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September 6, 2021

The Hon. Robert C. Wilson, J.S.C.
Bergen County Justice Center
10 Main Street, Room 215
Hackensack, NJ 07601

Re: Theodora Lacey, et al. v. Doug Defendant Ruccione, et al.
Docket No: BER-L-005526-21

Dear Judge Wilson:

As you are aware, the undersigned represent the Committee of Petitioners in this matter.¹ The Committee writes in reply to Defendant Ruccione's opposition to the Order to Show Cause, which is currently scheduled for a hearing on September 13, 2021.

A. In Matters Such as This, Injunctive Relief is the Only Available Remedy.

As a threshold matter, Defendant Ruccione criticizes the Committee for seeking preliminary injunctive relief as a matter of course. In fact, preliminary and final injunctive relief is not only standard procedure in matters such as this one, but the only available remedy given the time-sensitive need to be heard before ballots are printed and an election conducted. See, e.g., Bd. of Educ. of E. Newark v. Harris, 467 N.J. Super. 370 (App. Div. 2021) (expediting an election matter given the urgency of issues); Fuhrman v. Mailander, 466 N.J. Super. 572 (App. Div. 2021) (upholding the entry of an order to show cause given the "extremely time-sensitive nature of the matter and the need for immediate

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1. Ruccione states in his opposition that the Committee has the same attorneys as Food & Water Watch ("FWW"), which has a separate matter before this Court. This is inaccurate. The Committee in this case is represented by Scott Salmon and Renée Steinhagen. Ms. Steinhagen has joined this matter solely for purposes of litigation and was not involved in the drafting or circulation of the underlying petition. Moreover, Mr. Salmon does not represent FWW at all and is not involved in any way in either their initiative petition or the subsequent litigation.

Regardless, Defendant Ruccione's argument that, because the parties have the same counsel, the Committee here "was well aware of the proper method to submit a petition" and "deliberately chose a different, and incorrect, procedure," demonstrates his own failure to understand the statutes at play here. While FWW has submitted an ordinance to be included in Teaneck's Municipal Code if passed, the Committee has submitted a charter amendment that would amend Teaneck's Municipal Charter. As described in the Committee's initial pleadings, these are two different procedures governed by two different statutes, which is why the Committee submitted its petition in the form it did.

resolution”); N.J. Democratic Party, Inc. v. Samson, 175 N.J. 178 (2002) (upholding an order to show cause that stayed the printing of ballots); Smith v. Barnegat Light, 219 N.J. Super. 11 (App. Div. 1987) (accelerating the appeal of an election matter *sua sponte*).

If election matters such as this were to operate under a typical track, it will necessarily defeat the purpose of the action, which would not be heard in time.²

B. Defendant Ruccione’s Hyper-Technical Argument Is Premised on Imagined Words That Do Not Exist in the Relevant Statute.

Despite the long and complex history of the statutes at issue, this case can be boiled down to a few basic concepts that follow a logical string:

- Teaneck’s municipal charter is organized under the Faulkner Act, N.J.S.A. 40:69A-1, et seq.
- Under Faulkner, the date of a municipality’s municipal election “**shall** [be] provide[d] in its charter,” thus making a charter amendment necessary to change the date of an election. N.J.S.A. 40:69A-83.1 (emphasis added).³
- N.J.S.A. 40:69A-25.1 provides the template for amending a Faulkner charter.
- Faulkner further allows for either partisan or nonpartisan elections, depending on the specific type of election chosen by the municipality.
- Under New Jersey law, there are other forms of municipal government that both allow for nonpartisan elections and do not require a charter amendment to change the date of that municipal election. See, e.g., the Commission form (also known as the Walsh Act, N.J.S.A. 40:70-1, et seq.); Council-Manager form (also known as the 1923 Municipal-Manager Law, N.J.S.A. 40:79-1, et. seq.).
- In such municipalities, there are no restrictions that require any special procedure to amend the municipal charter other than by ordinance. See, e.g., N.J.S.A. 40:74-9.
- Simultaneously, the Uniform Nonpartisan Elections Law, N.J.S.A. 40:45-5, et seq., governs the time, manner, and method of election of municipal officers in nonpartisan municipal elections (i.e., its procedure). The Uniform Nonpartisan

2. That said, if the Court would like an analysis of the factors under the Crowe v. DeGioia standard, counsel for the Committee will be prepared to discuss them at oral argument.

3. Defendant Ruccione is correct that N.J.S.A. 40:69A-83.1 applies to Teaneck, as opposed to N.J.S.A. 40:69A-34.1. However, instead of being some sort of “gotcha” moment, as if the two statutes contained vast dissimilarities, the two statutes are in fact identical in substance, with -83.1 referring to the election of “the council members” and -34.1 referring to the election of “the mayor and council members.”

Elections Law therefore extends beyond just Faulkner municipalities to **all** applicable municipalities that adopt nonpartisan elections.

