

2020 New Jersey Revised Statutes

Title 40 - Municipalities and Counties

Section 40:69A-25.1 - Amendment of charter to provide for alternate elections.

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40:69A-25.1 Amendment of charter to provide for alternate elections.

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

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

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

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

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

GROUP A.

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

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

GROUP B.

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

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

GROUP C.

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

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

GROUP D.

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

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

GROUP E.

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

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

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

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

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

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

L.1981, c.465, s.7; amended 2019, c.161.