



Citizens' Guide to
Initiative & Referendum



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Introduction

Citizens in one-in-four New Jersey municipalities have the right to put a proposal on the ballot for a direct vote by the people as well as to call a vote of town residents in order to repeal an ordinance adopted by the local government. This powerful tool of direct democracy, called initiative, is designed to give citizens a voice in government when local elected officials are unresponsive or overly influenced by special interests.

Initiative was devised during the progressive era of the early twentieth century when the traditional notion of representative democracy was deemed insufficient because the institutions of government were thought to have been hijacked by big money and large economic interests. They remain an excellent way for citizens to constructively participate and see their proposals enacted into law.

On the local level, initiative campaigns do not require large amounts of money; they just require interested citizens who are willing to dedicate some of their time to making their community better. After all, local governments make critical decisions that help determine quality of life including whether property taxes are affordable, whether children are safe from crime and whether open space is preserved.

In New Jersey, citizens have not taken full advantage of the right to initiative. While, in most cases, these procedures should probably be **used as a last resort after more traditional techniques such as contacting ones elected officials and making presentations at local government meetings have been tried**, they are proven tools for realizing policy goals and making elected officials more responsive.

Often just gathering the signatures required to place an initiative on the ballot is sufficient to force local governments to act. For example, in Hamilton, citizens gathered 4,000 signatures to put an ordinance on the ballot to sever the link between political contributions and the awarding of professional service contracts. The council and mayor, which had been resisting this reform, turned around and adopted it.

This handbook is designed to demystify the initiative process and provide instructions for citizens so that they can use these powerful tools. It describes how The Citizens Campaign will get you started with what you need and tips for successful initiatives.

Although this handbook focuses “Faulkner Act” municipalities, where citizens have the right to put a proposal on the ballot for a direct vote by the community as well as

to call a vote of town residents in order to repeal an ordinance adopted by the local government, initiative can also be a valuable tool in non-Faulkner Act towns. We've provided a list of Faulkner Act municipalities and more information about non-Faulkner Act municipalities.

What is Initiative?

Initiative is the right of voters to propose any ordinance and adopt or reject the same at the polls¹, thereby giving ordinary citizens the right to a direct vote of the people on changes they propose within their communities.

Such direct democratic power is guaranteed to all registered voters in municipalities with initiative; it provides the right to submit a petition to be placed on the ballot to local government concerning legislative matters such as property taxes and use of public lands.

In order for the petition to be valid, a threshold number of signatures of registered voters must be gathered-- a number equaling at least 10% of the turn-out in the most recent state assembly election. The proposed ordinance is then reviewed by the local council and is either adopted or placed on the ballot to be voted on by the community at the next general election.

Step-by-Step Guide to the Initiative Process

Creating an Initiative Petition

Whether proposing a ban on political fundraising on public property, the creation of a new civic center in your neighborhood or the building of sidewalks in your neighborhood, you have the right to create a petition to gather community support:

Step One: Choose a Committee of Petitioners

A Committee of Petitioners consists of five voters who are responsible for (1) gathering the required number of voter signatures; (2) presenting the petition to the

¹ N.J.S.A. 40:69A-184

county clerk; and (3) ultimately, formally withdrawing the petition if deemed appropriate².

For example, if you were to create a petition calling for public contracting reform through a “pay-to-play” reform law, you would first select a committee of five registered voters. Ideally, each member should represent a significant constituency in the community in order to reach the broadest range of citizens. Once you have your committee together, contact The Citizens Campaign headquarters for a legally drafted petition.

