L.1981, c.379 (C.40:45-8) is amended to read
28 as follows:

29 4. On or before the 59th day prior to a regular municipal
30 election, the names of candidates for all elective offices shall be
31 filed with the municipal clerk, in the following manner and form
32 and subject to the following conditions:

33 a. The petition of nomination shall consist of individual
34 certificates, equal in number to at least 1%, but in no event less
35 than 25, of the registered voters of the municipality or the ward,
36 as the case may be, and shall read substantially as follows:

37 "I, the undersigned, a registered voter of the municipality of
38, residing at certify that I do

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 hereby join in a petition of the nomination of
 2 whose residence is at
 3 for the office of mayor (or
 4 councilman-at-large, or ward councilman of the ward,
 5 [or commissioner,] or village trustee, as the case may be) to be
 6 voted for at the election to be held in the municipality on the
 7, 19....., and I further certify that I know this candidate
 8 to be a registered voter, for the period required by law, of the
 9 municipality (and the ward, in the case of ward councilman) and a
 10 person of good moral character, and qualified, in my judgment, to
 11 perform the duties of the office, and I further certify that I have
 12 not signed more petitions or certificates of nomination than there
 13 are places to be filled for the above office.

14 Signed"

15 Any such petition of nomination which is provided to
 16 candidates by the municipal clerk shall contain the following
 17 notice: "Notice: All candidates are required by law to comply
 18 with the provisions of the "New Jersey Campaign Contributions
 19 and Expenditures Reporting Act." For further information, please
 20 call (insert phone number of the Election Law Enforcement
 21 Commission)."

22 b. Each petition signature shall be on a separate sheet of paper
 23 and shall bear the name and address of the petitioner. The
 24 candidate for office and his campaign manager shall make an
 25 oath before an officer competent to administer oaths that the
 26 statements made therein are true, and that each signature to the
 27 papers appended thereto is the genuine signature of the person
 28 whose name it purports to be, to their best knowledge and belief.
 29 The oath, signed by the candidate, shall constitute his acceptance
 30 of nomination and shall be annexed to the petition, together with
 31 the oath of his campaign manager, at the time the petition is
 32 submitted.

33 c. The municipal clerk shall immediately provide the Election
 34 Law Enforcement Commission with official certification of the
 35 filing or withdrawal of a petition of nomination.

36 (cf: P.L.1985, c. 92, s.34)

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

39 14. Notwithstanding the provisions of section 13 of this act, if
 40 the voters of any municipality shall adopt the proposition of
 41 holding run-off elections in the municipality, at the regular
 42 municipal election held in that municipality the candidates
 43 receiving the greatest number and a majority of votes cast shall
 44 be elected to the respective offices, except that if:

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

49 b. Eight councilmen-at-large ([or commissioners,] or village

1 trustees) are to be elected and four or more candidates for that
2 office receive a majority of the votes cast, the eight candidates
3 receiving the greatest number of votes shall be elected; or

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

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

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

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

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

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

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

44 (cf: P.L.1981, c.379, s.14)

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

47 15. In any regular municipal election held under section 14 of
48 this act, if a sufficient number of candidates do not receive a
49 majority of the votes cast to elect the required number of

1 trustees) are to be elected and four or more candidates for that
2 office receive a majority of the votes cast, the eight candidates
3 receiving the greatest number of votes shall be elected; or

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

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

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

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

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

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

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

44 (cf: P.L.1981, c.379, s.14)

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

47 15. In any regular municipal election held under section 14 of
48 this act, if a sufficient number of candidates do not receive a
49 majority of the votes cast to elect the required number of

1 councilmen-at-large (for commissioners,) or village trustees) or
2 no candidate for mayor or no candidate for ward councilman
3 receives a majority of the votes cast for his respective office, a
4 run-off election in the municipality or ward, as the case may be,
5 shall be held on the fourth Tuesday next following that municipal
6 election; unless in any year that Tuesday shall be the date upon
7 which a primary election shall be held, in which case the run-off
8 election shall be held on the fifth Tuesday next following the
9 municipal election.

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

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

28 If any candidate to be voted for at the run-off election dies 7
29 or more days prior to the run-off election, the candidate for the
30 office not theretofore included in the run-off election, but next
31 highest in number of votes for that purpose shall be substituted at
32 the run-off election in the place of the deceased candidate and
33 his name shall be substituted on the ballots for that of the
34 deceased candidate.

35 (cf: P.L.1982, c.13, s.1)

36 5. This act shall take effect immediately.

37 38 39 STATEMENT

40
41 The purpose of this bill is to amend the "Uniform Nonpartisan
42 Elections Law," P.L.1981, c.379 (C.40:45-5 et seq.) so that it is
43 not applicable to commission forms of government.

44 45 46 LOCAL GOVERNMENT

47
48 Removes applicability of "Uniform Nonpartisan Elections Law"
49 from commission form of municipal government.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY No. 2931

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 1990

The Assembly Municipal Government Committee favorably reports Assembly Bill No. 2931 with Assembly committee amendments.

This bill, as amended by the committee, ensures that municipalities operating under the "commission form of government law," R.S.40:70-1 et seq., do not conduct expensive run-off elections. The amended bill prohibits municipalities operating under the commission form of government from adopting or continuing to use section 15 of P.L.1981, c.379 (C.40:45-19) concerning the holding of run-off elections.

Prior to being amended by the committee, the bill amended the "Uniform Nonpartisan Elections Law," P.L.1981, c.379 (C.40:45-5 et seq.) to remove its applicability to commission forms of government.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 2931

STATE OF NEW JERSEY

DATED: APRIL 26, 1990

The Senate County and Municipal Government Committee reports favorably Assembly Bill No. 2931(1R).

Assembly Bill No. 2931(1R) ensures that municipalities operating under the "commission form of government law," R.S.40:70-1 et seq., do not utilize run-off elections. The amended bill prohibits municipalities operating under the commission form of government from adopting or continuing to use section 15 of P.L.1981, c.379 (C.40:45-19) concerning the holding of run-off elections.

Prior to being first amended, the bill amended the "Uniform Nonpartisan Elections Law," P.L.1981, c.379 (C.40:45-5 et seq.) to remove its applicability to commission forms of government.