

ASSEMBLY, No. 1904

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1996

By Assemblyman ROMA

1 AN ACT concerning the election of mayor in council-manager plans of
2 government, and amending P.L.1950, c.210.

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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 9-6 of P.L.1950, c.210 (C.40:69A-86) is amended to
8 read as follows:

9 9-6. **[Any]** In any municipality adopting a council-manager plan of
10 government and in which the terms of all members of the council
11 expire simultaneously, the charter shall provide that the member who
12 in the most recent election for members of the municipal council
13 received the greatest number of votes shall serve as mayor. Should
14 such person decline to accept the office, then the person receiving the
15 next highest number of votes shall be the mayor, and so on, until the
16 office is filled. In any municipality adopting a council-manager plan
17 of government and in which the terms of all members of the council do
18 not expire simultaneously, the municipality shall provide in its charter
19 either:

20 a. That the mayor shall be elected by the members of the council;
21 in which case on the first day of July or January, as appropriate,
22 following their election, the members-elect of the municipal council
23 shall assemble at the usual place of meeting of the governing body of
24 the municipality and organize and elect one of their number as mayor.
25 The mayor shall be chosen by ballot by majority vote of all members
26 of the municipal council. If the members shall be unable, within five
27 ballots to be taken within 2 days of said organization meeting, to elect
28 a mayor, then the member who in the election for members of the
29 municipal council received the greatest number of votes shall be the
30 mayor. Should such person decline to accept the office, then the
31 person receiving the next highest vote shall be the mayor, and so on,
32 until the office is filled; or

33 b. That the mayor shall be elected directly by the voters of the
34 municipality at the regular municipal election, or general election, as

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 the charter shall provide. At the first election following the adoption
2 of the charter, and each appropriate subsequent election, one position
3 of council member to be elected at large shall be designated and voted
4 for under the title of mayor, and candidates for the position shall be
5 clearly designated as candidates for mayor in their respective
6 nominating petitions. The candidate for mayor receiving the greatest
7 number of votes shall be elected, and shall serve for a term of 4 years.
8 (cf: P.L.1981, c.465, s.26).

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10 2. This act shall take effect immediately.

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STATEMENT

14 This bill would change the method by which a mayor is chosen in
15 one form of the council-manager plan of government. This bill would
16 distinguish between councils that have members who serve concurrent
17 terms of office and those that have staggered terms. In the council-
18 manager plan of government in which council members serve
19 concurrent terms, this bill designates as mayor the council member
20 who received the greatest number of votes at the last council election.

21 The bill would leave unchanged the means by which a mayor is
22 chosen in council-manager plans of government in which council
23 members serve staggered terms of office and in which the mayor is
24 elected directly by the voters of the municipality.

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30 Designates council member as mayor in certain council-manager plans
of government.