Step Two: Drafting the Petition

The following are tips for drafting a petition:

- Initiative petitions must concern matters that are within the municipality’s control, are not preempted by state or federal law, and are not otherwise exempt from initiative by statute, or law³.
- No zoning ordinance and no amendment or revision to any zoning ordinance is permitted to be submitted or adopted by initiative⁴; this exemption extends to ordinances relating to the master or redevelopment plans of a municipality⁵.
- Initiative petitions may only be submitted on legislative matters, not administrative matters; a legislative matter affects a substantive change in the governance of a community, an administrative matter is more temporal, procedural or executive in nature⁶.
- Remember, a petition is a legal document. A copy of the ordinance **MUST BE** attached to each petition. Follow Title 40 (40:69A-186) for more details on drafting a petition.
- The Citizens Campaign (732-548-9798) has model petitions that you can use to base your petition.

² N.J.S.A. 40:69A-186

³ Cuprowski v. City of Jersey City, 101 N.J. Super. 15, 23 (1968)

⁴ N.J.S.A. 40:55D-62

⁵ Millennium Towers v. Municipal Council, 343 N.J. Super. 327 (2001)

⁶ Cuprowski v. City of Jersey City

Step Three: Gather Voter Signatures

New Jersey requires local initiative petitions to contain a number of signatures of registered voters equaling at least 10 percent of the turn-out in the most recent state assembly election. In other words, if 4,000 people in a particular municipality voted in the most recent state assembly election, 400 signatures would be required. Gathering this threshold percentage of signatures places a proposed ordinance on the ballot in the next general election, unless the Council enacts it. Gathering the signatures of registered voters equaling at least 15% of the turn-out of the most recent state assembly election triggers a special election. (In most, cases, it is preferable to have a ballot initiative voted on in the general election because turn-out tends to be higher than in a special election, and higher turn-out usually benefits proposals crafted with the public interest in mind.)

To determine the minimum number of signatures your petition would require, contact the Board of Elections to obtain the total number of votes cast in your municipality's most recent General Assembly election.

Once you've determined your signature 'goal,' each of the five Committee of Petitioners members and other interested citizens can circulate petitions for signing. When gathering signatures, be sure to keep the following rules in mind:

- Signatures **MUST** appear legible and in ink or indelible pencil (it is best to provide pens to avoid invalid signatures)
- Signatures **MUST** be of only voters registered in the municipality in which the petition is filed (be sure to verify this with each signer to avoid invalid signatures)
- Signatures **MUST** be accompanied by voters home address (without an address, the signature is considered invalid and cannot be counted)

Although not all signatures need to be on the same sheet, a Committee of Petitioners member or volunteer helper must attach an affidavit to each sheet on which he or she gathers signatures, attesting (1) that the signed member personally brought the petition around for signing, (2) that each of the voters on the petition signed it in front of him or her, and (3) that he or she believes each signature to be the genuine signature of the person the signer claimed to be.

A completed signature sheet typically looks like this:

Signature	Name	Address
1. <u>George Dunn</u>	George Dunn	123 Main Street, Lakewood, NJ 08701
2. <u>Karl Goldstein</u>	Karl Goldstein	33 Lake #2, Lakewood, NJ 08701
3. <u>Betsy Jacobs</u>	Betsy Jacobs	9 Ridgeway Dr., Lakewood, NJ 08701
4. <u>Sue Ortiz</u>	Sue Ortiz	58 Chestnut, Lakewood, NJ 08701
5. <u>Dan Williams</u>	Dan Williams	1244 Bath St. #3, Lakewood, NJ 08701

After gathering all necessary signatures, the petition—along with ALL other applicable papers including signed affidavits and signature sheets—is ready to be submitted to the county clerk.

Step Four: File the Petition

The next step is to submit all papers concerning the petition for review by the municipal clerk. This is done by one or more of the Committee of Petitioners members in a single filing and can be done in person or by mail. To avoid delays, be certain that all affidavits are attached and that you have obtained the minimum number of valid signatures.

The clerk then has 20 days to examine the filed petition and see if it fulfills all the requirements, specifically whether the affidavits are included and there are enough valid signatures. The clerk will then “certify” the petition and submit a certificate of his findings to the local council at the next scheduled meeting.

If the clerk finds that the petition does in fact meet all the requirements, the certified petition proceeds to the next step in the process.

