

# **Exhibit 1**

# Re: One Town, One Vote.pdf

From: Ron Schwartz <rockinron698@yahoo.com>  
To: Doug Ruccione <druccione@teanecknj.gov>  
Cc: jshahdanian@marc.law  
Date: 5/28/2021 1:35 PM

---

Thanks Doug. We are shooting for 1k signatures. Ron

Sent from my iPhone

On May 28, 2021, at 1:22 PM, Doug Ruccione <druccione@teanecknj.gov> wrote:

Happy Friday, Mr. Schwartz.

That is the number I come up with also but would recommend atleast upwards of 825 since there are typically signatures that are not valid.

However, in reviewing the statute it is not so clear that 10% is the minimum you require. I would like our attorney to look into that also.

Also - depending on changes that may or may not have to be made to the petition - if they are considered "substantial" you may have to re-do signatures.

Be safe this weekend & enjoy!

-

Doug Ruccione  
Township Clerk  
Clerk's Office  
Township of Teaneck  
818 Teaneck Road  
T. 201-837-1600, Ext. 1028

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Follow us on Twitter! @TeaneckNJgov

**From:** Ron Schwartz <rockinron698@yahoo.com>  
**To:** Doug Ruccione <druccione@teanecknj.gov>

**Cc:** <jshahdanian@marc.law>

**Sent:** 5/28/2021 12:39 PM

**Subject:** Re: One Town, One Vote.pdf

Hi Doug: Thanks so much for your response. I would be happy to meet with you on zoom next Friday to get your input on the petitions. Noah Liben from our committee will also be attending. How does 2pm work for you?

However, because of time constraints, our committee determined last night that we cannot miss the opportunity to gather some signatures and give out information at Monday's festival, so we are going ahead with what we have for the time being.

We recognize that we may need to make some changes after your review.

Are you able to supply us with the number of signatures required today? We calculate the 10% figure from the 2019 Assembly election as 791.

Again, thank you for any assistance and guidance that you can provide. I look forward to meeting you next week. Stay safe!

Ron Schwartz

Sent from my iPhone

On May 27, 2021, at 2:55 PM, Doug Ruccione <druccione@teanecknj.gov> wrote:

Good afternoon, & happy Thursday, Mr. Schwartz.

Thank you for reaching out!

We have received your materials for review - I have copied our Township Attorney who will be assisting in the process. This is a rather legal process so it would be best to involve our Counsel from the ground floor.

I apologize about today - it is rather busy ramping up for the election and some events we have coming up.

This week will not work for us. I could do late next week, maybe Friday afternoon for a ZOOM Call?

I know the attorney is currently reviewing your draft and will need to let us know his availability.

Thank you again for touch base - please be safe!

-

Doug Ruccione  
Township Clerk  
Clerk's Office  
Township of Teaneck  
818 Teaneck Road  
T. 201-837-1600, Ext. 1028

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**From:** Ron Schwartz <rockinron698@yahoo.com>

**To:** <Druccione@TeaneckNJ.gov>

**Sent:** 5/26/2021 3:14 PM

**Subject:** One Town, One Vote.pdf

Hi Doug: My name is Ron Schwartz, a resident of Teaneck for 42 years and I am with a group called One Town, One vote, which is beginning an initiative to get a referendum on the ballot this November to change the date of the Teaneck municipal election from May to November. Under the appropriate state statute, we have prepared a proposed petition and proposed ordinance for registered Teaneck voters to sign in the coming weeks. A copy of our proposed petition and proposed ordinance is attached hereti for your review.

We would like to set up a meeting with you to go over the proposed petition and proposed ordinance to see if it meets with your approval or whether you have any ideas to suggest regarding language and form. We want to make sure that the petition is acceptable to you since you will be the ultimate authority in accepting the petition after we obtain the requisite number of signatures. We would also like to obtain from you the number of Signatures that will be needed to place the initiative on the ballot this November. As I understand the statute, that is your responsibility to supply to us. If possible, we would like to meet with you either tomorrow or Friday so that we can circulate these petitions at the Memorial Day festival on Cedar Lane on Monday. You can respond to this email or or call me at: 201-693-6929. Thank you for your anticipated cooperation. Ron Schwartz

Sent from my iPhone

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<One Town, One Vote.pdf>

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## **Exhibit 2**

**2021 INITIATIVE & REFERENDUM PETITION**

**INITIATIVE AND REFERENDUM PETITION**

County: Bergen Municipality: Teaneck Ward/District: 37

Authorizing Statute or Regulation: N.J.S.A.40:69A-184 Signatures Required: \_\_\_\_\_  
 (Number of signatures required is available from your local County Clerk or Municipal Clerk)

**Full Text of Proposed Ordinance**

Under the provisions for initiative under the Optional Chart of Law/Faulkner Act (N.J.S.A.40:69A-1 et.seq.) we, the undersigned duly registered voters of the Township of Teaneck, County of Bergen, State of New Jersey, hereby take the initiative to petition the Teaneck Mayor and Council to pass the below ordinance or cause it to be placed on the General Election Ballot for Nov. 2, 2021 with the question to be put to the voters in this matter:

ORDINANCE TO ESTABLISH THE DATE FOR TEANECK MUNICIPAL (TOWN COUNCIL) ELECTION AS THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER (THE GENERAL ELECTION).

It is hereby ORDAINED that the Teaneck Municipal Council election under the Optional Municipal Charter Law/Faulkner Act be moved from May to November pursuant to N.J.S.A.40:45-7.1 and it be further

ORDAINED, that the annual organization meeting of the Teaneck Town Council take place in the first week of January following the November General Election and that the Council's next organizational meeting will take place the first week of January, 2023, and be it further

ORDAINED, that members of the Teaneck Town Council whose terms would have expired by July, 2022 will continue to serve in office until the January, 2023 organization meeting, and be it further

ORDAINED, that all prior ordinances or parts of ordinances or resolutions inconsistent with or in opposition to the provisions of this ordinance are hereby repealed in their entirety.

**Committee of the Petitioners**

- |    |      |         |      |
|----|------|---------|------|
| 1. | Name | Address | City |
| 2. | Name | Address | City |
| 3. | Name | Address | City |
| 4. | Name | Address | City |
| 5. | Name | Address | City |

**SIGNATURE SHEET:**

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Name

\_\_\_\_\_  
 Residence Address (Number, Street, City, Zip Code)

County Initiative & Referendum petitions shall be filed with the County Clerk.  
 Municipal Initiative & Referendum petitions shall be filed with the Municipal Clerk.  
 Please contact the filling officer for any questions you may have.

## **Exhibit 3**



## Fwd: Teaneck Petition - In-Person v3.pdf

From: Ron Schwartz <rockinron698@yahoo.com>  
To: Doug Ruccione <druccione@teanecknj.gov>  
Date: 6/16/2021 10:59 AM

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The paper petition is the same as the one I sent you on 6/1 below. Ron

Sent from my iPhone

Begin forwarded message:

**From:** Noah Liben <noah.liben@gmail.com>  
**Date:** June 1, 2021 at 5:22:19 PM EDT  
**To:** Ron Schwartz <Rockinron698@yahoo.com>  
**Subject: Re: Teaneck Petition - In-Person v3.pdf**

Many thanks.

On Tuesday, June 1, 2021, Ron Schwartz <rockinron698@yahoo.com> wrote:

FYI. Ron

Sent from my iPhone

Begin forwarded message:

**From:** Ron Schwartz <Rockinron698@yahoo.com>  
**Date:** June 1, 2021 at 4:40:57 PM EDT  
**To:** Doug Ruccione <druccione@teanecknj.gov>  
**Subject: Teaneck Petition - In-Person v3.pdf**

Hi Doug: Hope you had a good holiday weekend.

After consulting with Scott Salmon Esq., the attorney who handled the successful Ridgewood election change initiative last year, we redid the petition and I am enclosing it herein for your review and comment. We have an electronic signature version which I will also send to you.

