

ASSEMBLY, No. 295

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman ROONEY

1 AN ACT concerning nonbinding county or municipal referenda and
2 amending R.S.19:37-1 and P.L.1967, c.101.

3

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

6

7 1. R.S.19:37-1 is amended to read as follows:

8 19:37-1. When the governing body of any municipality or of any
9 county desires to ascertain the sentiment of the legal voters of the
10 municipality or county upon any question [or policy] pertaining to the
11 government or public policy of this State or of the particular
12 municipality or county, or to the governance, operation or policy of
13 any school district or independent authority or commission which
14 serves all or any portion of the particular municipality or county, or
15 pertaining to the internal affairs [thereof] of the particular municipality
16 or county, and there is no other statute by which the sentiment can be
17 ascertained by the submission of such question to a vote of the
18 electors in the municipality or county at any election to be held
19 therein, the governing body may adopt at any regular meeting an
20 ordinance or a resolution requesting the clerk of the county to print
21 upon the official ballots to be used at the next ensuing general election
22 a certain proposition to be formulated and expressed in the ordinance
23 or resolution in concise form. Such request shall be filed with the
24 clerk of the county not later than 74 days previous to the election.

25 (cf: P.L.1985, c.92, s.29)

26

27 2. Section 2 of P.L.1967, c.101 (C.19:37-1.1) is amended to read
28 as follows:

29 2. Whenever a governing body of a municipality has adopted an
30 ordinance or resolution pursuant to [section] R.S.19:37-1 [of the
31 Revised Statutes], upon the presentation to the governing body of
32 such municipality of a petition signed by 10% or more of the voters

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 registered and qualified to vote at the last general election in such
2 municipality, requesting the governing body of such municipality to
3 ascertain the sentiment of the legal voters of the municipality upon any
4 question [or policy] pertaining to the government or public policy of
5 this State or of the particular municipality or county, or to the
6 governance, operation or policy of any school district or independent
7 authority or commission which serves all or any portion of the
8 particular municipality or county, or pertaining to the internal affairs
9 [thereof] of the particular municipality or county, that is reasonably
10 related to any proposition formulated and expressed in such ordinance
11 or resolution, such governing body of the municipality shall thereupon
12 adopt at its next regular meeting following the presentation of such
13 petition a resolution requesting the clerk of the county to print upon
14 the official ballots to be used at the next ensuing general election a
15 certain proposition as formulated and expressed in the petition. Such
16 request shall be filed with the clerk of the county not later than the
17 60th day previous to the election.

18 (cf: P.L.1985, c.92, s.30)

19

20 3. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill expands the category of propositions which the governing
26 body of a county or municipality may submit to the voters of the
27 jurisdiction in a nonbinding referendum.

28 Under current law, such nonbinding referenda are authorized only
29 with respect to questions "pertaining to the government or the internal
30 affairs" of the particular county or municipality. This qualification has
31 been interpreted by the courts, most recently in Bd. of Chosen
32 Freeholders v. Szaferman, 117 N.J. 94 (1989), as limiting the scope of
33 these referenda to subjects actually encompassed within the specific
34 jurisdictional powers of the county or municipality, irrespective of
35 whether or not a question proposed for submission involves subject
36 matter in which the jurisdiction has a financial or other interest.

37 Under the bill, a municipality or county is authorized to hold a
38 nonbinding referendum on any question pertaining to the government
39 or public policy of the State, as well as that of the particular
40 municipality or county, and also on a question pertaining to the
41 governance, operation or policy of any school district or independent
42 authority or commission which serves all or any portion of the
43 particular municipality or county.

44 The intent of the legislation is to promote the use of municipal and
45 county non-binding referenda as a means of assessing the sentiment
46 and will of the people on matters which, directly or indirectly, affect

1 them. These referenda are the principal means currently available by
2 which popular opinion can be authoritatively expressed on particular
3 issues of public policy. In view of the impact which budgetary
4 constraints at the State level now have on local fiscal conditions, and
5 of the public's increasing concern over environmental, educational and
6 other significant matters which are not within the exclusive regulatory
7 jurisdiction of county and municipal governments, it is important that
8 the scope of these referenda be expanded so that elected officials at all
9 levels of government have a better opportunity to receive the input
10 which the referenda provide.

11

12

13

14

15 Expands category of propositions which governing body of a county
16 or municipality may submit to voters in a nonbinding referendum.