If, however, the clerk finds the petition unacceptable, i.e. lacking the needed number of valid signatures, the clerk’s certificate will state why the petition was unacceptable and the clerk is required by law to immediately communicate these details to at least two Committee of Petitioners members⁷. The petitioners are then permitted to amend the initiative petition as detailed below.

⁷ N.J.S.A. 40:69A-187

Step Five: Amend & Resubmit the Petition

Once the clerk has notified at least two Committee members and explained why the petition was deemed unacceptable, the Committee of Petitioners has 10 days to amend and resubmit the initiative.

Say the clerk found that our petition had an inadequate number of valid signatures because the names and addresses provided did not in fact correlate in 56 cases. It is now up to the Committee to gather another 56 valid signatures supporting the petition. If in 10 days, the five members garner enough signatures, they must file a “supplementary petition” that consists of new papers with the new signatures and any relevant affidavits to the county clerk.

Once the supplementary petition is filed, the clerk then has five days to review the amendments and again submit one of two certificates. If the petition is again rejected, the clerk will immediately notify the Committee of Petitioners with details as to why. At this point, the initiative petition may not be reviewed or amended further. However, this does not mean that a new petition on the same subject cannot be filed at a later date; it does suggest, however, that you should evaluate the problem and rectify it before submitting the petition again.

If the petition is accepted, it will then be officially presented to the Municipal Council.

Step Six: Submit the Ordinance to the Local Council

By law, the clerk is required to give all successful petitions and successfully amended petitions to the council immediately. The initiative ordinance is then “read” by the council, so that a second hearing at which the public may speak can be scheduled⁸.

Step Seven: Public Hearing of the Ordinance

Often, the second hearing is the public’s—and certainly the Committee’s—prime lobbying moment. It is here that community members exercise their right to discuss openly and freely all aspects of the ordinance and its effects on the community and on their lives.

⁸ N.J.S.A. 40:69A-190

In the case of our child and traffic safety proposal, we would encourage parents, whose children attend Kellogg Marshall Elementary School to be *present* and argue for the necessity for the additional six street signs.

Whatever proposal you may be advocating, there are a few tips to keep in mind when appearing before the mayor, council and fellow citizens in a public hearing:

- **Know the rules.** Request in advance a copy of the procedures for public hearings, which can be obtained from the municipal clerk's office. Take particular notice of any sign-in requirements and speaking time limits.
- **Be prepared.** Write your comments in advance and recite them until you feel confident with them. Speaking before a large audience may seem intimidating and the more practiced and prepared you are, the better you will perform. It is also good to review possible objections to the ordinance and prepare a response.
- **Be concise.** Time limits, if relevant, will be enforced. Even without time limits, however, you should strive to make your point in roughly five minutes to keep the attention and interest of the audience.
- **Dress appropriately.** Most often, business or business casual attire is preferred. Because you *are* addressing the council, who will most likely be in suits, you should aim to look professional. Follow the old adage, "Dress for success."
- **Be early.** Arriving at least 15 minutes early will give you ample time to introduce yourself to the council, sign-in if necessary, and familiarize yourself with the agenda. It will also prove invaluable time to relax and get acquainted with your fellow citizens.
- **Be respectful.** Shouting and yelling will get you nowhere. To get respect, you must be respectful and polite, so it is best to begin by thanking the council and your fellow constituents for their time and making your point without being argumentative or attacking any persons or beliefs. This is your chance to sway the audience, so just remember you catch more bees with honey.
- **Realize you are on record.** Public hearings are just that, public, so expect to see reporters in the seats jotting notes. It is entirely feasible that you may be quoted in the local papers or filmed for local news broadcasts. And remember,

this is your chance to reach a broader audience, so bear this in mind when drafting your comments and preparing for the hearing.

After the community has had an opportunity to express their opinions in a public hearing, and still the council has not passed the ordinance within 20 days of its being certified by the clerk, the ordinance is then placed on the local ballot.