Let me know if Friday at 2 is still good for you to meet on zoom. Thanks! Ron Schwartz

## **Exhibit 4**

## RE: One Town One Vote Petition Deadline

From: Scott Salmon <ssalmon@jmslawyers.com>

To: John L. Shahdanian II <jshahdanian@marc.law>, Doug Ruccione <druccione@teanecknj.gov>

Cc: Ron Schwartz <rockinron698@yahoo.com>, Alan Sohn <alansohn@gmail.com>, William F. Rupp <wrupp@marc.law>

Date: 8/5/2021 2:28 PM

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Thanks, John.

**-Scott Salmon**

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**From:** John L. Shahdanian II <jshahdanian@marc.law>

**Sent:** Thursday, August 5, 2021 2:25 PM

**To:** Scott Salmon <ssalmon@jmslawyers.com>; Doug Ruccione <druccione@teanecknj.gov>

**Cc:** Ron Schwartz <rockinron698@yahoo.com>; Alan Sohn <alansohn@gmail.com>; William F. Rupp <wrupp@marc.law>

**Subject:** RE: One Town One Vote Petition Deadline

Mr. Salmon:

As we discussed at length during our in-person meeting in July, it is not Mr. Ruccione's duty to provide legal advice or guidance regarding the obligations of the Committee of Petitioners. Mr. Ruccione provided his notice of insufficiency to the Committee at 4:08 p.m. on July 29, 2021.

That said, pursuant to N.J.S.A. 40:69A-188, an initiative or referendum petition, may be amended at any time within ten days after the notification of insufficiency has been served by the municipal clerk.

Further, R. 1:3-1, entitled "Computation of Time" provides that "In computing any period of time fixed by rule or court order, the day of the act or event from which the designated period begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor legal holiday. In computing a period of time of less than 7 days, Saturday, Sunday and legal holidays shall be excluded."

Thus, in this instance, since the time period at issue is greater than 7 days, the ten-day time period pursuant to N.J.S.A. 40:69A-188 began to run on July 30 and will end on Sunday, August 8. However, in the interest of fairness as the Clerk's Office is closed on Sunday and, pursuant to R. 1:3-1, the deadline would be extended until Monday August 9, 2021 at 4:08 P.M.

I hope this clarifies any questions that you or the Committee have.

Regards,

John Shahdanian

**John L. Shahdanian II, Esq.***Partner*[jshahdanian@marc.law](mailto:jshahdanian@marc.law) | [marc.law](http://marc.law)

Direct dial: 973.457.0257 | Mobile: 201-925-0922

**MARC**

MCCUSKER • ANSELMi • ROSEN • CARVELLI P.C.

McCusker, Anselmi, Rosen &amp; Carvelli, P.C.

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212.308.0070 | fax: 917.677.8978

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**From:** Scott Salmon <[ssalmon@jmslawyers.com](mailto:ssalmon@jmslawyers.com)>**Sent:** Thursday, August 5, 2021 1:47 PM**To:** Doug Ruccione <[druccione@teanecknj.gov](mailto:druccione@teanecknj.gov)>**Cc:** Ron Schwartz <[rockinron698@yahoo.com](mailto:rockinron698@yahoo.com)>; Alan Sohn <[alansohn@gmail.com](mailto:alansohn@gmail.com)>; John L. Shahdanian II <[jshahdanian@marc.law](mailto:jshahdanian@marc.law)>**Subject:** RE: One Town One Vote Petition Deadline**Importance:** High

Good afternoon. I'm following up on the below e-mail. Please let us know ASAP so we can plan accordingly. If we do not hear from you otherwise, we will take that to mean that our understanding is correct and we will file on Monday. Thank you.

**-Scott Salmon**

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**From:** Scott Salmon**Sent:** Wednesday, August 4, 2021 3:40 PM**To:** Doug Ruccione <[druccione@teanecknj.gov](mailto:druccione@teanecknj.gov)>**Cc:** Ron Schwartz <[rockinron698@yahoo.com](mailto:rockinron698@yahoo.com)>; Alan Sohn <[alansohn@gmail.com](mailto:alansohn@gmail.com)>; [jshahdanian@marc.law](mailto:jshahdanian@marc.law)**Subject:** One Town One Vote Petition Deadline**Importance:** High

Doug, I hope you're doing well. I understand you served the One Town One Vote Committee of Petitioners their deficiency notice at about 4pm on July 29, 2021. By my calculations, that makes any supplemental submission due on or before Monday, August 9, 2021. That would be 10 days from the following day, July 30, 2021. Can you please confirm whether you believe that date is accurate?

Please let me know as soon as possible. Thank you.

**Scott D. Salmon, Esq. | Partner | *He/Him***

**Jardim, Meisner & Susser, P.C.**

30B Vreeland Road, Suite 100

Florham Park, NJ 07932

973.845.7634 (direct)

908.312.2124 (cell)

973.845.7645 (fax)

[www.jmslawyers.com](http://www.jmslawyers.com)

## **Exhibit 5**

**From:** Doug Ruccione <[druccione@teanecknj.gov](mailto:druccione@teanecknj.gov)>  
**Sent:** Tuesday, August 17, 2021 9:06:30 PM  
**To:** Scott Salmon <[ssalmon@jmslawyers.com](mailto:ssalmon@jmslawyers.com)>  
**Cc:** clerk <[clerk@teanecknj.gov](mailto:clerk@teanecknj.gov)>; Ron Schwartz <[rockinron698@yahoo.com](mailto:rockinron698@yahoo.com)>; Alan Sohn <[alansohn@gmail.com](mailto:alansohn@gmail.com)>; William F. Rupp <[wrupp@marc.law](mailto:wrupp@marc.law)>; John L. Shahdanian II <[jshahdanian@marc.law](mailto:jshahdanian@marc.law)>  
**Subject:** Re: OPRA - Salmon, S

Mr. Salmon!

---

Please - feel free to call me Doug!

While I appreciate the nighttime threat, I will note to you that the statute provides seven business days to respond; starting the day after receipt of the request - which in your case was the 10th.

---

This makes the statutory due date the 19th.

But regardless I will work to get this to you tomorrow, sir!

You also have a great night and please be safe!

--

Doug Ruccione  
Township Clerk  
201-837-1600 x1025  
818 Teaneck Road  
Teaneck, NJ 07666

On Aug 17, 2021, at 20:02, Scott Salmon <[ssalmon@jmslawyers.com](mailto:ssalmon@jmslawyers.com)> wrote:

Mr. Ruccione, please be advised that this request is now late and no extension was sought or received. If we do not receive a response by tomorrow morning, we will promptly file suit. Have a good night.

**-Scott Salmon**

---

**From:** Doug Ruccione <[druccione@teanecknj.gov](mailto:druccione@teanecknj.gov)>  
**Sent:** Tuesday, August 10, 2021 6:44 PM  
**To:** clerk <[clerk@teanecknj.gov](mailto:clerk@teanecknj.gov)>; Scott Salmon <[ssalmon@jmslawyers.com](mailto:ssalmon@jmslawyers.com)>  
**Cc:** Ron Schwartz <[rockinron698@yahoo.com](mailto:rockinron698@yahoo.com)>; Alan Sohn <[alansohn@gmail.com](mailto:alansohn@gmail.com)>; William F. Rupp <[wrupp@marc.law](mailto:wrupp@marc.law)>; [jshahdanian@marc.law](mailto:jshahdanian@marc.law)  
**Subject:** OPRA - Salmon, S

Received!