- For other forms of municipal government, such as the ones identified previously, the date of the election is not enshrined in the municipal charter itself, merely its municipal code or in its statutory form of government. And even if it were, these non-Faulkner municipalities permit the charter to be amended by ordinance and not by any special procedure such as those under Faulkner. In those municipalities, the 2009 amendment to the Uniform Nonpartisan Elections Law under N.J.S.A. 40:45-7.1 is the **only** method to change the date of the election, whereas, in a Faulkner municipality, it may be but one **alternative** method to change the date. As such, acknowledging that the Faulkner Act, N.J.S.A. 19:69A-25.1, provides a different method for changing a nonpartisan municipal election date does not make the Uniform Nonpartisan Elections Law “irrelevant” or its legislative purpose “frustrated,” as Defendant Ruccione would have this Court believe. *See* Def. Opp., at 24.

Even though the Faulkner Act lays out a procedure in N.J.S.A. 40:69A-25.1 to amend a municipal charter, which necessarily includes alternative dates on which a municipal election may be held, Defendant Ruccione has interpreted the Uniform Nonpartisan Elections Law, specifically N.J.S.A. 40:45-7.1, to override the Faulkner-specific statute.⁴ Conversely, the Committee has argued that the statutes are not in conflict, but, reading them *in pari materia*, and assuming that the Legislature was aware of its own prior enactments, they work harmoniously to provide three options to change the date of a nonpartisan election: (1) the voters can put the question on the ballot through a petition containing the question under N.J.S.A. 40:69A-25.1; (2) the municipality can put the question on the ballot through an ordinance under N.J.S.A. 40:69A-25.1; or (3) the

4. Given the different requirements of the different forms of government, the Uniform Nonpartisan Elections Law specifically states that its terms apply “[e]xcept as may otherwise be provided by law” for municipalities “following its adoption of . . . a charter or amendment thereto.” N.J.S.A. 40:45-7 (emphasis added). In other words, where a specific form of government provides for specific requirements, the Uniform Nonpartisan Elections Law acknowledges those boundaries and steps around them, only filling in the remaining gaps.

Therefore, by its own terms, the Uniform Nonpartisan Elections Law is a **general** statute meant to apply to **all** nonpartisan municipalities, while the Faulkner Act is a **specific** statute meant to apply to a **specific set** of municipalities. Although the Committee does not believe the Uniform Nonpartisan Elections Law and the Faulkner Act are in conflict here, wherever the two are at odds, the Faulkner Act necessarily governs. *See Save Camden Pub. Schs v. Camden City Bd. of Educ.*, 454 N.J. Super. 478, 494 (App. Div. 2018) (quoting *Bd. of Educ. of S. Brunswick v. Eckert*, 361 N.J. Super. 238, 248 (App. Div. 2003)) (“It is a well-established precept of statutory construction that . . . the more specific [statute] controls over the more general.”).

municipality can simply make the change itself under N.J.S.A. 40:45-7.1 without the need for a ballot at all.⁵

However, under Defendant Ruccione's conception of the law, the only option is the third one. He argues that N.J.S.A. 40:69A-25.1 may only be used to change the date of a municipal election when it is also changing it from nonpartisan to partisan or vice versa. As a result, he contends that if the Committee wishes to bring its petition under that statute governing charter amendments, it cannot maintain nonpartisan elections. However, his argument is based on an incorrect reading of the statute that requires one to squint to see words that are not actually present.

Specifically, Defendant Ruccione points to a bill that was before the Legislature in 2000 that was never brought up for a vote, never passed by the Legislature, and never signed into law (and which only applied to a different form of Faulkner Act municipality than that of Teaneck). As such, it is functionally irrelevant.

Defendant Ruccione also discusses the 2019 bill, A5404, arguing that the Legislature amended N.J.S.A. 40:69A-25.1 to raise the signature requirement from 10% to 25% when a petition seeks to change the manner of holding a municipal election.⁶ Defendant Ruccione, however, fails to acknowledge that by the actual terms of the bill and its sponsor statement ("This bill would modify the provisions . . . concerning the amendment of a municipal charter to enhance the participation requirement necessary to change the manner of holding municipal elections."), the **only** thing A5404 did was to modify the **signature requirement** of a petition brought under the statute. Moreover, based on the same sponsor statement, A5404 was intended to increase the signature requirement **only** to changes from nonpartisan to partisan elections and vice versa, and no other type of charter amendment.⁷

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5. See N.J.S.A. 40:69A-150 (amended in 2009 to permit a Faulkner municipality that held nonpartisan elections in May to hold them in November under N.J.S.A. 40:45-7.1 as an option).
 6. Defendant Ruccione does not address why he believes the Committee was required to obtain (or why he compelled the Committee to expend the effort to obtain) the 25% signature requirement under N.J.S.A. 40:69A-25.1 while simultaneously arguing that the statute does not govern the type of petition proposed by the Committee. If the statute is irrelevant, then N.J.S.A. 40:69-184 applies, which imposes a 10% requirement. This is the case since the Uniform Nonpartisan Elections Law does not set forth a process for **citizens**, as opposed to the municipality itself, to initiate a change in the date of nonpartisan elections to November, and citizens in either Walsh or Faulkner municipalities would therefore have the option to initiate the ordinance only under their respective general right to initiate "any" ordinance. Citizens in other municipalities governed by the Uniform Nonpartisan Elections Law do not have the right to initiate the change of date since those forms of government do not give their citizens the general right of initiative and referendum.
 7. If the Legislature wanted to eliminate the ability of a Faulkner municipality to change the date of a nonpartisan election from May to November through this provision, it could have specifically referenced the 2009 amendment to the Uniform Nonpartisan Elections Law, N.J.S.A. 40:45-7.1. Alternatively, it could have expressly limited N.J.S.A. 40:69A-25.1 to apply