Step Eight: Referendum: The Public Vote on Ordinance

The final step in enacting an initiative ordinance is to place the ordinance on the municipality's next general election ballot at which time, the community's voting population will be able to vote for *or* against the ordinance.

In order to time the proposed ordinance so it appears on the November general election ballot, the petition needs to be submitted to the municipal clerk by mid-July. This provides sufficient time for all the preliminary steps, including a public hearing and the possibility of the need to correct the petition for inadequacies. It is important to check with the municipal clerk and your own legal advisers to establish the precise date for submission.

All ballots, regardless of election type, appear like this:

<p>To vote upon the public question printed below, if in favor thereof mark a cross (X) or plus (+) or check (√) in the square at the left of the word Yes, and if opposed thereto mark a cross (X) or plus (+) or check (√) in the square to the left of the word No.</p>		
	Yes.	<p>“Shall the ordinance submitted by initiative petition providing for the posting of public contracting reform commonly referred to as “pay-to-play reform” be enacted into law? This law would limit professional contributions to political parties....”</p>
	No.	

If the majority of those voting on the proposed ordinance vote in favor of adopting it, the ordinance becomes a valid and binding ordinance of the municipality and goes

into effect within 20 days. Once adopted, the ordinance cannot be amended or repealed within three years of its adoption date, unless by vote of the people.

If the majority votes to against adopting the ordinance, it is not passed and has no binding. Citizens, however, are permitted to submit another initiative petition on the same issue at any time.

Timing Your Initiative

Like many life-changing decisions, timing is everything. Initiative petitions are no exception. When planning your initiative, it is vital to take into account scheduling and always, always allow ample time for amendments and delays.

Say you wanted to enact a Citizens Campaign model reform law. In order to do so, we should begin preparing in January so that it may be included on the November ballot. (If a special election were necessary, we would have to begin even sooner and be sure there was not one already held within six months.) The following is a sample timeline for an initiative aiming for the November general election.

	January	Feb thru June	July	Aug - Octobe	Nov
Gather all 5 members of the Committee of Petitioners, Finalize petition provided by the Citizens Campaign					
Contact County Board of Elections for minimum number of valid signatures required for your town					
Copy petitions and circulate among volunteers to gather signatures					
Last chance for Committee of Petitioners to file all notarized petitions					
Clerk has to verify that all signatures are genuine and all addresses belong to voters registered in the municipality					

Clerk submits certificate to accept the petitions to the council for the ordinance's first read at the next council meeting -- OR -- submits a detailed rejection to at least two Committee of Petitioners.					
Committee of Petitioners amend petition, i.e. gather more valid signatures to make up for the rejected ones					
Committee of Petitioners sign all affidavits (if necessary) and file supplementary petitions to county clerk					
Clerk has five days to review amended petition					
Clerk issues certificate of a successful petition and gives it to the Council to set a date for a first read —OR— Rejects petition and notifies Committee of the problem; Petition ends					
First reading & with public hearing held.					
Final day to withdraw petition					
Council passes ordinance, it goes into effect – OR – rejects it so it goes to the ballot in the next general election					
Ordinance published in at least two newspapers circulated in municipality					
Ordinance voted on in general election, Committee of Petitioners Get-Out-the-Vote					
If Voters Decide "Yes" the ordinance gets enacted					

Notice that if you were to need a special election, or would like more time to gather signatures, you should begin the process and early as possible. You should also take into consideration the date you would like the ordinance enacted and may want to work backward to determine your timeline, allowing enough time for scheduled holidays and possible mishaps along the way.

If timing is tight, you may run into a problem if the original petition is rejected, so be certain to try and avoid this by planning ahead.

For example, if we fell behind our timeline and did not submit the original petition until the July deadline, and needed to amend it, we would have missed getting our

ordinance on the November ballot. We would then need to hold special election, since the next general one would be more than 90 days away.