-

Doug Ruccione  
Township Clerk  
Clerk's Office  
Township of Teaneck  
818 Teaneck Road  
T. 201-837-1600, Ext. 1028

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**From:** Scott Salmon <[ssalmon@jmslawyers.com](mailto:ssalmon@jmslawyers.com)>  
**To:** John L. Shahdanian II <[jshahdanian@marc.law](mailto:jshahdanian@marc.law)>, Doug Ruccione <[druccione@teanecknj.gov](mailto:druccione@teanecknj.gov)>  
**Cc:** Ron Schwartz <[rockinron698@yahoo.com](mailto:rockinron698@yahoo.com)>, Alan Sohn <[alansohn@gmail.com](mailto:alansohn@gmail.com)>, William F. Rupp <[wrupp@marc.law](mailto:wrupp@marc.law)>



**Sent:** 8/10/2021 4:03 PM

**Subject:** RE: One Town One Vote Petition Deadline

Good afternoon. Attached is an OPRA request for scanned copies of both the initial and amended petitions. Please let me know if you need anything else on our end. Thank you.

**-Scott Salmon**

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## **Exhibit 6**

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**From:** John L. Shahdanian II  
**Sent:** Monday, August 16, 2021 4:25 PM  
**To:** Scott Salmon <[ssalmon@jmslawyers.com](mailto:ssalmon@jmslawyers.com)>  
**Cc:** William F. Rupp <[wrupp@marc.law](mailto:wrupp@marc.law)>  
**Subject:** RE: One Town One Vote Petition Deadline

Scott

In speaking with the clerk this afternoon, it is apparent that he will not complete his review by the close of business tomorrow. He has put aside (since last Thursday) essentially all of his other duties, but is approximately half way through the supplemental submission of the Committee. He again reiterated his request to be permitted to complete his review, which he believes will be done by close of business on Wednesday.

Please ask the Committee if they will afford Mr. Ruccione the opportunity to complete this arduous process.

Obviously, if the Committee does not agree to provide any further extension, Mr. Ruccione will reply tomorrow as previously agreed, however, his response will be limited by the status of the review.

Regards,

John

---

**From:** John L. Shahdanian II  
**Sent:** Friday, August 13, 2021 11:31 AM  
**To:** Scott Salmon <[ssalmon@jmslawyers.com](mailto:ssalmon@jmslawyers.com)>  
**Cc:** William F. Rupp <[wrupp@marc.law](mailto:wrupp@marc.law)>  
**Subject:** RE: One Town One Vote Petition Deadline

Scott:

The legal nuances of the rule don't need to be argued, however, I will note that the comments to the rule do specifically address statutory construction.

That aside, we appreciate the Committee's courtesy. I will so advise Mr. Ruccione.

Regards,

John

---

**From:** Scott Salmon <[ssalmon@jmslawyers.com](mailto:ssalmon@jmslawyers.com)>  
**Sent:** Friday, August 13, 2021 11:24 AM  
**To:** John L. Shahdanian II <[jshahdanian@marc.law](mailto:jshahdanian@marc.law)>  
**Cc:** William F. Rupp <[wrupp@marc.law](mailto:wrupp@marc.law)>  
**Subject:** RE: One Town One Vote Petition Deadline

John, thanks for giving me a call earlier. You mentioned Rule 1:3-1 when we spoke, as it would extend the time to respond until Monday, but I'd first disagree that it applies here, since it only applies to deadlines set by "rule or court order," and this is neither, as it's a statutory deadline. Regardless, since you provided us a courtesy of extending our time to file the amendment to the following day, we can agree to toll Mr. Ruccione's deadline to respond until close-of-business on Tuesday, August 17. Obviously, since time is of the essence, to the extent that Mr. Ruccione can provide an earlier response, we would appreciate it. Thanks so much.

**-Scott Salmon**

---

**From:** Scott Salmon  
**Sent:** Friday, August 13, 2021 9:36 AM  
**To:** John L. Shahdanian II <[jshahdanian@marc.law](mailto:jshahdanian@marc.law)>  
**Cc:** William F. Rupp <[wrupp@marc.law](mailto:wrupp@marc.law)>  
**Subject:** Re: One Town One Vote Petition Deadline

Hey John. I think the response to our amended petition is due tomorrow, but I'd imagine the clerk's office is closed. Do you anticipate sending the notice today or tomorrow? I won't hold you to anything, just trying to figure out my schedule for the next few days.

Sent from my iPhone

## **Exhibit 7**

**ASSEMBLY, No. 2819**

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**STATE OF NEW JERSEY**

**209th LEGISLATURE**

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INTRODUCED OCTOBER 12, 2000

**Sponsored by:**

**Assemblyman CHRISTOPHER J. CONNORS**

**District 9 (Atlantic, Burlington and Ocean)**

**Assemblyman JEFFREY W. MORAN**

**District 9 (Atlantic, Burlington and Ocean)**

**SYNOPSIS**

Authorizes certain municipalities to hold regular municipal elections in November instead of May.

**CURRENT VERSION OF TEXT**

As introduced.



## A2819 CONNORS, MORAN

2

1 AN ACT authorizing certain municipalities to hold regular municipal  
2 elections in November and amending various parts of the statutory  
3 law.

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

7  
8 1. Section 2 of P.L.1981, c.379 (C.40:45-6) is amended to read as  
9 follows:

10 2. This act shall govern all municipalities having adopted a plan or  
11 form of government, or a charter, which provides for the election of  
12 municipal officers at regular municipal elections held;

13 a. on the second Tuesday in May, or

14 b. on the first Tuesday after the first Monday in November or at  
15 such other time as may be provided by law for holding general  
16 elections.

17 including municipalities holding regular municipal elections under  
18 the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1  
19 et seq.), under the "commission form of government law"  
20 (R.S.40:70-1 et seq.), under the "municipal manager form of  
21 government law" N.J.S.40A:63-8, under the "village form of  
22 government" (R.S.40:157-16 et seq.), or under any plan or form of  
23 government, or charter, hereafter authorized which provides for the  
24 holding of regular municipal elections at that time. This act shall  
25 govern these municipalities only with respect to the time, manner and  
26 method of election of municipal officers. The officers to be elected,  
27 and their number, the length of their terms of office, and their powers  
28 and responsibilities shall be determined by the laws authorizing the  
29 plan or form of government, or charter, which the municipalities have  
30 adopted.

31 (cf: P.L.1995, c.97, s.1)

32  
33 2. Section 3 of P.L.1981, c.379 (C.40:45-7) is amended to read as  
34 follows:

35 3. Except as may otherwise be provided by law for initial elections  
36 conducted in a municipality following its adoption of a plan or form of  
37 government, or a charter or an amendment thereto, regular municipal  
38 elections shall be held in each municipality governed by this act on the  
39 second Tuesday in May in the years in which municipal officers are to  
40 be elected; however, regular municipal elections may be held in a  
41 municipality governed by the "small municipality plan," sections 13-1  
42 through 13-18 of the "Optional Municipal Charter Law," P.L.1950,  
43 c.210 (C.40:69A-1 et seq.) on the first Tuesday after the first Monday

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

Matter underlined thus is new matter.

## A2819 CONNORS, MORAN

3

1 in November or at such other time as may be provided by law for  
 2 holding general elections. The municipal election shall be held at the  
 3 same place or places and conducted in the same manner, so far as  
 4 possible, as the general election. The election officers shall be those  
 5 provided for conducting the general election.

6 (cf: P.L.1981, c. 379, s. 3)

7

8 3. Section 7 of P.L.1981, c.465 (C.40:69A-25.1) is amended to  
 9 read as follows:

10 7. a. Any municipality governed by a plan of government adopted  
 11 pursuant to P.L.1950, c. 210 (C. 40:69A-1 et seq.) may, by  
 12 referendum, amend its charter to include any alternative permitted  
 13 under that plan of government. The question of adopting an  
 14 alternative may be initiated by the voters pursuant to, and subject to  
 15 the pertinent provisions of, sections 17-35 through 17-47 (C.  
 16 40:69A-184 through 40:69A-196); or may be submitted to the voters  
 17 by ordinance adopted by the governing body, in which case the  
 18 question and ordinance shall be subject to the pertinent provisions of  
 19 sections 17-42 through 17-47 (C. 40:69A-191 through 40:69A-196),  
 20 except that no petition of the voters shall be necessary in order to  
 21 submit the question.

