

Identical Assembly Bill A-351 Approved P.L. 2009, c. 196.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE, No. 1099

**STATE OF NEW JERSEY**

DATED: FEBRUARY 2, 2009

The Senate State Government committee reports favorably Senate Committee Substitute for Senate, No. 1099.

Under current law, regular municipal elections, which are nonpartisan, are held on the second Tuesday in May. This committee substitute would allow any municipality that holds regular municipal elections to choose, by ordinance, to hold regular municipal elections on the day of the general election, held on the Tuesday after the first Monday in November. The term of any person in office on the date of the adoption of such an ordinance would be extended until the beginning of the term of the person elected to that office on the day of the general election in November.

The substitute also provides that: 1) once a municipality has chosen to change the day of the regular municipal election to the day of the general election in November, it is not permitted to change the day of the election back to the second Tuesday in May until at least 10 years have passed since the adoption of the change; 2) a new ordinance providing for a regular municipal elections to again occur on the second Tuesday in May must be adopted by the municipality's governing body; and 3) if a runoff election is necessary because no candidate has received a majority of the votes cast in a regular municipal election held on the day of a general election in November, that election would occur on the subsequent first Tuesday after the first Monday in December and any official elected at that election would take office on January 1 next following the election.

Finally, the substitute provides that whenever a municipality has passed an ordinance to change the day of the regular municipal election, the clerk of the county in which the municipality is located must arrange the ballot for each subsequent general election to: 1) include those candidates for election to public office in the municipality that has adopted a form of government that provides for the holding of a regular municipal election on the second Tuesday in May but will be holding that election at the general election in November; 2) ensure that there is a clear separation between each nonpartisan municipal candidate, each candidate for another public office who has been nominated for that office by a political party in

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the immediately preceding primary election and each candidate nominated directly by petition, so that there is no discernable alignment between candidates otherwise elected at a regular municipal election, candidates nominated by a political party for any other public office and candidates nominated directly by petition; and 3) follow such provisions of the current nonpartisan elections law as the county clerk may deem feasible.

This substitute is identical to Assembly, No. 351 (2R) of 2008.