This would pose a major problem, since we only gathered enough signatures to cover 10 percent of the voting population and special elections require 15 percent. We may have realized this during the ten-day amendment window, but we may not have gathered enough signatures in that limited time. So, as you can see, a little bit of petition planning goes a long way.

Timing Tips

Here are a few more timing points to consider:

- **Make a realistic timeline.** After the Committee of Petitioners has been selected, sit down and devise a realistic timeline with mini-deadlines to follow. By remaining realistic, i.e. not expecting to gather all signatures in one day, the petitioners will have an easier time reaching the mini-deadlines, such as gathering 200 signatures by the fifth day, and filing the petition on time.
- **Allot extra time for delays and amendments.** Because there is always the chance that the clerk may find your initial petition defective, be sure to allow plenty of time to amend and resubmit the petition.
- **Have petitions ready in advance.** Initiative petitions can be drafted at least a month before being circulated, so use this time to finalize the petition and make copies. Referenda petitions are on tight deadlines, so if you are aware that the ordinance you wish to challenge may pass, have the petition ready well ahead of time so you may circulate it immediately after the ordinance's passage.
- **Plan ahead.** If aiming to have an ordinance appear on a general election ballot, time your petition submittal accordingly. This means, submitting the signatures by mid-July.

Withdrawing an Initiative

After an initiative petition has been submitted to the council, it may be withdrawn so long as the Committee of Petitioners files a paper requesting that the petition be

withdrawn signed by four of the five members. This request must be made within 10 days of the council's decision to either pass the ordinance or put it to public vote.

Once a petition request has been correctly submitted, the ordinance is withdrawn immediately and the original petition ceases to have any force or effect.

Although it is not required that the Committee of Petitioners give a specific reason, possible reasons for requesting to withdraw a petition may include:

- **Insufficient or incorrect information.** If you file an initiative to rectify a problem, and later find that the basis for or the wording of your proposed ordinance was incorrect, you may wish to withdraw the petition and redraft the petition with the correct information.
- **Amendment to the ordinance.** Amending one ordinance may save the need for future initiative petitions, and would be grounds for withdrawal. This withdrawal, then, would prevent our having to file a separate petition.
- **Schedule conflict.** As we now know, timing a petition is everything. So, if we were to file our street sign petition late and then require a special election to be held, we may wish to withdraw the petition and resubmit it when it could be included in the general election so as to avoid having to garner additional signatures.
- **Similar ordinance introduced by the council.** If during the course of an initiative petition's review an ordinance similar to that in the initiative were to be passed by the council, you have several things to consider. Does the council's version call for the exact same things as yours? Is the council's version weaker than yours? You could either withdraw the petition or continue with your initiative to override the council's version. The Citizens Campaign offers strategy support in these situations.

Tips and Strategies for Success

The following outlines tips for conducting successful initiative campaigns. Included are the keys to gathering a sufficient number of valid signatures, how to best address questions of timing, how to find expert legal advice and comply for the technical

requirements, and strategies for insuring your side prevails once an initiative is on the ballot.

Gathering a Sufficient Number of Valid Signatures

The most labor-intensive part of an initiative campaign is gathering sufficient signatures to insure that your proposal qualifies for the ballot.

As a general rule of thumb, it is important to **obtain at least 20% more** signatures than are required. This is because some of the signatures are likely to be ruled invalid because signers are not registered to vote or have not provided a correct address.

The best place to gather signatures are central locations, which are frequented by substantial numbers of adult town residents. Supermarkets and train stations may be good locations but you want to ask people if they are a registered voter in your municipality. Another good way to gather signatures is to go door-to-door in your neighborhood. This method of signature-gathering becomes even more efficient, if you have a street list of current voters which can usually be purchased from the municipal clerk.