22 b. At any election at which the question of adopting an alternative  
 23 is to be submitted to the voters pursuant to this section, the question  
 24 shall be submitted in substantially the following form:

25 "Shall the charter of governed by (insert name of  
 26 municipality) be amended, as permitted under that (insert  
 27 plan of government) plan, to provide for (insert appropriate  
 28 language from below for the " alternative to be voted  
 29 upon)

30 GROUP A.

31 (1) (a) "the holding of regular municipal elections in May;"

32 (b) "the holding of regular municipal elections in November;"

33 (2) "the holding of general elections in November;"

34 GROUP B.

35 (3) "the election of all council members at large;"

36 (4) "the division of the municipality into wards with (insert  
 37 number) council members to be elected at large and one from (insert  
 38 number) each ward;"

39 GROUP C.

40 (5) "the election of all council members for concurrent terms;"

41 (6) "the election of council members for staggered terms;"

42 GROUP D.

43 (7) "the election of the mayor by the members of the council  
 44 from among their own number;"



## A2819 CONNORS, MORAN

4

1 (8) "the election of the mayor directly by the voters of the  
2 municipality;"

## 3 GROUP E.

4 (9) "a municipal council to consist of three members;"

5 (10) "a municipal council to consist of five members";

6 (11) "a municipal council to consist of seven members;"

7 (12) "a municipal council to consist of nine members."

8 If more than one alternative is to be submitted to the voters at the  
9 same time, each alternative shall be separately stated on the ballot in  
10 the form of a question as set forth above. If the provisions of two or  
11 more alternatives adopted at the same election conflict, then that  
12 receiving the greatest affirmative vote shall control. Nothing  
13 contained in this section shall authorize the submission to the voters  
14 of the question of adopting any alternative not authorized by the plan  
15 of government under which the municipality is governed. No question  
16 shall be submitted to the voters pursuant to this section within 4 years  
17 next following the adoption by the municipality of a plan of  
18 government authorized by P.L.1950, c. 210 (C. 40:69A-1 et seq.) or  
19 this act, or within 4 years next following the date on which the  
20 question of adopting it or any alternative in the same group was last  
21 submitted to the voters pursuant to this section.

22 c. In any municipality having adopted a charter providing for the  
23 division of the municipality into wards, the question of increasing or  
24 decreasing the number of council members to be elected in the  
25 municipality shall be submitted to the voters in the manner set forth  
26 in alternative (4) of Group B. of subsection b. of this section. None  
27 of the alternatives set forth in Group E. of that subsection shall be  
28 submitted to the voters in any municipality divided into wards, unless  
29 at the same election alternative (3) of Group B. of that subsection is  
30 also submitted, in which case both alternatives shall be approved by  
31 the voters in order for either to take effect.

32 (cf: P.L.1981, c.465, s.7)

33

34 4. Section 32 of P.L.1981, c.465 (C.40:69A-117.1) is amended to  
35 read as follows:

36 32. Any municipality adopting a small municipality plan of  
37 government shall provide in its charter that the council members shall  
38 be elected by the voters of the municipality either:

39 a. At a regular municipal election held on the second Tuesday in  
40 May in the years in which municipal officers are to be elected, in  
41 which case the term of office of the council members shall begin on  
42 July 1 next following their election; [or]

43 b. At the general election held on the first Tuesday after the first  
44 Monday in November or at such other time as may be provided by law  
45 for holding general elections, in which case the term of office of

## A2819 CONNORS, MORAN

5

1 the council members shall begin on January 1 next following their  
2 election; or

3 c. At a regular municipal election held on the first Tuesday after  
4 the first Monday in November or at such other time as may be  
5 provided by law for holding general elections, in which case the term  
6 of office of the council members shall begin on January 1 next  
7 following their election.

8 (cf: P.L.1981, c.465, s.32)

9

10 5. Section 17-1 of P.L.1950, c.210 (C.40:69A-150) is amended to  
11 read as follows:

12 17-1. Regular municipal elections shall be held in each municipality  
13 on the second Tuesday in May in the years in which municipal officers  
14 are to be elected, where the election of such officers is not provided  
15 to be at the general election; however, regular municipal elections  
16 may be held in a municipality governed by the "small municipality  
17 plan," sections 13-1 through 13-18 of the "Optional Municipal Charter  
18 Law," P.L.1950, c.210 (C.40:69A-1 et seq.) on the first Tuesday after  
19 the first Monday in November or at such other time as may be  
20 provided by law for holding general elections. Regular municipal  
21 elections shall be conducted pursuant to the "Uniform Nonpartisan  
22 Elections Law," P.L.1981, c. 379 (C. 40:45-5 et seq. ).

23 (cf: P.L.1981, c.379, s.30)

24

25 6. Section 17-56 of P.L.1950, c.210 (C.40:69A-205) is amended  
26 to read as follows:

27 17-56. The schedule of installation of an optional plan adopted  
28 pursuant to this act shall, as provided herein, take the following  
29 course:

30 (a) An election to submit the question of adoption of an optional  
31 plan may be held at any time in accordance with the provisions of  
32 article 1 of this act;

33 (b) In the event of a favorable vote of the voters at the above  
34 election, the first election of officers under the adopted plan shall take  
35 place on (1) the second Tuesday in May occurring not less than 75  
36 days next following the adoption of one of the optional plans in  
37 municipalities adopting a charter providing for the holding of regular  
38 municipal elections in May at which all members of the council are to  
39 be elected at large; (2) the second Tuesday in May occurring not less  
40 than 120 days following the adoption of one of the optional plans in  
41 municipalities adopting a charter providing for the holding of regular  
42 municipal elections in May and for the division of the municipality into  
43 wards; (3) at the next general election occurring not less than 75 days  
44 next following the adoption of one of the optional plans in  
45 municipalities adopting a charter providing for the holding of general  
46 elections or regular municipal elections in November at which all

## A2819 CONNORS, MORAN

6

1 members of the council are to be elected at large; or (4) at the next  
2 general election occurring not less than 120 days next following the  
3 adoption of one of the optional plans in municipalities adopting a  
4 charter providing for the holding of general elections or regular  
5 municipal elections in November and for the division of the  
6 municipality into wards.

7 Whenever a municipality has adopted a charter referred to in  
8 subsection (3) above, within 10 days, or subsection (4) within 40  
9 days, prior to the last day fixed for the filing of nominating petitions  
10 for the primary election, the candidates to be first elected shall be  
11 nominated in the manner provided by chapter 27 of Title 19 of the  
12 Revised Statutes with respect to the filling of certain vacancies in  
13 nominations for county or municipal offices to be filled at the general  
14 election.

15 (c) An optional plan shall take effect, in accordance with the further  
16 provisions of this article at (1) 12 o'clock noon on July 1 next  
17 following the first election of officers in municipalities adopting a  
18 charter providing for the holding of regular municipal elections in  
19 May, or (2) 12 o'clock noon on January 1 next following the first  
20 election of officers in municipalities adopting a charter providing for  
21 the holding of general elections or regular municipal elections in  
22 November.

23 (cf: P.L.1981, c.465, s.37)

24

25 7. N.J.S.40A:16-4 is amended to read as follows:

26 40A:16-4. Filling vacancies in municipalities holding regular  
27 municipal elections. Whenever a vacancy occurs as provided in N.J.S.  
28 40A:16-3 in the office of mayor or in the membership of the governing  
29 body of a municipality holding regular municipal elections in May, the  
30 vacancy shall be filled in the following manner:

31 a. If the vacancy occurs subsequent to September 1 of the last year  
32 of the term of the officer whose office has become vacant, the office  
33 may be filled for its unexpired term by appointment by the governing  
34 body as hereinafter provided;

35 b. If the vacancy occurs at any other time, the vacancy shall be  
36 filled for its unexpired term at the next general or regular municipal  
37 election, whichever occurs first, to be held not less than 60 days after  
38 the occurrence of the vacancy. The governing body may fill the  
39 vacancy temporarily by appointment as hereinafter provided.