“It is a basic rule of statutory construction to ascribe to plain language its ordinary meaning.” Bridgewater-Raritan Educ. Ass’n v. Bd. of Educ. of Bridgewater-Raritan Sch. Dist., Somerset Cty., 221 N.J. 349, 361 (2015). “If the plain language leads to a clear and unambiguous result, then our interpretative process is over.” State v. Rodriguez, 238 N.J. 105, 114 (2019).

In fact, A5404 was passed only for amendments to the date and type of the election, not any other charter amendment that could be made under the statute pursuant to alternatives other than Alternative A. Nothing in the actual bill or sponsor statement indicates that N.J.S.A. 40:69A-25.1(a)(2) can only be used to switch from partisan/nonpartisan elections to the other; rather, it merely raises the signature requirement for petitions seeking such a change and leaves every other type of amendment, such as size of the council and other changes contemplated in Alternatives B-E, untouched.⁸

In other words, Defendant Ruccione is arguing that A5404 was intended to not only increase the signature requirement, **but also** limit the type of amendment that can be made under Alternative A. Unfortunately for the Defendant, the statute does not actually say that, nor does the sponsor statement or Governor Murphy’s cited comments. On the contrary: the statement and comments merely address their intent to increase the participation rate for changes to the **type** of municipal election (from nonpartisan to partisan), and do not address changes to the **date** of the election (from May to November) that are also governed by change in charter questions set forth in Alternative A.

C. Inclusion of an Ordinance is Unnecessary and Makes No Practical Difference.

Any hyper-technical argument about which statute applies, N.J.S.A. 40:69A-25.1 or N.J.S.A. 40:45-7.1 (implemented by voters via N.J.S.A. 40:69A-184), is an academic exercise that simply muddies the water. As a practical matter, the only relevant difference

only to partisan or nonpartisan switches. However, by not doing either of those things, it can be presumed that the two statutes are not in conflict and nothing prohibits a change in date of election while maintaining nonpartisan procedures. This Court should not presume language (and restrictions) that are absent from the text of the statutes.

8. Defendant Ruccione’s position also fails logically. He argues over the definitions of “general elections” versus “regular elections,” even though this question was settled in Jersey City Civic Comm. v. Netchert, 2016 N.J. Super. Unpub. LEXIS 2089, *12 (“None of the statutes Plaintiffs list use partisan or nonpartisan language to describe general and regular elections . . . Consequently, the Plaintiffs’ definition for general and regular elections is incorrect.”). If a nonpartisan election cannot be held in November given Defendant’s definitions, which would limit May to nonpartisan elections and November to partisan for all Faulkner municipalities, then how can he also argue that a change to nonpartisan elections in November could be done if a different procedure were used, even though Faulkner still applies?

between the two statutes is whether or not an ordinance is required to be presented to the voters who are being asked to sign the petition.⁹

As such, perhaps the most glaring omission in Defendant Ruccione’s opposition is any type of response to the ordinance provided by the City of Jersey City. As Netchert demonstrates, an ordinance is **not** required for this purpose. In that case, the City Council for Jersey City passed an ordinance which, *inter alia*, acknowledged that it was within the Council’s powers “to change the date pursuant to the Uniform Nonpartisan Elections Law, N.J.S.A. 40:45-7.1.” Pl. Exhibit J. Nevertheless, the ordinance continued, the City Council chose “to effectuate the change in the election date if the voters approve a binding referendum to amend the Charter” pursuant to N.J.S.A. 40:69A-25.1. Id. The City Council, via the ordinance, directed the municipal clerk to submit the question to the voters of whether or not to switch the date of its municipal elections. Id.¹⁰ The functional purpose of this Council-initiated ordinance was to set forth the language of the ballot question and to direct the municipal clerk to place the question on the ballot. The ordinance itself was unnecessary other than that it was the only method by which the City Council could formally act—and indeed, it would have been redundant had Jersey City residents, as opposed to the City Council, initiated a direct initiative petition.