For planning purposes, gathering signatures at central locations yields roughly 15 per hour, while gathering them door-to-door yields about 8 per hour. (Of course, door-to-door is likely to yield a higher percentage of valid signatures especially if one uses a street list.) These estimates can be adjusted once signature-gathering is underway. For example, a petition on an issue in which there is already a lot of strong community feeling is likely to yield signatures at a slightly faster rate.

Gain support from and utilize the membership of local civic organizations such as the League of Women Voters, AARP, PTO/PTA's, parents involved in their child's sports activities, and local activist groups. It is important to provide training to all volunteer petitioners. The training should include tips for getting the maximum number of signatures and for ensuring that the highest possible percentage of signatures obtained are valid. Some suggestions for increasing this percentage are found below:

- **Ask all citizens if they are registered to vote in your municipality.** Before allowing people to sign any petition, verify that they are registered voters in your municipality; this will stop out-of-town and unregistered residents from mistakenly signing the petition.

- **Stress the importance of providing the real address.** Assure signers that their address will not be used for any other purpose other than to verify their signing eligibility and residency within the municipality.

Recruiting Legal Help & Complying with Technical Requirements

There are key stages in the initiative process in which it is greatly beneficial to have expert legal assistance. These include reviewing the petition language, insuring that all the technical requirements for filing the petition and required attachments are met, challenging any of the rulings of the clerk and the council if deemed legally wrong, and helping to negotiate specific ordinance language if the council decides to adopt the ordinance, rather than have it go to the ballot, and wants certain minor changes. If your group does not have access to volunteer legal assistance, depending on the content of the proposed ordinance, pro bono legal help may be provided by the Center for Civic Responsibility.

Below are some tips for insuring that required attachments are filed correctly

Correct Attachments

It is crucial to include ALL attachments and papers when filing your petition. Because all papers are submitted in a single filing, however, it is easy to mistakenly neglect to include vital papers, such as signature sheets or affidavits. Failure to submit all relevant papers will result in the petition's rejection. To avoid such consequences, keep these tips in mind:

- **Sign affidavits immediately.** Each signature sheet requires the signed affidavit of the petitioner who gathered the signatures. Because many sheets can be simultaneously distributed, have each petitioner sign the required affidavits for his or her sheets immediately after they are filled. Delays may lead to their forgetting to do so.
- **Assign petition gatherer.** Reducing the number of people involved in collecting the papers can dramatically reduce the potential for a mistake. Select one Committee member to be the official 'gatherer' responsible for collecting all petition papers, including signature sheets and affidavits. The member will also

review each sheet to ensure that there are enough signatures and that all affidavits are attached.

- **Assign petition filer.** This Committee member will act as the gatherer's second pair of eyes. He or she will double check the petition papers to ensure nothing is missing. He or she will then assemble all the papers together and file the petition with the county clerk.

Winning when Initiatives Reach the Ballot (the “Referendum”)

It is tempting to rest once your initiative is placed on the ballot in the form of a referendum. However, there are proactive steps you can take to increase your chances of success. They are summarized below:

- **Generate Editorial Support:** Arrange a meeting with the editorial page editors of the newspapers that cover your municipality and make a solid case for why the newspaper should support your proposal. A positive editorial can help move voters in your direction.
- **Win Organization Endorsements:** For any proposed initiative, there are usually organizations that are likely supporters. For example, if the proposed initiative calls for an increase in open space, town environmental groups are excellent targets. Ask for an endorsement and for the group to publicize the endorsement by issuing a media release and by informing all their members.
- **Foster positive word of mouth:** Ask any supporter to contact 10 of their friends and neighbors and urge them to vote for the proposal.
- **Generate positive e-mail activity:** Send out an e-mail alert asking briefly explaining the proposal and ask not only for the person's vote, but for them to forward your message to anyone on their e-mail list who is a town resident.
- **Poll Greet on Election Day:** Recruit and train volunteers to greet voters and polling places on Election Day and urge them to support the proposal. Greeters need to stand 100 feet from the polls, but at many polling places this restriction does not preclude greeting efforts. The greeters should have an information sheet to give interested voters.