40 (cf: P.L.1980, c.101, s.1)

41

42 8. N.J.S.40A:16-5 is amended to read as follows:

43 40A:16-5. Filling vacancies in municipalities holding general  
44 elections or regular municipal elections in November. Whenever a  
45 vacancy occurs as provided in N.J.S. 40A:16-3 in the office of a  
46 mayor or in the membership of the governing body of a municipality

## A2819 CONNORS, MORAN

7

1 holding general elections or regular municipal elections in November,  
2 the vacancy shall be filled in the following manner:

3 a. If the vacancy occurs any time subsequent to September 1 of the  
4 next-to-the last year and up to the expiration of the term of the officer  
5 whose office has become vacant, the office may be filled for its  
6 unexpired term by appointment by the governing body as hereinafter  
7 provided;

8 b. If the vacancy occurs at any other time, the vacancy shall be  
9 filled for its unexpired term at the next general election to be held not  
10 less than 60 days after the occurrence of the vacancy. The governing  
11 body may fill the vacancy temporarily by appointment as hereinafter  
12 provided.

13 (cf: P.L.1980, c.101, s.2)

14

15 9. N.J.S.40A:16-19 is amended to read as follows:

16 40A:16-19. Nomination of successor to be elected at special  
17 election. The nomination of a successor to be elected at a special  
18 election as provided in N.J.S. 40A:16-14, 40A:16-15, 40A:16-16 and  
19 40A:16-17 shall be made in the following manner:

20 a. In municipalities holding elections for municipal officers at the  
21 time of a general election, the municipal committees of the political  
22 parties in the municipality shall, no later than 15 days from the  
23 expiration of the time fixed in N.J.S. 40A:16-14 for the filling of a  
24 vacancy by appointment or from the happening of the events set forth  
25 in N.J.S. 40A:16-15, 40A:16-16 and 40A:16-17, select their  
26 candidates for election to the office, and file a statement of their  
27 selections with the municipal clerk. The statements so filed shall  
28 conform to the provisions of R.S. 19:13-20. Other candidates for  
29 election to such office shall be nominated by petition in the manner set  
30 forth in subsection b. of this section.

31 b. In municipalities holding regular municipal elections in May,  
32 nomination shall be by petition in writing filed with the municipal  
33 clerk. The petition shall be signed by a number of the registered and  
34 qualified voters of the municipality if the successor is to be elected at  
35 large, or of the ward if the successor is to be elected from a ward,  
36 equal to at least 0.5% of the total number of votes cast in the  
37 municipality, or ward, as the case may be, at the last preceding general  
38 election at which members of the General Assembly were elected, but  
39 in no case shall such petition be signed by fewer than 25 such voters.  
40 The petition shall be filed with the municipal clerk no later than 15  
41 days from the expiration of the time prescribed in N.J.S. 40A:16-14  
42 for the filling of a vacancy by appointment or from the happening of  
43 the events set forth in N.J.S. 40A:16-15, 40A:16-16 and 40A:16-17.  
44 The municipal clerk shall forthwith examine the petition, and, if he  
45 finds it to be defective in any particular, he shall return the petition to  
46 the person nominated thereby setting forth his reasons in writing.

A2819 CONNORS, MORAN

8

1 Within 3 days after its return, the petition as corrected may be refiled  
2 with the municipal clerk.  
3 (cf: N.J.S.40A:16-19)

4

5 10. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill would permit municipalities governed pursuant to the  
11 "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et  
12 seq.) to hold nonpartisan elections in November at the same time that  
13 general elections are held.

14 Under current law, municipalities operating under the "Optional  
15 Municipal Charter Law" may choose to hold general (partisan)  
16 elections in November or regular municipal (nonpartisan) elections in  
17 May.

**SENATE, No. 1547**

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**STATE OF NEW JERSEY**

**209th LEGISLATURE**

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INTRODUCED SEPTEMBER 21, 2000

**Sponsored by:**

**Senator LEONARD T. CONNORS, JR.**

**District 9 (Atlantic, Burlington and Ocean)**

**SYNOPSIS**

Authorizes certain municipalities to hold regular municipal elections in November instead of May.

**CURRENT VERSION OF TEXT**

As introduced.



## S1547 CONNORS

2

1 AN ACT authorizing certain municipalities to hold regular municipal  
2 elections in November and amending various parts of the statutory  
3 law.

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

7  
8 1. Section 2 of P.L.1981, c.379 (C.40:45-6) is amended to read as  
9 follows:

10 2. This act shall govern all municipalities having adopted a plan or  
11 form of government, or a charter, which provides for the election of  
12 municipal officers at regular municipal elections held;

13 a. on the second Tuesday in May, or

14 b. on the first Tuesday after the first Monday in November or at  
15 such other time as may be provided by law for holding general  
16 elections.

17 including municipalities holding regular municipal elections under  
18 the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1  
19 et seq.), under the "commission form of government law"  
20 (R.S.40:70-1 et seq.), under the "municipal manager form of  
21 government law" N.J.S.40A:63-8, under the "village form of  
22 government" (R.S.40:157-16 et seq.), or under any plan or form of  
23 government, or charter, hereafter authorized which provides for the  
24 holding of regular municipal elections at that time. This act shall  
25 govern these municipalities only with respect to the time, manner and  
26 method of election of municipal officers. The officers to be elected,  
27 and their number, the length of their terms of office, and their powers  
28 and responsibilities shall be determined by the laws authorizing the  
29 plan or form of government, or charter, which the municipalities have  
30 adopted.

31 (cf: P.L.1995, c.97, s.1)

32

33 2. Section 3 of P.L.1981, c.379 (C.40:45-7) is amended to read as  
34 follows:

35 3. Except as may otherwise be provided by law for initial elections  
36 conducted in a municipality following its adoption of a plan or form of  
37 government, or a charter or an amendment thereto, regular municipal  
38 elections shall be held in each municipality governed by this act on the  
39 second Tuesday in May in the years in which municipal officers are to  
40 be elected; however, regular municipal elections may be held in a  
41 municipality governed by the "small municipality plan," sections 13-1  
42 through 13-18 of the "Optional Municipal Charter Law," P.L.1950,  
43 c.210 (C.40:69A-1 et seq.) on the first Tuesday after the first Monday

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

**Matter underlined thus is new matter.**

## S1547 CONNORS

3

1 in November or at such other time as may be provided by law for  
 2 holding general elections. The municipal election shall be held at the  
 3 same place or places and conducted in the same manner, so far as  
 4 possible, as the general election. The election officers shall be those  
 5 provided for conducting the general election.

6 (cf: P.L.1981, c. 379, s. 3)

7

8 3. Section 7 of P.L.1981, c.465 (C.40:69A-25.1) is amended to  
 9 read as follows:

10 7. a. Any municipality governed by a plan of government adopted  
 11 pursuant to P.L.1950, c. 210 (C. 40:69A-1 et seq.) may, by  
 12 referendum, amend its charter to include any alternative permitted  
 13 under that plan of government. The question of adopting an  
 14 alternative may be initiated by the voters pursuant to, and subject to  
 15 the pertinent provisions of, sections 17-35 through 17-47  
 16 (C. 40:69A-184 through 40:69A-196); or may be submitted to the  
 17 voters by ordinance adopted by the governing body, in which case the  
 18 question and ordinance shall be subject to the pertinent provisions of  
 19 sections 17-42 through 17-47 (C. 40:69A-191 through 40:69A-196),  
 20 except that no petition of the voters shall be necessary in order to  
 21 submit the question.

