

ASSEMBLY, No. 823

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman ARNONE

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

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

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7 1. Section 17 of P.L.1981, c.379 (C.40:45-21) is amended to read
8 as follows:

9 17. a. Any municipality governed by the provisions of this act, but
10 not by the provisions of sections 14 and 15 of this act, may, by
11 referendum, adopt the provisions of those sections. Any municipality
12 governed by the provisions of this act and by the provisions of sections
13 14 and 15 may, by referendum, abandon the provisions of those
14 sections, either in their entirety or only in their applicability to the
15 election of councilmen-at-large, or ward councilmen or both, and
16 continue to be governed by the provisions of this act. The question of
17 adopting, or of abandoning those provisions may be submitted to the
18 voters either by ordinance of the governing body or by petition of the
19 registered voters. Any ordinance adopted, or each petition paper
20 submitted, for the purpose shall state the proposition that run-off
21 elections be held in the municipality; or, in the case of abandonment,
22 that run-off elections not be held in the municipality or that run-off
23 elections for the office of councilman-at-large or the office of ward
24 councilman or both not be held in the municipality.

25 b. Upon adoption by the governing body of an ordinance
26 conforming with the provisions of this section, the municipal clerk
27 shall provide for the submission of the question at the next general
28 election or regular municipal election occurring in the municipality not
29 less than 60 days after the date of the adoption of the ordinance.

30 c. Any petition submitted by the registered voters pursuant to this
31 section shall be signed by the registered voters of the municipality in
32 a number at least equal to 10% of the total votes cast in the

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 municipality at the last preceding general election at which members
2 of the General Assembly were elected. The petition shall be filed with
3 the clerk of the municipality who shall, upon filing, ascertain and
4 certify the number and validity of the signatures affixed thereto. If the
5 petition is determined to be insufficient, the person designated in the
6 petition for the purpose shall have 10 days from the notification of
7 insufficiency to file a supplementary petition designed to rectify the
8 insufficiency, which shall be in the same form and shall be filed in the
9 same manner as the original petition. If no supplementary petition is
10 filed within 10 days after notification, or if the clerk shall examine the
11 supplementary petition and determine that an insufficiency still exists,
12 the clerk shall file a certificate of insufficiency in his office and notify
13 the designated person of the insufficiency. A finding of insufficiency
14 shall not prejudice the filing of a new petition for the same purpose.

15 If the petition is determined to be sufficient, the clerk shall so
16 certify, shall transmit a certified copy to the governing body of the
17 municipality, and shall provide for the submission of the question at
18 the next general election or regular municipal election occurring in the
19 municipality not less than 60 days after the date of certification.

20 d. At the election, the question shall be submitted in the
21 appropriate form as follows:

22 (1) If the ordinance or petition proposes the holding of run-off
23 elections in the municipality, the question shall be posed: "Shall
24 run-off elections be held in (insert name of municipality) as permitted
25 by the 'Uniform Nonpartisan Elections Law'?"

26 (2) If the ordinance or petition proposes the abandonment of
27 run-off elections in the municipality, the question shall be posed:
28 "Shall (insert name of municipality) abandon the holding of run-off
29 elections as permitted by the 'Uniform Nonpartisan Elections Law'?"

30 (3) If the ordinance or petition proposes the abandonment of
31 run-off elections for the office of councilman-at-large or the office of
32 ward councilman, the question shall be posed: "Shall (insert name of
33 municipality) abandon the holding of run-off elections for the office of
34 either 'councilman-at-large' or 'ward councilman,' or both as the case
35 may be, as permitted by the 'Uniform Nonpartisan Elections Law'?"

36 e. The question submitted pursuant to subsection d. of this section
37 shall be approved if a majority of those voting on the question shall
38 vote in favor of the question, and shall take effect for the next regular
39 municipal election held in the municipality and thereafter.

40 f. No ordinance may be adopted and no petition may be filed
41 proposing the adoption of the provisions of sections 14 and 15 of this
42 act, or the abandonment of the provisions of those sections, within
43 four years after the date on which the municipality initially adopted a
44 plan or form of government, or charter, requiring the holding of
45 run-off elections in the municipality, or within four years after the date

1 on which a question was last submitted to the voters pursuant to
2 subsection d. of this section.
3 (cf: P.L.1981, c.379, s.17)

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5 2. This act shall take effect immediately.

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STATEMENT

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10 This bill amends the "Uniform Nonpartisan Elections Law,"
11 P.L.1981, c.379 (C.40:45-5 et seq.), to allow a municipality to
12 conduct a referendum on the abandoning of that part of the law which
13 authorizes run-off elections for the offices of councilman-at-large,
14 ward councilman or both. Under present law, such a referendum
15 could be conducted only on the abandonment of run-off elections in
16 their entirety, which would include run-off elections for the office of
17 mayor. Currently, 19 municipalities have adopted and utilize run-off
18 election provisions.

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Authorizes referendum to abandon certain run-off elections.