Similar to Jersey City, the Township of Manchester proposed a functionally identical ordinance that put the same question on the ballot in 2011. See Exhibit A. On the ballot itself, just as with Jersey City, only the question appears, not the text of the ordinance itself. See Exhibit B. This further demonstrates the futility of an ordinance in this instance.¹¹

Notably, Defendant Ruccione does not argue that a theoretical ordinance drafted by the Committee would contain any substantive material that is different than the question posed and thus must be seen by the voters when endorsing the petition. That is, in this case, any

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9. While there are also differences as to the number of signatures required, Defendant Ruccione concedes that the Committee has more than satisfied both requirements by obtaining in excess of the higher 25% standard. Def. Exhibit 11. Therefore, it is not critically relevant at this point.
 10. Judge Bariso upheld Jersey City’s authority to move its nonpartisan municipal elections from May to November under N.J.S.A. 40:69A-25.1. See Netchert, 2016 N.J. Super. at *16.
 11. Empower Our Neighborhoods, et al. v. Torrisi, et al., MID-L-10613-08 (“EON”), supports the Committee’s position. As Defendant Ruccione concedes, the EON Court held that an ordinance is not required when the direct petition method is used pursuant to N.J.S.A. 40:69A-25.1. Defendant overreaches, however, when he claims that the Committee cannot rely on N.J.S.A. 40:69A-25.1 because that statute “only permits a municipality to change the form of its elections from nonpartisan municipal elections to partisan municipal elections.” Def. Opp. at 13. Defendant Ruccione need look no further than EON, where the plaintiffs relied on N.J.S.A. 40:69A-25.1 for a purpose **other than to change the form of its elections from nonpartisan to partisan**, an approach endorsed by Judge Hurley. See EON at pg. 22 (directing the county clerk to place plaintiffs’ question as posed in the petition and concerning a proposed division of the city into six wards, onto the ballot).

ordinance would just be an affirmative declaration of the same language that is now posed in question form on the Committee’s petition. No new information would be included in any ordinance seeking to change the date of the election than is currently contained in the question itself, which was read by the signatories to the petition before signing.

In addition, and as the Committee has previously explained, in the context of N.J.S.A. 40:69A-25.1, the only purpose of an ordinance is to allow the governing body to put the question of a change of date moving May nonpartisan elections to November to the voters. That is why the **only** critical section of such an ordinance is to procedurally put forth the specific language of the question to be placed on the ballot, which, when initiated by the voters, is already included in the petition itself. Requiring petitioners to initiate an ordinance when changing the charter is therefore superfluous and, in effect, meaningless.

D. Defendant Ruccione Creates Confusion Where There Is None.

Defendant Ruccione further rejected the Amended Petition in his Second Notice because he maintains that the question posed, as written in the Committee’s petition, would be “confusing” to voters because it “conflate[es]” N.J.S.A. 40:69A-25.1 and N.J.S.A. 40:45-7.1. See Def. Opp. at 20-22; Certification of Doug Ruccione, ¶¶ 23, 25.¹²

As an initial matter, Defendant Ruccione only raised this reason for rejecting the petition in the Second Notice—after the time period for curing any purported defects had elapsed—even though he was obligated to do so when he provided the Initial Notice. See Fuhrman, supra, 466 N.J. Super. at 595 (“At that point, plaintiffs would still have had sufficient time to gather the necessary signatures. By not informing plaintiffs until much later . . . defendant essentially created a dead end for plaintiffs.”). **It cannot be stressed enough that the rejection of a petition is not meant to be a guessing game.** It is not the Committee’s obligation to divine what Defendant Ruccione’s “real” basis for rejection might be at some point in the future. **If Ruccione believed there was a valid basis for rejecting the petition, it was his obligation to inform the Committee of that basis in his Initial Notice—if not during earlier communications with the Committee—so that the Committee may have had an opportunity to cure the deficiency, as permitted by law.** That is why, by law, Defendant Ruccione is given 20 days to review the petition and determine all such deficiencies and why the Committee is allowed to cure the deficiencies listed. See N.J.S.A. 40:69A-187 and -188. Defendant Ruccione’s failure to do so here should result in him being estopped from coming up with a new basis for rejection after the fact, when it was too late for the Committee to clarify any alleged confusion.

12. Defendant Ruccione quotes EON for the proposition that “genuine and clear communication” in a petition initiative is necessary. See Def. Opp. at 21. Fair enough, and the Committee respectfully submits that it has adhered to this guideline. But Ruccione fails to quote the preceding sentence from EON: “The text of Plaintiffs’ petition should not be subjected to a hypercritical and tortuous scrutiny.” EON at 20. The Defendant is guilty of the latter.

Moreover, Defendant Ruccione’s arguments about confusion “go far afield of [his] ministerial role as municipal clerk.” See Fuhrman, supra, 466 N.J. Super. at 595. Defendant Ruccione’s role is not to try and get into the mind of the “reasonable” voter; rather, his “sole ministerial duty in processing plaintiffs’ petition” is to certify “whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters.” Id. (citing N.J.S.A. 40:69A-187).

