

DECEMBER 28, 1959

R. SCHUYLER BOGART, *Chief Clerk*
Union County Board of Elections
Court House
Elizabeth 4, New Jersey

FORMAL OPINION 1959—No. 25

DEAR MR. BOGART:

We have been asked who has the responsibility for drawing the boundary lines of new election districts where they may be needed after a municipality has adopted the mayor-council Plan F under the Faulkner Act. Plan F appears as Article 8 in L. 1950, c. 210, §8-1; N.J.S.A. 40:69A-74 to 80. Section 17-48 of the act, N.J.S.A. 40:69A-197, provides that when a municipality adopts Article 8, the municipality is to be divided into wards by ward commissioners. You inform us that in the municipality in question, the ward boundaries have been drawn. Apparently the new ward boundaries intersect the boundaries of the old election districts and the election districts are not wholly included within single wards. R.S. 19:4-6 requires that election districts not extend beyond the boundary lines of a single ward. R.S. 19:4-7 provides that where the election districts are not contained within a single ward because of a change in ward lines, that new election district boundaries are to be drawn by the county board of elections in counties of the first class and the elective governing body of the municipality in all other counties. Although the law does not expressly provide for the case where there never have been ward boundaries before in the municipality, and by law it becomes necessary to have ward boundaries and they are drawn so as not to include within single wards each election district, it is our view that it is the spirit of R.S. 19:4-7 that in counties other than counties of the first class the elective governing body of the municipality should have exclusive jurisdiction over the entire question of drawing election district boundaries.

We understand that in the particular case with which you are concerned, the municipality is not in a first class county. Therefore, it is our opinion that in this case the responsibility for drawing the new election district boundaries rests with the elective governing body of the municipality.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: WILLIAM L. BOYAN
Deputy Attorney General