22 b. At any election at which the question of adopting an alternative  
 23 is to be submitted to the voters pursuant to this section, the question  
 24 shall be submitted in substantially the following form:

25 "Shall the charter of \_\_\_\_\_ governed by (insert name of  
 26 municipality) \_\_\_\_\_ be amended, as permitted under that (insert  
 27 plan of government) \_\_\_\_\_ plan, to provide for (insert appropriate  
 28 language from below for the \_\_\_\_\_ " alternative to be voted  
 29 upon)

30

## GROUP A.

- 31 (1) (a) "the holding of regular municipal elections in May;"  
 32 (b) "the holding of regular municipal elections in November;"  
 33 (2) "the holding of general elections in November;"

34

## GROUP B.

- 35 (3) "the election of all council members at large;"  
 36 (4) "the division of the municipality into wards with (insert  
 37 number) council members to be elected at large and one from (insert  
 38 number) each ward;"

39

## GROUP C.

- 40 (5) "the election of all council members for concurrent terms;"  
 41 (6) "the election of council members for staggered terms;"

42

## GROUP D.

- 43 (7) "the election of the mayor by the members of the council from  
 44 among their own number;"  
 45 (8) "the election of the mayor directly by the voters of the  
 46 municipality;"



## S1547 CONNORS

4

## 1 GROUP E.

2 (9) "a municipal council to consist of three members;"

3 (10) "a municipal council to consist of five members;"

4 (11) "a municipal council to consist of seven members;"

5 (12) "a municipal council to consist of nine members."

6 If more than one alternative is to be submitted to the voters at the  
7 same time, each alternative shall be separately stated on the ballot in  
8 the form of a question as set forth above. If the provisions of two or  
9 more alternatives adopted at the same election conflict, then that  
10 receiving the greatest affirmative vote shall control. Nothing  
11 contained in this section shall authorize the submission to the voters  
12 of the question of adopting any alternative not authorized by the plan  
13 of government under which the municipality is governed. No question  
14 shall be submitted to the voters pursuant to this section within 4 years  
15 next following the adoption by the municipality of a plan of  
16 government authorized by P.L.1950, c.210 (C.40:69A-1 et seq.) or  
17 this act, or within 4 years next following the date on which the  
18 question of adopting it or any alternative in the same group was last  
19 submitted to the voters pursuant to this section.

20 c. In any municipality having adopted a charter providing for the  
21 division of the municipality into wards, the question of increasing or  
22 decreasing the number of council members to be elected in the  
23 municipality shall be submitted to the voters in the manner set forth  
24 in alternative (4) of Group B. of subsection b. of this section. None  
25 of the alternatives set forth in Group E. of that subsection shall be  
26 submitted to the voters in any municipality divided into wards, unless  
27 at the same election alternative (3) of Group B. of that subsection is  
28 also submitted, in which case both alternatives shall be approved by  
29 the voters in order for either to take effect.

30 (cf: P.L.1981, c.465, s.7)

31

32 4. Section 32 of P.L.1981, c.465 (C.40:69A-117.1) is amended to  
33 read as follows:

34 32. Any municipality adopting a small municipality plan of  
35 government shall provide in its charter that the council members shall  
36 be elected by the voters of the municipality either:

37 a. At a regular municipal election held on the second Tuesday in  
38 May in the years in which municipal officers are to be elected, in  
39 which case the term of office of the council members shall begin on  
40 July 1 next following their election; [or]

41 b. At the general election held on the first Tuesday after the first  
42 Monday in November or at such other time as may be provided by law  
43 for holding general elections, in which case the term of office of the  
44 council members shall begin on January 1 next following their  
45 election; or

## S1547 CONNORS

5

1 c. At a regular municipal election held on the first Tuesday after  
2 the first Monday in November or at such other time as may be  
3 provided by law for holding general elections, in which case the term  
4 of office of the council members shall begin on January 1 next  
5 following their election.

6 (cf: P.L.1981, c.465, s.32)

7

8 5. Section 17-1 of P.L.1950, c.210 (C.40:69A-150) is amended to  
9 read as follows:

10 17-1. Regular municipal elections shall be held in each municipality  
11 on the second Tuesday in May in the years in which municipal officers  
12 are to be elected, where the election of such officers is not provided  
13 to be at the general election; however, regular municipal elections  
14 may be held in a municipality governed by the "small municipality  
15 plan," sections 13-1 through 13-18 of the "Optional Municipal Charter  
16 Law," P.L.1950, c.210 (C.40:69A-1 et seq.) on the first Tuesday after  
17 the first Monday in November or at such other time as may be  
18 provided by law for holding general elections. Regular municipal  
19 elections shall be conducted pursuant to the "Uniform Nonpartisan  
20 Elections Law," P.L.1981, c. 379 (C. 40:45-5 et seq. ).

21 (cf: P.L.1981, c.379, s.30)

22

23 6. Section 17-56 of P.L.1950, c.210 (C.40:69A-205) is amended  
24 to read as follows:

25 17-56. The schedule of installation of an optional plan adopted  
26 pursuant to this act shall, as provided herein, take the following  
27 course:

28 (a) An election to submit the question of adoption of an optional  
29 plan may be held at any time in accordance with the provisions of  
30 article 1 of this act;

31 (b) In the event of a favorable vote of the voters at the above  
32 election, the first election of officers under the adopted plan shall take  
33 place on (1) the second Tuesday in May occurring not less than 75  
34 days next following the adoption of one of the optional plans in  
35 municipalities adopting a charter providing for the holding of regular  
36 municipal elections in May at which all members of the council are to  
37 be elected at large; (2) the second Tuesday in May occurring not less  
38 than 120 days following the adoption of one of the optional plans in  
39 municipalities adopting a charter providing for the holding of regular  
40 municipal elections in May and for the division of the municipality into  
41 wards; (3) at the next general election occurring not less than 75 days  
42 next following the adoption of one of the optional plans in  
43 municipalities adopting a charter providing for the holding of general  
44 elections or regular municipal elections in November at which all  
45 members of the council are to be elected at large; or (4) at the next  
46 general election occurring not less than 120 days next following the

## S1547 CONNORS

6

1 adoption of one of the optional plans in municipalities adopting a  
2 charter providing for the holding of general elections or regular  
3 municipal elections in November and for the division of the  
4 municipality into wards.

5 Whenever a municipality has adopted a charter referred to in  
6 subsection (3) above, within 10 days, or subsection (4) within 40  
7 days, prior to the last day fixed for the filing of nominating petitions  
8 for the primary election, the candidates to be first elected shall be  
9 nominated in the manner provided by chapter 27 of Title 19 of the  
10 Revised Statutes with respect to the filling of certain vacancies in  
11 nominations for county or municipal offices to be filled at the general  
12 election.

13 (c) An optional plan shall take effect, in accordance with the further  
14 provisions of this article at (1) 12 o'clock noon on July 1 next  
15 following the first election of officers in municipalities adopting a  
16 charter providing for the holding of regular municipal elections in  
17 May, or (2) 12 o'clock noon on January 1 next following the first  
18 election of officers in municipalities adopting a charter providing for  
19 the holding of general elections or regular municipal elections in  
20 November.

21 (cf: P.L.1981, c.465, s.37)

22

23 7. N.J.S.40A:16-4 is amended to read as follows:

24 40A:16-4. Filling vacancies in municipalities holding regular  
25 municipal elections. Whenever a vacancy occurs as provided in N.J.S.  
26 40A:16-3 in the office of mayor or in the membership of the governing  
27 body of a municipality holding regular municipal elections in May, the  
28 vacancy shall be filled in the following manner:

29 a. If the vacancy occurs subsequent to September 1 of the last year  
30 of the term of the officer whose office has become vacant, the office  
31 may be filled for its unexpired term by appointment by the governing  
32 body as hereinafter provided;

33 b. If the vacancy occurs at any other time, the vacancy shall be  
34 filled for its unexpired term at the next general or regular municipal  
35 election, whichever occurs first, to be held not less than 60 days after  
36 the occurrence of the vacancy. The governing body may fill the  
37 vacancy temporarily by appointment as hereinafter provided.