As to the merits of Defendant’s contention, Ruccione’s position is contravened by both the Jersey City and Manchester examples, which contain language that is arguably more confusing than the Committee’s petition here.¹³ By way of comparison:¹⁴

Teaneck Proposed Question	Jersey City Question ¹⁵	Manchester Question
Shall the Charter of the Township of Teaneck, governed by the Council-Manager Plan of the Optional Municipal Charter Law, be amended, as permitted under that plan, to provide for the holding of nonpartisan general elections in November pursuant to the Uniform Nonpartisan Elections Law?	Should the Charter of the City of Jersey City, governed by Mayor-Council Form C, be amended as permitted under that plan, to provide for the holding of its regular, nonpartisan municipal elections on the same date of the general election in November, pursuant to <u>N.J.S.A.</u> 40:69A-34.1(b)?	Shall the Charter of the Township of Manchester governed by the Mayor-Council Plan of Government be amended, as permitted under that plan, to provide for the holding of municipal elections in November while retaining such election as Nonpartisan pursuant to the provisions of <u>N.J.S.A.</u> 40:45-7.1?

13. It should be noted, however, that both examples establish that since 2009, the ability to hold nonpartisan elections in November have compelled municipalities and citizens to modify the question set forth for Alternative A in N.J.S.A. 40:69A-25.1 when moving elections from May to November. They have done so to let the voters know whether a change in the nature of the election is contemplated as well as a change in the date or simply a change in the date.
14. Defendant Ruccione acknowledges that the Committee must use language that is merely “substantially” similar to—not a precise mirror of—the language used in N.J.S.A. 40:69A-25.1. See Def. Opp. at 16. The Committee has met this burden. Given his admission as well as the Jersey City and Manchester examples, this argument does not need to be addressed in detail, except to say that his only objections are the inclusion of “nonpartisan” and the reference to the “Uniform Nonpartisan Elections Law,” which, if removed, would unequivocally create the very confusion that Defendant Ruccione claims already exists.
15. Judge Bariso addressed and rejected nearly identical arguments in Netchert that Defendant advances here. In dismissing the Jersey City lawsuit, where the plaintiffs argued that the defendants were impermissibly choosing elements of two discrete statutes, the Court held that “Defendants have proper authority under both the Faulkner Act and the Uniform Nonpartisan Elections Laws to change the municipal election date from May to November.” Netchert, 2016 N.J. Super. at *10 and *12-*13. Moreover, to alleviate any potential confusion, Judge Bariso ordered the defendants to revise the proposed referendum to **add** the word “non-partisan” before the phrase “municipal elections,” which was initially absent from the question. Id. at *14. By following Judge Bariso’s lead, the Committee is minimizing possible voter confusion.

Manchester in particular doesn't merely reference the Uniform Nonpartisan Elections Law like the Committee's petition; it references the statute, not the name of the law, which would be unknown to almost certainly every voter who came across it. By Ruccione's own admission, both the proposed question and the interpretive statement in the Committee's petition make it abundantly clear that the elections would remain nonpartisan if the question is approved, whether they are held in May or November. His primary issue appears to be a belief that voters will not understand the legislative history of both statutes and be confused as to their interplay. Of course, unless Ruccione is also arguing that all voters in Teaneck are well-briefed election lawyers, simply referencing the name of the statute that will govern the procedures of the election will not generate any confusion whatsoever. Ultimately, it is clear what the Committee is trying to do, and that is enough.

E. Alleged Technical Defects Should Not Bar This Petition.

Even if an ordinance were required, it is well-established that "perceived minor technical noncompliance" is an insufficient basis to keep a public question off the ballot. Fuhrman, *supra*, 466 N.J. Super. at 579. Indeed, "a technical ballot error should not override the clear choice of the electorate to save taxpayer dollars and increase voter participation" by holding municipal elections in November. *Id.* at 591. And in this context, where an ordinance would contain the same content as the public question, the absence of an ordinance is clearly, and at best, a minor technical error.

Here, the voters have clearly spoken that they want this question to be placed on the ballot, so they have a choice to accept or reject it. Ruccione has certified that more than 27% of the total number of registered voters who cast a ballot in the 2019 election for the General Assembly signed either the Initial or Amended Petition. Ultimately, the question may pass or fail, but it deserves to do so at the hand of the voters, not an unelected clerk.

The Committee, therefore, asks this Court to enjoin Defendant Ruccione and compel him by writ of mandamus to have the question certified and placed on the ballot.

Respectfully submitted,
JARDIM, MEISNER & SUSSER, P.C.

/s/ Scott D. Salmon, Esq.
 Scott D. Salmon, Esq.
Attorneys for Plaintiffs

NEW JERSEY APPLESEED PILC

/s/ Renée Steinhagen, Esq.
 Renée Steinhagen, Esq.
Attorneys for Plaintiffs

Exhibit A

#11-016

**AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING A REFERENDUM ON THE QUESTION TO
AMEND THE MUNICIPAL CHARTER TO MOVE THE TOWNSHIP'S
MUNICIPAL ELECTION TO THE NOVEMBER GENERAL ELECTION DATE
PURSUANT TO N.J.S.A. 40:69A-25.1 ET SEQ AND N.J.S.A. 40:69A-192
WHILE RETAINING SUCH ELECTION AS NON-PARTISAN PURSUANT
TO THE PROVISIONS OF N.J.S.A. 40:45-7.1**

WHEREAS, the Township of Manchester, by charter, is subject to and governed by the Uniform Nonpartisan Election Law, N.J.S. 40:45-5 et seq., pursuant to which municipal elections have been held on the second Tuesday in May, and runoff elections in June; and,

WHEREAS, Public Law 2009, Chapter 196, which was enacted by the New Jersey State Legislature and approved on January 14, 2010, authorizes municipalities holding nonpartisan elections in May to choose, by ordinance, to hold municipal elections on the same day as the general election in November; and,

WHEREAS, the Ordinance set forth below, which changes the municipal election date to the same day as the November general election, shall only take effect upon the approval of a majority of the voters at the general election to be held on November 8, 2011.

