

# ASSEMBLY, No. 5404

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 20, 2019

**Sponsored by:**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**SYNOPSIS**

Modifies procedure for change to manner of holding certain municipal elections.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/21/2019)

1 AN ACT concerning the manner of holding certain municipal  
2 elections and amending P.L.1981, c.465.

3

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

6

7 1. Section 7 of P.L.1981, c.465 (C.40:69A-25.1) is amended to  
8 read as follows:

9 7. a. (1) Any municipality governed by a plan of  
10 government adopted pursuant to P.L.1950, c.210 (C.40:69A-  
11 1 et seq.) may, by referendum, amend its charter to include any  
12 alternative permitted under that plan of government. **[The]** Except  
13 as provided in paragraph (2) of this subsection, the question of  
14 adopting an alternative may be initiated by the voters pursuant to,  
15 and subject to the pertinent provisions of, sections 17-35 through  
16 17-47 (C.40:69A-184 through 40:69A-196); or may be submitted to  
17 the voters by ordinance adopted by the governing body, in which  
18 case the question and ordinance shall be subject to the pertinent  
19 provisions of sections 17-42 through 17-47 (C.40:69A-191 through  
20 40:69A-196), except that no petition of the voters shall be  
21 necessary in order to submit the question.

22 (2) (a) The voters may initiate the question of amending the  
23 municipal charter to hold elections according to an alternative set  
24 forth in Group A. of subsection b. of this section pursuant to, and  
25 subject to the pertinent provisions of, sections 17-35 through 17-47  
26 (C.40:69A-184 through 40:69A-196), however, the petition  
27 submitting the ordinance to the municipal council pursuant to  
28 section 17-35 of P.L.1950, c.210 (C.40:69A-184) shall be signed by  
29 a number of the legal voters of the municipality equal in number to  
30 at least 25 percent of the total votes cast in the municipality at the  
31 last election at which members of the General Assembly were  
32 elected.

33 (b) A governing body may submit to the voters a question to  
34 amend the municipal charter to hold elections according to an  
35 alternative set forth in Group A. of subsection b. of this section,  
36 subject to the pertinent provisions of sections 17-42 through 17-47  
37 (C.40:69A-191 through 40:69A-196), however, the ordinance shall  
38 receive an affirmative vote of at least two-thirds of the fully  
39 constituted membership of the municipal council.

40 b. At any election at which the question of adopting an  
41 alternative is to be submitted to the voters pursuant to this section,  
42 the question shall be submitted in substantially the following form:

43 "Shall the charter of (insert name of municipality) governed by  
44 (insert plan of government) be amended, as permitted under that

**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 plan, to provide for (insert appropriate language from below for  
2 the alternative to be voted upon)?"

3 GROUP A.

4 (1) "the holding of regular municipal elections in May;"

5 (2) "the holding of general elections in November;"

6 GROUP B.

7 (3) "the election of all council members at large;"

8 (4) "the division of the municipality into (insert number)  
9 wards with (insert number) council members to be elected at  
10 large and one from each ward;"

11 GROUP C.

12 (5) "the election of all council members for concurrent  
13 terms;"

14 (6) "the election of council members for staggered  
15 terms;"

16 GROUP D.

17 (7) "the election of the mayor by the members of the  
18 council from among their own number;"

19 (8) "the election of the mayor directly by the voters of  
20 the municipality;"

21 GROUP E.

22 (9) "a municipal council to consist of three members;"

23 (10) "a municipal council to consist of five members;"

24 (11) "a municipal council to consist of seven members;"

25 (12) "a municipal council to consist of nine members."

26 If more than one alternative is to be submitted to the voters at the  
27 same time, each alternative shall be separately stated on the ballot  
28 in the form of a question as set forth above. If the provisions of two  
29 or more alternatives adopted at the same election conflict, then that  
30 receiving the greatest affirmative vote shall control. Nothing  
31 contained in this section shall authorize the submission to the voters  
32 of the question of adopting any alternative not authorized by the  
33 plan of government under which the municipality is governed. No  
34 question shall be submitted to the voters pursuant to this section  
35 within 4 years next following the adoption by the municipality of a  
36 plan of government authorized by P.L.1950, c.210 (C.40:69A-1 et  
37 seq.) or **[this act]** P.L.1981, c.465 (C.40:69A-25.1 et al.), or within  
38 4 years next following the date on which the question of adopting it  
39 or any alternative in the same group was last submitted to the voters  
40 pursuant to this section.

41 c. In any municipality having adopted a charter providing for  
42 the division of the municipality into wards, the question of  
43 increasing or decreasing the number of council members to be  
44 elected in the municipality shall be submitted to the voters in the  
45 manner set forth in alternative (4) of Group B. of subsection b. of  
46 this section. None of the alternatives set forth in Group E. of that  
47 subsection shall be submitted to the voters in any municipality  
48 divided into wards, unless at the same election alternative (3) of

1 Group B. of that subsection is also submitted, in which case both  
2 alternatives shall be approved by the voters in order for either to  
3 take effect.

4 (cf: P.L.1981, c.465, s.7)

5

6 2. This act shall take effect immediately.

7

8

9

STATEMENT

10

11 This bill would modify the provisions of the Optional Municipal  
12 Charter Law, P.L.1950, c.210 (C.40:69A-1 et seq.), concerning the  
13 amendment of a municipal charter in order to enhance the  
14 participation requirements necessary to change the manner of  
15 holding municipal elections. It is the sponsor's belief that the  
16 process to propose a change to the manner of holding municipal  
17 elections should require a higher threshold than that required to  
18 make other types of changes to a municipal charter.

19 Under current law, a proposed amendment to a municipal charter  
20 to change from partisan to nonpartisan elections, or nonpartisan to  
21 partisan elections, may be adopted by voter referendum. The public  
22 question may be either initiated by the voters by petition signed by  
23 at least 10 percent of the votes cast in the municipality at the last  
24 General Assembly election, or submitted to the voters by ordinance  
25 approved by a simple majority of the municipal governing body.

26 The bill would require a proposed change to the manner of  
27 election to be either initiated by voter petition signed by at least 25  
28 percent of the votes cast in the municipality at the last General  
29 Assembly election, or submitted to the voters by ordinance  
30 approved by an affirmative vote of at least two-thirds of the fully  
31 constituted membership of the municipal council.