38 (cf: P.L.1980, c.101, s.1)

39

40 8. N.J.S.40A:16-5 is amended to read as follows:

41 40A:16-5. Filling vacancies in municipalities holding general  
42 elections or regular municipal elections in November. Whenever a  
43 vacancy occurs as provided in N.J.S. 40A:16-3 in the office of a  
44 mayor or in the membership of the governing body of a municipality

## S1547 CONNORS

7

1 holding general elections or regular municipal elections in November,  
2 the vacancy shall be filled in the following manner:

3 a. If the vacancy occurs any time subsequent to September 1 of the  
4 next-to-the last year and up to the expiration of the term of the officer  
5 whose office has become vacant, the office may be filled for its  
6 unexpired term by appointment by the governing body as hereinafter  
7 provided;

8 b. If the vacancy occurs at any other time, the vacancy shall be  
9 filled for its unexpired term at the next general election to be held not  
10 less than 60 days after the occurrence of the vacancy. The governing  
11 body may fill the vacancy temporarily by appointment as hereinafter  
12 provided.

13 (cf: P.L.1980, c.101, s.2)

14

15 9. N.J.S.40A:16-19 is amended to read as follows:

16 40A:16-19. Nomination of successor to be elected at special  
17 election. The nomination of a successor to be elected at a special  
18 election as provided in N.J.S. 40A:16-14, 40A:16-15, 40A:16-16 and  
19 40A:16-17 shall be made in the following manner:

20 a. In municipalities holding elections for municipal officers at the  
21 time of a general election, the municipal committees of the political  
22 parties in the municipality shall, no later than 15 days from the  
23 expiration of the time fixed in N.J.S.40A:16-14 for the filling of a  
24 vacancy by appointment or from the happening of the events set forth  
25 in N.J.S.40A:16-15, 40A:16-16 and 40A:16-17, select their candidates  
26 for election to the office, and file a statement of their selections with  
27 the municipal clerk. The statements so filed shall conform to the  
28 provisions of R.S.19:13-20. Other candidates for election to such  
29 office shall be nominated by petition in the manner set forth in  
30 subsection b. of this section.

31 b. In municipalities holding regular municipal elections in May,  
32 nomination shall be by petition in writing filed with the municipal  
33 clerk. The petition shall be signed by a number of the registered and  
34 qualified voters of the municipality if the successor is to be elected at  
35 large, or of the ward if the successor is to be elected from a ward,  
36 equal to at least 0.5% of the total number of votes cast in the  
37 municipality, or ward, as the case may be, at the last preceding general  
38 election at which members of the General Assembly were elected, but  
39 in no case shall such petition be signed by fewer than 25 such voters.  
40 The petition shall be filed with the municipal clerk no later than 15  
41 days from the expiration of the time prescribed in N.J.S.40A:16-14 for  
42 the filling of a vacancy by appointment or from the happening of the  
43 events set forth in N.J.S.40A:16-15, 40A:16-16 and 40A:16-17. The  
44 municipal clerk shall forthwith examine the petition, and, if he finds it  
45 to be defective in any particular, he shall return the petition to the  
46 person nominated thereby setting forth his reasons in writing. Within

S1547 CONNORS

8

1 3 days after its return, the petition as corrected may be refiled with the  
2 municipal clerk.  
3 (cf: N.J.S.40A:16-19)

4

5 10. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill would permit municipalities governed pursuant to the  
11 "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et  
12 seq.) to hold nonpartisan elections in November at the same time that  
13 general elections are held.

14 Under current law, municipalities operating under the "Optional  
15 Municipal Charter Law" may choose to hold general (partisan)  
16 elections in November or regular municipal (nonpartisan) elections in  
17 May.

## **Exhibit 8**

P.L. 2019, CHAPTER 161, *approved July 12, 2019*  
 Assembly, No. 5404

1 AN ACT concerning the manner of holding certain municipal  
 2 elections and amending P.L.1981, c.465.

3

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

6

7 1. Section 7 of P.L.1981, c.465 (C.40:69A-25.1) is amended to  
 8 read as follows:

9 7. a. (1) Any municipality governed by a plan of  
 10 government adopted pursuant to P.L.1950, c.210 (C.40:69A-  
 11 1 et seq.) may, by referendum, amend its charter to include any  
 12 alternative permitted under that plan of government. **【The】** Except  
 13 as provided in paragraph (2) of this subsection, the question of  
 14 adopting an alternative may be initiated by the voters pursuant to,  
 15 and subject to the pertinent provisions of, sections 17-35 through  
 16 17-47 (C.40:69A-184 through 40:69A-196); or may be submitted to  
 17 the voters by ordinance adopted by the governing body, in which  
 18 case the question and ordinance shall be subject to the pertinent  
 19 provisions of sections 17-42 through 17-47 (C.40:69A-191 through  
 20 40:69A-196), except that no petition of the voters shall be  
 21 necessary in order to submit the question.

22 (2) (a) The voters may initiate the question of amending the  
 23 municipal charter to hold elections according to an alternative set  
 24 forth in Group A. of subsection b. of this section pursuant to, and  
 25 subject to the pertinent provisions of, sections 17-35 through 17-47  
 26 (C.40:69A-184 through 40:69A-196), however, the petition  
 27 submitting the ordinance to the municipal council pursuant to  
 28 section 17-35 of P.L.1950, c.210 (C.40:69A-184) shall be signed by  
 29 a number of the legal voters of the municipality equal in number to  
 30 at least 25 percent of the total votes cast in the municipality at the  
 31 last election at which members of the General Assembly were  
 32 elected.

33 (b) A governing body may submit to the voters a question to  
 34 amend the municipal charter to hold elections according to an  
 35 alternative set forth in Group A. of subsection b. of this section,  
 36 subject to the pertinent provisions of sections 17-42 through 17-47  
 37 (C.40:69A-191 through 40:69A-196), however, the ordinance shall  
 38 receive an affirmative vote of at least two-thirds of the fully  
 39 constituted membership of the municipal council.

40 b. At any election at which the question of adopting an  
 41 alternative is to be submitted to the voters pursuant to this section,  
 42 the question shall be submitted in substantially the following form:

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is  
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

## A5404

2

1 "Shall the charter of (insert name of municipality) governed by  
2 (insert plan of government) be amended, as permitted under that  
3 plan, to provide for (insert appropriate language from below for  
4 the alternative to be voted upon)?"

## GROUP A.

- 5  
6 (1) "the holding of regular municipal elections in May;"  
7 (2) "the holding of general elections in November;"

## GROUP B.

- 8  
9 (3) "the election of all council members at large;"  
10 (4) "the division of the municipality into (insert number)  
11 wards with (insert number) council members to be elected at  
12 large and one from each ward;"

## GROUP C.

- 13  
14 (5) "the election of all council members for concurrent  
15 terms;"  
16 (6) "the election of council members for staggered  
17 terms;"

## GROUP D.

- 18  
19 (7) "the election of the mayor by the members of the  
20 council from among their own number;"  
21 (8) "the election of the mayor directly by the voters of  
22 the municipality;"

## GROUP E.

- 23  
24 (9) "a municipal council to consist of three members;"  
25 (10) "a municipal council to consist of five members;"  
26 (11) "a municipal council to consist of seven members;"  
27 (12) "a municipal council to consist of nine members."

28 If more than one alternative is to be submitted to the voters at the  
29 same time, each alternative shall be separately stated on the ballot  
30 in the form of a question as set forth above. If the provisions of two  
31 or more alternatives adopted at the same election conflict, then that  
32 receiving the greatest affirmative vote shall control. Nothing  
33 contained in this section shall authorize the submission to the voters  
34 of the question of adopting any alternative not authorized by the  
35 plan of government under which the municipality is governed. No  
36 question shall be submitted to the voters pursuant to this section  
37 within 4 years next following the adoption by the municipality of a  
38 plan of government authorized by P.L.1950, c.210 (C.40:69A-1 et  
39 seq.) or **[this act]** P.L.1981, c.465 (C.40:69A-25.1 et al.), or within  
40 4 years next following the date on which the question of adopting it  
41 or any alternative in the same group was last submitted to the voters  
42 pursuant to this section.