NOW, THEREFORE, BE IT RESOLVED AND ENACTED by the Township of Manchester in the County of Ocean, State of New Jersey, that the Township Clerk shall cause to be placed on the ballot at the next general or regular municipal election occurring not less than 40 days from the date of final passage and approval of this ordinance, the following question:

“Shall the Charter of the Township of Manchester governed by the Mayor-Council Plan of Government be amended, as permitted under that plan, to provide for the holding of municipal elections in November while retaining such election as Non-Partisan pursuant to the provisions of N.J.S.A. 40:45-7.1?”

BE IT FURTHER RESOLVED, that the following interpretive statement shall also be placed on the ballot:

“This proposed ordinance would change the municipal elections, currently held the second Tuesday in May, to the General Election date, held on the first Tuesday after the first Monday in November; while retaining a non-partisan form of government, meaning the candidates will not be an affiliate of any political party.”

BE IT FURTHER RESOLVED, that the foregoing Ordinance shall be submitted to the voters of Manchester Township at the general election to be held on November 8, 2011, and shall take effect only upon the approval of a majority of the voters who vote on this question; and if the Ordinance shall fail to achieve such majority, it shall be void and of no force or effect; and,

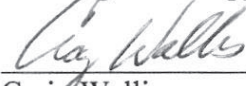
AND BE IT FURTHER RESOLVED, that the Township Clerk shall take all actions necessary to implement this Ordinance.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

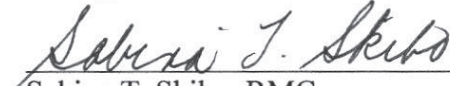
Pursuant to the provisions of N.J.S.A. 40:69A-181(b), this ordinance shall take effect twenty (20) days after its final passage by the Township Council and approval by the Mayor where such approval is required by law.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced at a meeting of the Township Council of the Township of Manchester, in the County of Ocean and State of New Jersey on the 13th day of June, 2011, and was then read for the first time. The said ordinance will be further considered for final passage by the Township Council in the Town Hall at 6:00 p.m. on June 27, 2011. At such time and place or any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.



Craig Wallis
Council President



Sabina T. Skibo, RMC
Township Clerk

Affidavit of Publication

Publisher's Fee \$109.00 Affidavit \$35.00

State of New Jersey } SS.
Monmouth/Ocean Counties

Personally appeared Daryl Newman

Of the **Asbury Park Press**, a newspaper printed in Freehold, New Jersey and published in Neptune, in said County and State, and of general circulation in said county, who being duly sworn, deposeth and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

6/16/11

Kathleen A. Gibson
Notary Public State of New Jersey
My Commission Expires Dec. 18, 2014

A.D. 2011

Kathleen A. Gibson

Sworn and subscribed before me, this
16 day of June, 2011

Notary Public of New Jersey

TOWNSHIP OF MANCHESTER

#11-016
AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A REFERENDUM ON THE QUESTION TO AMEND THE MUNICIPAL CHARTER TO MOVE THE TOWNSHIP'S MUNICIPAL ELECTION TO THE NOVEMBER GENERAL ELECTION DATE PURSUANT TO N.J.S.A. 40:69A-25.1 ET SEQ AND N.J.S.A. 40:69A-192 WHILE RETAINING SUCH ELECTION AS NON-PARTISAN PURSUANT TO THE PROVISIONS OF N.J.S.A. 40:45-7.1

WHEREAS, the Township of Manchester, by Charter, is subject to and governed by the Uniform Nonpartisan Election Law, N.J.S. 40:45-5 et seq., pursuant to which municipal elections have been held on the second Tuesday in May, and runoff elections in June; and

WHEREAS, Public Law 2009, Chapter 196, which was enacted by the New Jersey State Legislature and approved on January 14, 2010, authorizes municipalities holding nonpartisan elections in May to choose, by ordinance, to hold municipal elections on the same day as the general election in November; and

WHEREAS, the Ordinance set forth below, which changes the municipal election date to the same day as the November general election, shall only take effect upon the approval of a majority of the voters at the general election to be held on November 8, 2011.

NOW, THEREFORE, BE IT RESOLVED AND ENACTED by the Township of Manchester in the County of Ocean, State of New Jersey, that the Township Clerk shall cause to be placed on the ballot at the next general or regular municipal election occurring not less than 40 days from the date of final passage and approval of this ordinance, the following question:

"Shall the Charter of the Township of Manchester governed by the Mayor-Council Plan of Government be amended, as permitted under that plan, to provide for the holding of municipal elections in November while retaining such election as Non-Partisan pursuant to the provisions of N.J.S.A. 40:45-7.1?"

