

CHAPTER 118

AN ACT concerning the term of office of certain town mayors and council members and amending N.J.S.40A:9-130 and N.J.S.40A:62-2.

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

1. N.J.S.40A:9-130 is amended to read as follows:

Mayor; term; town certain, mayor, council terms.

40A:9-130. a. In every municipality, unless otherwise provided by law and except as provided under subsection b. of this section, the term of office for the mayor shall be 4 years.

b. In every town operating under a special charter with a population of at least 28,000 but not more than 35,000, according to the most recent federal decennial census, the term of office for the mayor and the members of council shall be 4 years, notwithstanding any different term of office specified in the special charter.

2. N.J.S.40A:62-2 is amended to read as follows:

Elected officers, terms.

40A:62-2. a. The mayor shall be elected by the voters of the municipality at large and shall be known as the councilman-at-large. In a municipality operating under this chapter, with a population of less than 12,000 or more than 16,000, according to the most recent federal decennial census, the mayor shall serve for a term of two years, except as otherwise provided by referendum of the voters. In a municipality operating under this chapter with a population of at least 12,000 but not more than 16,000, according to the most recent federal decennial census, the mayor shall serve for a term of four years.

b. The legal voters of any town divided into wards, in which the mayor and council members are elected for two-year terms of office, may by petition and referendum, require that the mayor shall be elected for a three-year term of office.

Upon the submission to the town clerk of a petition, signed by at least fifteen per centum (15%) of the legal voters of the municipality who cast their votes in the municipality at the last election in which members of the General Assembly were elected, the proposition shall be submitted to the voters at the next general election. The proposition shall not be submitted more than once in any three-year period.

The notice, advertisement and conduct of the election shall be in the same manner as for offices voted at the election.

The proposition shall be submitted to the voters at the election in substantially the following form: "Shall the term of the mayor in..... (name of town)..... be increased to three years?"

A canvass and return of the vote upon the proposition shall be made by the election officers in the same manner as for officers voted for at the election, and a majority of all the votes cast upon the proposition in favor of the proposition shall be sufficient to make the change.

Notwithstanding any other provisions of law to the contrary, upon approval by the legal voters of the town of the proposition to increase the term of the mayor to three years, the mayor elected at the first annual election after the approval of the proposition, and at an election held every third year thereafter, shall serve for a term of three years.

c. The council shall consist of eight members, two elected from each of four wards. In a municipality operating under this chapter, with a population of less than 12,000 or more than 16,000, according to the most recent federal decennial census, the members of council shall serve for a term of two years. Their terms shall be arranged, to be designated on the ballot if necessary, so that one member of the council shall be elected from each ward at each election. In a municipality operating under this chapter with a population of at least 12,000 but not more than 16,000, according to the most recent federal decennial census, the members of council shall serve for a term of four years.

d. Notwithstanding the provisions of subsection c. of this section, any town, whose council immediately prior to the effective date of this act had a council whose method of election, composition or tenure of its membership differed in any way from the provisions set out in subsection c. of this section, shall continue to be governed by those provisions which determined the council's method of election, composition or tenure of its membership, as the case may be,

until such time it wishes to adopt the provisions as set out in subsection c. of this section. Any adoption shall be by referendum of voters, after the town council shall have passed an ordinance not less than 60 days preceding any general election calling for the referendum to be placed upon the ballot. The referendum shall not be submitted to the voters more than once in any three-year period.

e. The annual election for town officers shall be held at the same time and places as the general election. No person shall be permitted to vote at any such election unless he is an actual resident of the election district in which he offers his vote.

3. Notwithstanding the provisions of P.L.2001, c.118, the provisions of a special charter or any provision of law to the contrary, the mayor and members of council chosen by the voters at the 2002 general election in a town operating under a special charter with a population of at least 28,000 but not more than 35,000 according to the most recent federal decennial census shall serve a three-year term of office.

4. This act shall take effect immediately but the amendatory provisions of section 1 shall remain inoperative in a municipality until the 2003 general election and shall apply to the terms of mayors and members of council elected at that election, and the amendatory provisions of section 2 shall remain inoperative in a municipality until the first election for the office of mayor and members of council next following enactment and shall apply to the terms of mayors and members of council elected at that election

Approved June 26, 2001.