

ASSEMBLY, No. 2714

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Permits municipal reorganization meetings to be held on alternative dates.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT permitting certain municipal reorganization meetings to be
2 held on any date during the first week of July, and amending
3 various parts of the statutory law.

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

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8 1. Section 1 of P.L.1956, c.176 (C.40:45A-1) is amended to
9 read as follows:

10 1. **【**Notwithstanding any other provision of law, the**】** a. The
11 governing body of a municipality in which any of the members of
12 the governing body are elected for terms commencing January 1
13 may, by resolution, fix the date and time of its annual organization
14 or reorganization meeting at 12 o'clock noon on January 1, or at
15 some other hour on any day during the first **【week in】** seven
16 calendar days of January.

17 b. The governing body of a municipality in which any of the
18 members of the governing body are elected for terms commencing
19 July 1 may, by resolution, fix the date and time of its annual
20 organization or reorganization meeting at 12 o'clock noon on July
21 1, or at some other hour on any day during the first seven calendar
22 days of July.

23 (cf: P.L.2000, c.126, s.12)

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25 2. R.S.40:81-7 is amended to read as follows:

26 40:81-7. Four weeks after their election in the case of the first
27 municipal council elected, and on July 1 or, by resolution of the
28 municipal governing body, any day during the first seven calendar
29 days of July following all subsequent municipal elections, the
30 members-elect of the municipal council shall assemble at the usual
31 place of meeting of the governing body of the municipality and
32 organize and elect one of their number as mayor. The mayor shall
33 be chosen by ballot by majority vote of all members of the
34 municipal council. If the members shall be unable, within five
35 ballots to be taken within **【2】** two days of said organization
36 meeting, to elect a mayor, then the member who in the election for
37 members of the municipal council received the highest vote, in
38 accord with the manner of canvassing the ballots as herein set forth,
39 shall be the mayor. Should such person decline to accept the office,
40 then the person receiving the next highest vote shall be the mayor,
41 and so on, until the office is filled.

42 (cf: P.L.1981, c.379, s.24)

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

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.

1 9-6. Any municipality adopting a council-manager plan of
2 government shall provide in its charter either:

3 a. That the mayor shall be elected by the members of the
4 council; in which case on the first day of July or January or, by
5 resolution of the municipal governing body, any day during the first
6 seven calendar days of July or January, as appropriate, following
7 their election, the members-elect of the municipal council shall
8 assemble at the usual place of meeting of the governing body of the
9 municipality and organize and elect one of their number as mayor.
10 The mayor shall be chosen by ballot by majority vote of all
11 members of the municipal council. If the members shall be unable,
12 within five ballots to be taken within **【2】** two days of said
13 organization meeting, to elect a mayor, then the member who in the
14 election for members of the municipal council received the greatest
15 number of votes shall be the mayor. Should such person decline to
16 accept the office, then the person receiving the next highest vote
17 shall be the mayor, and so on, until the office is filled; or

18 b. That the mayor shall be elected directly by the voters of the
19 municipality at the regular municipal election, or general election,
20 as the charter shall provide. At the first election following the
21 adoption of the charter, and each appropriate subsequent election,
22 one position of council member to be elected at large shall be
23 designated and voted for under the title of mayor, and candidates
24 for the position shall be clearly designated as candidates for mayor
25 in their respective nominating petitions. The candidate for mayor
26 receiving the greatest number of votes shall be elected, and shall
27 serve for a term of **【4】** four years.

28 (cf: P.L.1981, c.465, s.26)

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30 4. Section 34 of P.L.1981, c.465 (C.40:69A-117.3) is amended
31 to read as follows:

32 34. Any municipality adopting a small municipality plan of
33 government shall provide in its charter either:

34 a. That the mayor shall be elected by the members of the
35 council; in which case on the first day of July or January or, by
36 resolution of the municipal governing body, any day during the first
37 seven calendar days of July or January, as appropriate, following
38 their election, the members-elect of the municipal council shall
39 assemble at the usual place of meeting of the governing body of the
40 municipality and organize and elect one of their number as mayor;
41 that the mayor shall be chosen by ballot by majority vote of
42 members of the municipal council; that if the members shall be
43 unable, within five ballots to be taken within **【2】** two days of the
44 organization meeting, to elect a mayor, then the member who in the
45 election for members of the municipal council received the greatest
46 number of votes shall be mayor; and that should that person decline
47 to accept the office, then the person receiving the next highest vote
48 shall be the mayor, and so on, until the office is filled; or

11 (cf: P.L.1981, c.465, s.34)

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