BE IT FURTHER RESOLVED, that the following interpretive statement shall also be placed on the ballot:

"This proposed ordinance would change the municipal elections, currently held the second Tuesday in May, to the General Election date, held on the first Tuesday after the first Monday in November, while retaining a non-partisan form of government, meaning the candidates will not be an affiliate of any political party."

BE IT FURTHER RESOLVED, that the foregoing Ordinance shall be submitted to the voters of Manchester Township at the general election to be held on November 8, 2011, and shall take effect only upon the approval of a majority of the voters who vote on this question, and if the Ordinance shall fail to achieve such majority, it shall be void and of no force or effect, and.

AND BE IT FURTHER RESOLVED, that the Township Clerk shall take all actions necessary to implement this Ordinance.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Pursuant to the provisions of N.J.S.A. 40:69A-181(b), this ordinance shall take effect twenty (20) days after its final passage by the Township Council and approval by the Mayor where such approval is required by law.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced at a meeting of the Township Council of the Township of Manchester, in the County of Ocean and State of New Jersey on the 13th day of June, 2011, and was then read for the first time. The said ordinance will be further considered for final passage by the Township Council in the Town Hall at 6:00 p.m. on June 27, 2011. At such time and place or any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Sabina T. Skibo, RMC
Township Clerk

(\$109.00) 351229

Affidavit of Publication

Publisher's Fee \$30.00 Affidavit \$35.00

State of New Jersey } SS.

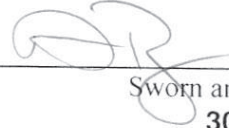
Monmouth/Ocean Counties

Personally appeared Ana Poliese

Of the **Asbury Park Press**, a newspaper printed in Freehold, New Jersey and published in Neptune, in said County and State, and of general circulation in said county, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

6/30/11

A.D. 2011



Sworn and subscribed before me, this
30 day of **June**, 2011

Kathleen A. Gibson
Notary Public of New Jersey

TOWNSHIP OF MANCHESTER

#11-015

ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE SALARY RANGES OF SWORN POLICE PERSONNEL

#11-016

AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING A REFERENDUM ON THE QUESTION TO AMEND THE MUNICIPAL CHARTER TO MOVE THE TOWNSHIP'S MUNICIPAL ELECTION TO THE NOVEMBER GENERAL ELECTION DATE PURSUANT TO N.J.S.A. 40:69A-25.1 ET SEQ AND N.J.S.A. 40:69A-192 WHILE RETAINING SUCH ELECTION AS NON-PARTISAN PURSUANT TO THE PROVISIONS OF N.J.S.A. 40:45-7

NOTICE IS HEREBY GIVEN that the foregoing ordinances were adopted on second reading by the Township Council at a meeting held on the 27th day of June 2011
SABINA T. SKIBO, R.M.C.
Municipal Clerk

(\$30.00) 359855

Kathleen A. Gibson
Notary Public State of New Jersey
My Commission Expires Dec. 18, 2014

Exhibit B

THIS BALLOT CANNOT BE VOTED. IT IS A SAMPLE COPY OF THE OFFICIAL GENERAL ELECTION BALLOT USED ON ELECTION DAY.
OFFICIAL GENERAL ELECTION COUNTY OF OCEAN NOVEMBER 8, 2011
POLLS OPEN BETWEEN 6:00 A.M. AND 8:00 P.M.

Scott M. D'Abella
 SCOTT M. COLABELLA, County Clerk

Sabina T. Skibo, Municipal Clerk
 Township of Manchester

INSTRUCTIONS FOR VOTING

- 1 Press the button to the right of the candidate of your choice; a green "X" will appear next to your selection.
- 2 To change a selection, press the button again. The green "X" will disappear and you may make a new selection.
- 3 If you wish to cast a WRITE-IN vote, go to the PERSONAL CHOICE column and press the button next to WRITE-IN across from the office you wish to write-in. A blinking green "X" will appear. Using the alphabetical keyboard below, enter the name of the person of your choice, one letter at a time. To make a space between first and middle name or initial and last name use the arrow pointing to the right on the keyboard. To make a correction, use the arrow pointing to the left. The name you enter will appear in the display to the left of the keyboard. When you have entered the whole name, proof it, then press the ENTER button on the keyboard. Your choice is recorded and removed from the display. Do not press the Cast Vote Button until all other choices are complete. (Each write-in is a separate entry)

- WARNING!** An improperly cast write-in vote will be deemed void. Be sure that your write-in vote is cast in the PERSONAL CHOICE column on the same line as the office for which you are casting the write-in vote.
- 4 To vote on the PUBLIC QUESTIONS press the button to the right of the word "YES" or "NO"; a green "X" will appear next to your selection.
 - 5 After ALL selections have been made, press the RED CAST VOTE BUTTON located in the lower right corner. This electronically records all of your votes.
 - 6 Part the curtains and exit the voting booth.
- SHOULD YOU HAVE ANY QUESTIONS REGARDING THESE INSTRUCTIONS PLEASE ASK THE DISTRICT BOARD WORKER BEFORE ENTERING THE VOTING BOOTH.**