43 c. In any municipality having adopted a charter providing for  
44 the division of the municipality into wards, the question of  
45 increasing or decreasing the number of council members to be  
46 elected in the municipality shall be submitted to the voters in the  
47 manner set forth in alternative (4) of Group B. of subsection b. of  
48 this section. None of the alternatives set forth in Group E. of that



## A5404

3

1 subsection shall be submitted to the voters in any municipality  
2 divided into wards, unless at the same election alternative (3) of  
3 Group B. of that subsection is also submitted, in which case both  
4 alternatives shall be approved by the voters in order for either to  
5 take effect.  
6 (cf: P.L.1981, c.465, s.7)

7

8 2. This act shall take effect immediately.

9

10

11

## STATEMENT

12

13 This bill would modify the provisions of the Optional Municipal  
14 Charter Law, P.L.1950, c.210 (C.40:69A-1 et seq.), concerning the  
15 amendment of a municipal charter in order to enhance the  
16 participation requirements necessary to change the manner of  
17 holding municipal elections. It is the sponsor's belief that the  
18 process to propose a change to the manner of holding municipal  
19 elections should require a higher threshold than that required to  
20 make other types of changes to a municipal charter.

21

22 Under current law, a proposed amendment to a municipal charter  
23 to change from partisan to nonpartisan elections, or nonpartisan to  
24 partisan elections, may be adopted by voter referendum. The public  
25 question may be either initiated by the voters by petition signed by  
26 at least 10 percent of the votes cast in the municipality at the last  
27 General Assembly election, or submitted to the voters by ordinance  
28 approved by a simple majority of the municipal governing body.

29

30 The bill would require a proposed change to the manner of  
31 election to be either initiated by voter petition signed by at least 25  
32 percent of the votes cast in the municipality at the last General  
33 Assembly election, or submitted to the voters by ordinance  
34 approved by an affirmative vote of at least two-thirds of the fully  
35 constituted membership of the municipal council.

36

37

38

39

---

38 Modifies procedure for change to manner of holding certain  
39 municipal elections.

## **Exhibit 9**



OneTown OneVote

August 6 at 3:19 PM · 🌐



Calling for volunteers to support the historic, non-partisan movement happening in Teaneck! Come say hi tomorrow at these locations 🇺🇸

**ONE TOWN  
ONE VOTE**

Support us to get  
2,000 Signatures!

**Saturday, August 7<sup>th</sup>, 2021**

8 am: Teaneck road hot bagels  
 9:30-11:30 am: XCEED Realty, 703 Cdr Lane  
 10 am: Post office, 751 Palisade ave  
 10 am: Stop and Shop  
 11 am: Teaneck Library  
 12 pm: Bischoff s, Cedar Lane  
 5 pm: Kebab Paradise, Teaneck road

[onetownonevote.com](http://onetownonevote.com)

👍 6

2 Comments 3 Shares

👍 Like

💬 Comment

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View 1 more comment



OneTown OneVote  
Coalition to Unite Teaneck Teaneck Voices Teaneck  
Women Together Teaneck Tomorrow Mac Leaders  
Nasheed Nightingales



Like · Reply · 2w



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👍 6

2 Comments 3 Shares

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OneTown OneVote  
Coalition to Unite Teaneck Teaneck Voices Teaneck  
Women Together Teaneck Tomorrow Mac Leaders  
Nasheed Nightingales



Like · Reply · 2w



**OneTown OneVote**

July 29 at 9:28 PM · 🌐



Ex Board of Ed member Margot Embree Fisher supports the non-partisan, inclusive OneTown OneVote initiative.

Every voice matters, every vote counts.

With Margot Embree Fisher Loretta Weinberg Ron Schwartz Noah Liben Alan Sohn Shahanaz Arjumand Theodora Lacey Teji Vega Jeremy Lentz

[#teaneck](#)

[#teaneckvote...](#) [See More](#)



Like

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Share



**OneTown OneVote** is 😊 feeling motivated.

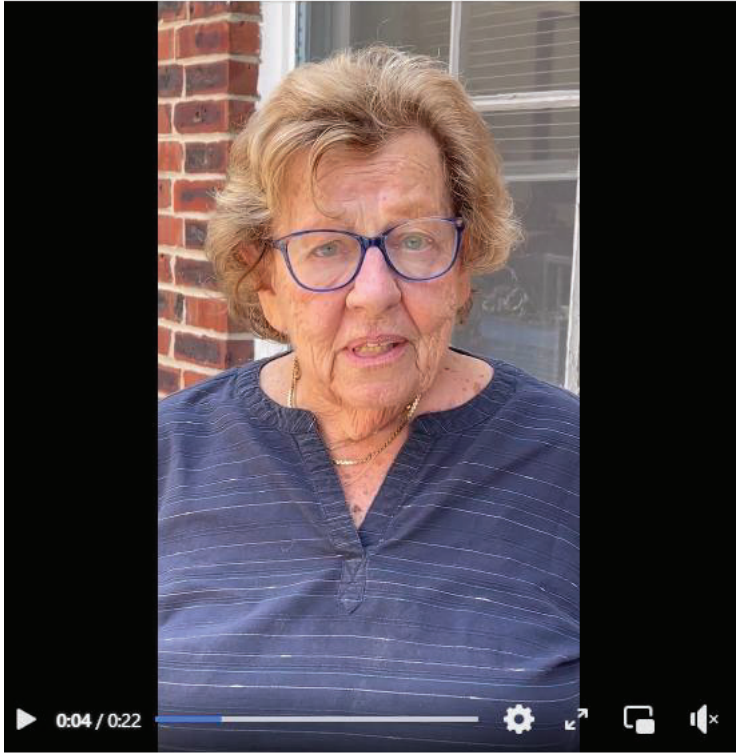
July 27 at 11:18 PM · 🌐



Senator Loretta Weinberg supports the non-partisan, inclusive [OneTown OneVote](#) initiative.

Every voice matters, every vote counts.

With Loretta Weinberg Ron Schwartz Noah Liben Margot Embree Fisher Alan Sohn Shahanaz Arjumand Theodora Lacey Teji Vega Jeremy Lentz... [See More](#)



👍 1

👍 Like

💬 Comment

➦ Share

## **Exhibit 10**





Tom Abbott · 4m

[Margot Embree Fisher](#)

The statute's 2019 change requiring 25% was pointed out to some of those driving the petition campaign more than once since last November. It was dismissed out of hand without explanation.

Until they take it to court and their point of view is upheld by a judge, I will assume the clear language of the statute the petition cited applies.



[Like](#) [Reply](#)

1



## **Exhibit 11**



20 August 2021

Loretta Weinberg, 9 Millay Court, Teaneck, NJ 07666  
Theodora Lacey, 168 Stuyvesant Road, Teaneck, NJ 07666  
Jeremy Lentz, 493 Cumberland Ave, Teaneck, NJ 07666  
Teji Vega, 1118 Falmouth Ave, Teaneck, NJ 07666  
Reshma Kahn, 108 Audubon Road, Teaneck, NJ 07666

RE: 2021 Direct Petition to Move the Date of Municipal Elections in the Township of Teaneck – Amendment

This is to serve as a follow up to the correspondence sent on August 17, 2021. I appreciate your patience as we trudged through the final count.

After careful review, it is determined that the Committee submitted an amended petition totaling 2080 signatures. Out of those signatures submitted, 1486 are deemed to be valid.

Attached to this correspondence is a spreadsheet detailing those deemed to be invalid.

Combining the 1486 valid signatures of the amendment with the previously validated 653 signatures, this brings the total and final count to 2139 valid signatures.

We once again appreciate your patience. Be safe and please let us know if you have any questions.

Respectfully,  
The Township Clerk’s Office of the Township of Teaneck

## Township of Teaneck

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MARK J. SCHWARTZ  
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TOWNSHIP CLERK

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TOWNSHIP ATTORNEY