Faulkner Act Municipalities

* Towns where citizens successfully conducted an initiative to pass a Citizens Campaign model law.

Atlantic County

Atlantic City
Brigantine City
Estell Manor City
Galloway Township

Bergen County

Fair Lawn Borough
Mahwah Township
Ridgewood Village
River Vale Township
Saddle Brook Township
Teaneck Township
Washington Township

Burlington County

Burlington City
Burlington Township
Delran Township
Eastampton Township
Evesham Township
Florence Township
Maple Shade Township
Medford Township
Moorestown Township
Mount Holly Township
Mount Laurel Township
Pemberton Township
Springfield Township
Willingboro Township

Camden County

Berlin Township
Camden City
Cherry Hill Township
Gloucester Township

Cape May County

Avalon Borough
Cape May City
Lower Township
Ocean City

Cumberland County

Bridgeton City
Vineland City

Essex County

Belleville Township
Cedar Grove Township
Fairfield Township
Irvington Township
Livingston Township
Montclair Township
Newark City
Orange City

Gloucester County

Logan Township
Monroe Township*
Washington Township

Hudson County

Bayonne City
Hoboken City*
Jersey City
Weehawkin Township

Hunterdon County

Clinton Township
Lambertville City

Mercer County

East Windsor Township
Ewing Township
Hamilton Township*
Lawrence Township*
Trenton City
West Windsor Township

Middlesex County

East Brunswick Township
Edison Township*
Monroe Township
New Brunswick City
North Brunswick Township
Old Bridge Township
Perth Amboy City
Piscataway Township
Spotswood Borough
South Amboy City
South Brunswick Township*
Woodbridge Township*

Monmouth County

Aberdeen Township
Belmar Borough
Bradley Beach Borough

Highlands Borough
Howell Township
Keansburg Borough
Marlboro Township
Ocean Township
Tinton Falls Borough

Morris County

Chester Township
Denville Township
East Hanover Twp.
Jefferson Township
Lincoln Park Borough
Mine Hill Township
Morristown Town
Mount Olive Township
Mountain Lakes Borough
Parsippany-Troy Hills Town
Pequannock Township
Randolph Township
Rockaway Township
Roxbury Township

Ocean County

Berkeley Township*
Brick Township
Island Heights Borough
Long Beach Township
Manchester Township*
Stafford Township
Toms River*

Passaic County

Hawthorne Borough
Passaic City
Paterson City
Ringwood Borough

Wayne Township
 West Milford Township
 West Paterson Borough

Somerset County

Bridgewater Township
 Franklin Township
 North Plainfield Borough

Sussex County

Byram Township
 Newton Town
 Sparta Township
 Vernon Township
 Verona Township

Union County

Clark Township
 Elizabeth City
 Hillside Township
 Rahway City
 Scotch Plains Township

Warren County

Allamuchy Township
 Deptford Township
 Greenwich Township
 Lopatcong Township
 Phillipsburg Township
 Pohatcong Township
 Washington Borough
 West Orange Township

Information for Non-Faulkner Act Municipalities

For every one New Jersey municipality that has adopted the Faulkner Act, there are an additional 3 that have not. In these municipalities, where citizens are not granted the right to self-propose ordinances, there are other useful courses of action to affect the passage and proposal of ordinances in your community.

You should check your town or city's Charter to see whether it provides citizens' the right to initiative. The threshold may be set very high and require many more signatures than in Faulkner Act towns. You should contact the Center for Civic Responsibility (732-548-9798) for strategy assistance if this is the case. In all municipalities citizens can organize an efforts to change their form of government to fall under the Faulkner Act. Contact the Center for the information.