OFFICE TITLE	REPUBLICAN COLUMN A	DEMOCRATIC COLUMN B	NOMINATION BY PETITION COLUMN C	NOMINATION BY PETITION COLUMN D	PERSONAL CHOICE	PUBLIC QUESTIONS TO BE VOTED UPON
MEMBER OF THE STATE SENATE (10 YEAR TERM (VOTE FOR ONE) TWO YEAR TERM (VOTE FOR TWO)	1A JIM HOLZAPFEL REPUBLICAN	1B CHARLES P. TIVENAN DEMOCRATIC			WRITE-IN <input type="checkbox"/> (USE KEYBOARD BELOW)	STATE QUESTION NO. 1 CONSTITUTIONAL AMENDMENT AUTHORIZING LEGISLATURE BY LAW TO ALLOW WAGERING ON SPORTS EVENTS AT ATLANTIC CITY CASINOS AND AT HORSE RACETRACKS Shall the amendment to Article IV, Section VII, paragraph 2 of the Constitution of the State of New Jersey, agreed to by the Legislature, providing that it shall be lawful for the Legislature to authorize by law wagering at casinos or gambling houses in Atlantic City and at current or former running and harness horse racetracks on the results of professional, certain college, or amateur sport or athletic events, be approved? INTERPRETIVE STATEMENT A "Yes" vote on this question would allow the Legislature, when permitted by federal law, to legalize the placing of bets on certain sports events at casinos, racetracks, and former racetrack sites. Currently, federal law only permits this type of betting in Nevada and Delaware. It also occurs through illegal betting operations. If legalized in New Jersey, bets could be placed on professional, college, or amateur sports or athletic events, except that bets could not be placed on any college sports or athletic event that takes place in New Jersey or in which a New Jersey college team is playing.
	2A DAVE WOLFE REPUBLICAN	2B BETTE WARY DEMOCRATIC			WRITE-IN <input type="checkbox"/> (USE KEYBOARD BELOW)	
	3A GREGORY P. MCGUCKIN REPUBLICAN	3B ELLI EYTAN DEMOCRATIC			WRITE-IN <input type="checkbox"/> (USE KEYBOARD BELOW)	
MEMBER OF THE GENERAL ASSEMBLY (10 YEAR TERM (VOTE FOR ONE) TWO YEAR TERM (VOTE FOR TWO)	4A JOE VICARI REPUBLICAN	4B MICHELE ROSEN DEMOCRATIC			WRITE-IN <input type="checkbox"/> (USE KEYBOARD BELOW)	LOCAL QUESTION NO. 1 Shall the Charter of the Township of Manchester governed by the Mayor-Council Plan of Government be amended, as permitted under that plan, to provide for the holding of municipal elections in November while retaining such election as Non-Partisan pursuant to the provisions of N.J.S.A. 40:45-7.1? INTERPRETIVE STATEMENT This proposed ordinance would change the municipal elections, currently held the second Tuesday in May, to the General Election date, held on the first Tuesday after the first Monday in November, while retaining a non-partisan form of government, meaning the candidates will not be an affiliate of any political party.
					YES <input type="checkbox"/> NO <input type="checkbox"/>	

WARNING
 DO NOT PRESS THE
 'CAST VOTE' BUTTON
 UNTIL YOU HAVE
 MADE ALL DESIRED
 SELECTIONS.
 CAST VOTE
 BUTTON

OFFICIAL GENERAL ELECTION SAMPLE VOTING MACHINE BALLOT APPEARS ON THE OTHER SIDE

IMPORTANT ! ATTENTION VOTERS !

FAMILIARIZE YOURSELF WITH THIS BALLOT AND INSTRUCTIONS. IT WILL ASSIST YOU IN VOTING, AND SAVE TIME ON ELECTION DAY. ALL VOTERS WHO CAN, SHOULD VOTE EARLY IN THE DAY AND THUS AVOID THE POSSIBILITY OF CONGESTION AND INCONVENIENCE TO THEMSELVES AND OTHERS NEAR THE CLOSE OF THE POLLS.

Additional voter information will be available
in all polling locations or visit:
www.njelections.org
www.oceancountyclerk.com

Township of Manchester

YOUR POLLING PLACE ACCESSIBLE
ASSISTANCE IS AVAILABLE

Official General Election Sample Ballot
In cases where the sample ballot is to be sent to an address who does not receive the mail by delivery to his home or through rural free delivery, it not delivered within the days return to the Commissioner of Registration and in other cases if not observed within two days return to the Commissioner of Registration.
COMMISSIONER OF REGISTRATION
COUNTY OF OCEAN
NOVEMBER 2, 2008
TOWNSHIP OF MANCHESTER
40754-2006
RETURN SERVICE REQUESTED

POSTMASTER:
PLEASE DELIVER BY FRIDAY NOVEMBER 4, 2011



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