

29 July 2021

Loretta Weinberg, 9 Millay Court, Teaneck, NJ 07666
Theodora Lacey, 168 Stuyvesant Road, Teaneck, NJ 07666
Jeremy Lentz, 493 Cumberland Ave, Teaneck, NJ 07666
Teji Vega, 1118 Falmouth Ave, Teaneck, NJ 07666
Reshma Kahn, 108 Audubon Road, Teaneck, NJ 07666

RE: 2021 Direct Petition to Move the Date of Municipal Elections in the Township of Teaneck

On July 9, 2021, your Committee of Petitioners, which includes Loretta Weinberg, Theodora Lacey, Jeremy Lentz, Teji Vega and Reshma Khan (hereinafter "Committee") submitted a document to my office entitled "2021 Direct Petition to Move the Date of Municipal Elections in the Township of Teaneck" (hereinafter referred to as "Petition"). The Petition was accompanied by supporting documents including both electronic and handwritten signature pages. Before my office conducted its review of the sufficiency of the Petition, we determined that the Committee submitted a total of 1,350 signatures in support of the Petition. 225 signatures were electronic, and 1,125 signatures were handwritten.

The Petition states the following:

To the Municipal Clerk of the Township of Teaneck:

I, the undersigned, registered voter of the Township of Teaneck, Bergen County, New Jersey, hereby request that the following question to change the municipal charter of the Township of Teaneck, be submitted to the electorate for a vote in accordance with N.J.S.A. 40:69A-25.1, at the general election which next follows the submission of this petition:

Shall the charter of the Township of Teaneck, governed by the Council-Manager Plan of the Optional Municipal Charter Law, be amended, as permitted under that plan, to provide for the holding of nonpartisan general elections in November pursuant to the Uniform Nonpartisan Elections Law?

I, the undersigned, registered voter of the Township of Teaneck, Bergen County, New Jersey, further recommend that the following interpretive statement be submitted to the voters along with the question:

Interpretive Statement: The Township of Teaneck currently holds its nonpartisan municipal elections in May. This ballot question asks the voters whether they want to adopt nonpartisan elections that would be held in November instead of May. If the voters say "Yes," candidates for Township Council will appear on the



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MICHAEL PAGAN
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DOUGLAS RUCCIONE
TOWNSHIP CLERK

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TOWNSHIP ATTORNEY

November election ballot without any political affiliation and there will be no primary election for candidates for Township Council. In additions, there will be clear separation on the general election ballot in November between the nonpartisan candidates for Township Council and the partisan candidates nominated by a political party for any other public office. A “No” vote will result in the continuation of nonpartisan elections to be held in May.

The Petition also lists the Committee members and references N.J.S.A. 40:69A-186.

For the reasons that follow, my office is unable to certify the Petition as submitted and will issue a Certification of Insufficiency pursuant to N.J.S.A. 40:69A-187.

1) The Number of Signatures Submitted is Insufficient

Initially, for any petition or initiative, my office is required to determine what number of signatures is required. The Petition states that it is being submitted “in accordance with N.J.S.A. 40A:69A-25.1” which statute is entitled “Amendment of Charter to provide for alternate elections” Pursuant to N.J.S.A. 40A:69A-25.1(a)(2), “the petition submitting the ordinance to the municipal council ... 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.”

In Teaneck, the last election at which members of the General Assembly were elected was in 2019. There exists a legitimate question of what the statute means by the “total number of votes cast” but giving the statute the most liberal reading possible, the best reading for the Committee would be based on the total ballots cast for assembly candidates only, which figure was 7908. Thus, the total number of signatures required to submit an initiated ordinance pursuant to N.J.S.A. 40A:69A-25.1 is 25% of 7908 or 1977 signatures.

As set forth in my initial paragraph to this letter, the Committee has submitted 1,350 signatures in total. As a baseline number, that figure is insufficient. However, notwithstanding same, and to provide the Committee with further direction, my office has reviewed all of the signatures that were submitted and provides the following guidance.

First, the electronic signatures submitted by the Committee are all invalid. The basis for the acceptance of electronic signatures was set forth in Executive Order 132, which was effective April 29, 2020, which was modified by Executive Order 216 on January 25, 2021, and which was terminated by Executive Order 244 on June 4, 2021. Executive Order 244, which terminated the Public Health Emergency, was supplemented by PL 2021, C. 103, which provided for a thirty-day expiration period for all previously enacted Executive Orders. Thus, as of July 4, 2021, the relaxation of petition requirements, which permitted my office to accept electronic signatures, ended. As the Committee was on notice from the June 4, 2021, expiration that a 30-day extension existed and did not submit any electronic petitions until July 9, 2021, my office is unable to accept them, and they are all deemed invalid. Furthermore, of the 225 electronic petitions submitted, 13 petitions were not fully completed (missing printed name, address, signature), 5 petitions contained information not corresponding with voter registration information (name, address), 2 petitions were signed by non-registered voters of the Township, and 11 petitions had duplicate signatures (either signing both a hard copy & electronic copy, or two electronic copies).

Further, my office has also reviewed all of the remaining handwritten petition signatures, which total 1,125. Of those signatures, I have determined that 653 are valid and legal signatures. The rejected signatures were invalid for one or more of the following reasons: 97 signatures were from non-registered voters or registered voters not residents of the Township, 322 signatures contained information that did not correspond with the voter's registration information, 39 signatures were not fully completed, 9 signatures contained illegible information, and 5 duplicate signatures.

The Committee has previously asserted to me that it is only required to submit 791 signatures. The Committee has stated that said figure is based on 10% of the votes cast for the General Assembly in 2019 (7908 x 10%). It appears that the Committee, although citing to a different statute on the actual Petition, now wants to rely upon N.J.S.A. 40:45-7.1, which is the "Uniform Nonpartisan Election Law." Pursuant to that statute, the minimum number of signatures would be for an initiated ordinance pursuant to N.J.S.A. 40:69A-184. There exists a legitimate question as to what the Uniform Nonpartisan Election law statute means by the "total number of votes cast" but giving the Committee the most liberal reading possible, the lowest number of signatures that the Committee would have to produce would be based on the total votes cast for assembly candidates only, which number was 7908.

As noted, the 10% figure that the Committee has claimed is applicable comes from a statute other than what is cited on the Petition. Nevertheless, even utilizing the Committee's calculations, the number of valid signatures submitted (653) is below their asserted threshold (791) and the Petition would be deemed insufficient.

As the number of valid signatures (653) is far below the aforementioned 25% requirement or the petitioners own stated requirement, my office need not resolve which Statute the Petition operates under at this time and the Petition will be certified as insufficient at the next meeting of the Township Council which will be held on August 10, 2021.

2) The Form of the Petition is Insufficient

In addition, although the Petition is insufficient based on the number of signatures submitted, we also note the following additional deficiency to help the Committee in the event they seek to cure same. To wit, if the Committee is relying upon N.J.S.A. 40A:69A-184, the form of the Petition is defective. The Petition is in the form of a question, which is an incorrect format. It must be in the form of an ordinance and "shall contain the full text of the proposed ordinance." See, N.J.S.A. 40:69A-186.

Pursuant to N.J.S.A. 40:69A-189, the Committee may amend the Petition at any time within ten days from this Notice of Insufficiency.

Respectfully,
Doug Ruccione, Township Clerk of the Township of Teaneck