In non-Faulkner Act municipalities, ordinances are proposed directly by a council member for first 'reading' at a municipal council meeting. It is important to remember that just because you cannot submit an ordinance petition yourself, does not mean that you are without power to enact change in your neighborhood. Rather, it puts even more importance on your being an active member of your community by

keeping abreast of local issues, staying in contact with your local council members and remaining informed of public hearing announcements published in your local newspaper. And, it means that if you recognize a problem in your community you would like to see addressed, you should contact the your council members to express your concerns and encourage them to propose the necessary legislation.

For example, if you wish to enact legislation outlawing the use of hand-held cellular phones while driving, you should contact your local council member(s) and request that they propose such an ordinance at the next council meeting. This may be done either by phone, letter or email. Bear in mind that council members are often busy and prefer written correspondence. Do, however, follow up with a phone call to ensure your request has been received and reviewed. Do, also, ask for a commitment from the council member and a timeframe in which you can expect the issue to be brought before the committee. To reach your elected officials, contact your municipal offices and ask for their contact information; phone numbers, office addresses and emails are readily available and easily accessible. You may also check your township's website for a complete list of elected officials and their contact information.

When approaching council members, be certain to remain respectful and present a well-researched proposal. In this instance, you will want to provide each with the number of automobile accidents that occurred in your neighborhood while drivers were talking on their cell phones to demonstrate the high need for the ordinance. If relevant, you may also wish to provide examples of similar legislation already passed in near-by communities, including the fine charged for violating the ordinance.

Once the ordinance is proposed by the council member to the committee at its initial reading, it is then published in full text in the local newspaper two weeks prior to the date of the ordinance's second, public hearing. Given the two-week period between the publication and hearing dates, you have ample time to generate public support for the ordinance, draft a statement to present to the committee and get media attention on the subject.

Although citizens in non-Faulkner Act municipalities do not directly propose ordinances, they are entitled to speak at the hearing and bring public as well as media attention to the issue – an equally vital right. Because the proposed legislation will undoubtedly affect the members of the community, it is essential to the democratic process that council members are aware of the people's concerns in order to best represent them; as an engaged citizen, it is your responsibility to exercise your right

and voice your concerns before the committee. When appearing before the council at a public hearing, be sure to keep the following tips in mind:

- **Know the rules.** Request in advance a copy of the procedures for public hearings, which can be obtained from the municipal clerk's office. Take particular notice of any sign-in requirements and speaking time limits.
- **Be prepared.** Write your comments in advance and recite them until you feel confident with them. Speaking before a large audience may seem intimidating and the more practiced and prepared you are, the better you will perform. It is also good to review possible objections to the ordinance and prepare a response.
- **Be concise.** Time limits, if relevant, will be enforced. Even without time limits, however, you should strive to make your point in roughly five minutes to keep the attention and interest of the audience.
- **Dress appropriately.** Most often, business or business casual attire is preferred. Because you are addressing the council, who will most likely be in suits, you should aim to look professional. Follow the old adage, "Dress for success."
- **Be early.** Arriving at least 15 minutes early will give you ample time to introduce yourself to the council, sign-in if necessary, and familiarize yourself with the agenda. It will also prove invaluable to have time to relax and get acquainted with your fellow citizens.
- **Be respectful.** Shouting and yelling will get you nowhere. To get respect, you must be respectful and polite, so it is best to begin by thanking the council and your fellow constituents for their time and making your point without being argumentative or attacking any persons or beliefs. This is your chance to sway the audience, so just remember you catch more bees with honey.
- **Realize you are on record.** Public hearings are just that, public, so expect to see reporters in the seats jotting notes. It is entirely feasible that you may be quoted in the local papers or filmed for local news broadcasts. And remember this is your chance to reach a broader audience, so bear this in mind when drafting your comments and preparing for the hearing.

Following the public hearing, the ordinance is put to the municipal committee for election. In most cases, with the exception of budgetary matters, the ordinance is

passed or rejected by a majority vote. If approved, the full-text ordinance is again published in the local newspaper and takes effect immediately following its publication.

The Citizens Campaign Model Laws are Available for Download at
www.TheCitizensCampaign.org