

## ASSEMBLY, No. 792

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# STATE OF NEW JERSEY

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Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

**By Assemblywomen FARRAGHER and J. SMITH**

1   **AN ACT** permitting counties and municipalities to rescind the adoption  
2       of civil service and supplementing Title 11A of the New Jersey  
3       Statutes.

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

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8       1. The clerk of any county or municipality operating under the  
9       provisions of Title 11A of the New Jersey Statutes shall submit the  
10      question of rescinding the adoption in the county or municipality of the  
11      provisions of Title 11A of the New Jersey Statutes to the voters of the  
12      county or municipality upon the filing of a petition with the clerk  
13      requesting the rescission. The petition shall be signed by the  
14      registered voters of the county or municipality equal in number to at  
15      least 15% of the valid votes cast in the county or municipality at the  
16      last preceding general election. Each name shall be printed and signed  
17      and the place of residence indicated by street and number or other  
18      description sufficient to identify the place. At the bottom of each  
19      separate page of the petition there shall be printed an affidavit, which  
20      shall be signed by the circulator of that page, that the circulator, and  
21      only the circulator, personally circulated the page, that all signatures  
22      to the petition appearing on that page were made in the circulator's  
23      presence, and that the circulator believes them to be genuine  
24      signatures of the persons whose names they purport to be. If a  
25      rescission petition is presented to a prospective petition signer by a  
26      part print advertisement, paid mailing, or paid solicitor, the petition  
27      and any appeal for the signature of such a prospective signer shall  
28      disclose prominently (1) the identity of the person paying for the  
29      printed or personal solicitation, and (2) that the solicitor is paid.  
30      Within 10 days from the date of filing the petition, the clerk shall, in  
31      conjunction with and with the cooperation of the commissioner of  
32      registration of the appropriate county, complete an examination and  
33      ascertain whether or not the petition is signed by the requisite number  
34      of qualified voters, shall attach to the petition a certificate showing the  
35      result of the examination, and, in the case of a municipal clerk, shall

1 transmit to the county clerk a notice that the question of rescission has  
2 been qualified for submission to the voters, including with that notice  
3 a copy of the certificate. The question shall be submitted at the next  
4 general election, or alternatively in the case of a municipality in which  
5 municipal elections are held the next municipal election, occurring on  
6 or after the 60th day following the date on which the clerk shall have  
7 issued the certificate.

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9       2. The clerk shall, prior to an election at which the question of  
10 rescinding the adoption of the provisions of Title 11A is to be  
11 submitted to the voters, give public notice of that submission. Public  
12 notice includes, but is not limited to, publication in the county's or  
13 municipality's official newspaper once a week for at least four weeks  
14 and posting the notice in five of the most public places in the county  
15 or municipality for at least four weeks before the election. The  
16 municipal clerk or county clerk, as appropriate, shall cause the  
17 question to be printed upon the ballots to be used at the election.

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19       3. If the clerk refuses or neglects to comply with the provisions of  
20 this act, P.L. , c. (C. ) (now pending before the Legislature as  
21 this bill), a registered voter of the county or municipality may apply to  
22 a judge of the Superior Court in the county in which the political  
23 subdivision is located for an order directing and compelling the  
24 submission of the question involved in the petition. The judge shall  
25 hear the matter summarily. If the judge finds and determines that the  
26 petition is in accordance with law, an appropriate order shall be issued.  
27 Any clerk failing to comply with the order of the court, or any public  
28 official, officer, agent or employee, interfering with, or preventing, a  
29 clerk from satisfying an order, shall be guilty of a crime of the fourth  
30 degree.

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32       4. If the result of the election is favorable to rescinding the  
33 adoption of Title 11A of the New Jersey Statutes, the result shall be  
34 certified by the governing body of the county or municipality to the  
35 Commissioner of the Department of Personnel. The rescission shall  
36 take effect one year following the election at which it was approved.  
37 The Commissioner of the Department of Personnel shall promulgate  
38 regulations providing for the orderly transition, in any county or  
39 municipality which has adopted the rescission, in the personnel system  
40 of the county or municipality during that one-year period. If a  
41 majority of the votes cast at the election are against rescission, no new  
42 election may be held on the same question before the second general  
43 election or municipal election, as appropriate, following the election  
44 at which that rejection of rescission was voted.

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46       5. A county or municipality which rescinds the adoption of the

provisions of Title 11A of the New Jersey Statutes shall not be permitted to readopt the provisions of Title 11A of the New Jersey Statutes for a period of at least five years from the effective date of the rescission and shall be permitted to readopt the provisions of Title 11A of the New Jersey Statutes only once.

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7        6. This act shall take effect immediately.

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## 10 STATEMENT

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This bill provides that the clerk of any county or municipality operating under the provisions of Title 11A of the New Jersey Statutes shall submit the question of rescinding the adoption of civil service in the county or municipality to the voters thereof at the next general or municipal election, as appropriate, occurring on or after the 60th day following certification by the clerk of a petition requesting the rescission. The petition must be signed by the registered voters of the county or municipality equal in number to at least 15% of the valid votes cast in the county or municipality at the last preceding general election.

If the result of the election is favorable to rescinding the adoption of the civil service law, the result is to be certified by the governing body of the county or municipality to the Commissioner of the Department of Personnel. The rescission would take effect one year following the election at which it was approved.

If a majority of the votes cast at the election are against rescission, no new election may be held on the question before the second general or municipal election following the election. A county or municipality which rescinds the adoption of the civil service law shall not be permitted to readopt that law for a period of at least five years from the effective date of the rescission and shall be permitted to readopt the law only once.

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38 Permits counties and municipalities to withdraw from civil service.