

1st reading 11
12-6-17

SPONSORED BY: Councilman DeFusco

SECONDED BY: Councilman Ramos

CITY OF HOBOKEN
ORDINANCE NO.: 7-537

AN ORDINANCE TO SUBMIT THE PROPOSITION TO THE VOTERS AT THE NOVEMBER 6, 2018 GENERAL ELECTION THAT THE CITY OF HOBOKEN ADOPT THE HOLDING OF RUN-OFF ELECTIONS AS PERMITTED BY THE UNIFORM NON-PARTISAN ELECTIONS LAW

WHEREAS, the City of Hoboken under current law does not hold run-off elections for the offices of Mayor and Member of the City Council, which means that the winning candidate does not need to receive a majority of all votes cast for that office to be elected; and,

WHEREAS, because the City of Hoboken does not hold run-off elections, in the most recent municipal election, the winning candidate for Mayor received only about one-third of all of the votes cast for Mayor in that election; and,

WHEREAS, the City Council believes that the outcome of the most recent municipal election has exposed a fatal flaw in the City's election process, as "the will of the people" as commonly understood in our democracy is expressed through a majority vote, but because of a crowded field of candidates, minority rule has determined Hoboken's political leadership for the next four years; and,

WHEREAS, pursuant to N.J.S.A. 40:45-21, a municipality that does not currently hold run-off elections may, by referendum, determine to hold run-off elections to ensure that the winning candidate receives a majority of the votes cast by the voters of that municipality; and,

WHEREAS, pursuant to N.J.S.A. 40:45-21, the question of whether or not to adopt the holding of run-off elections may be submitted to the voters by ordinance of the governing body; and;

WHEREAS, any ordinance adopted for that purpose shall state the proposition that run-off elections be held in the municipality; and,

WHEREAS, pursuant to N.J.S.A. 40:45-21, because it has been more than four years since the question of whether or not to hold run-off elections was last submitted to the voters, this Ordinance is ripe for adoption and if approved by the voters, will be in effect for the next municipal election for City Council in November 2019; and,

WHEREAS, the City Council of the City of Hoboken proposes that run-off elections be adopted for its future municipal elections and in accordance with N.J.S.A. 40:45-21 submit the proposition to the voters that the holding of run-off elections be adopted.

NOW, THEREFORE, the City Council of the City of Hoboken does hereby Ordain:

SECTION ONE:

The City Council of the City of Hoboken requests that pursuant to N.J.S.A. 40:45-21(b) that the City Clerk provide for the submission upon the official election ballot to be used at the November 6, 2018 General Election the following proposition:

SHALL RUN-OFF ELECTIONS BE HELD IN THE CITY OF HOBOKEN AS PERMITTED BY THE "UNIFORM NON-PARTISAN ELECTIONS LAW?"

SECTION TWO:

Pursuant to N.J.S.A. 40:45-21(b) the City Clerk shall provide for the submission of this question at the next General Election on November 6, 2018 by adoption of this Ordinance which must be not less than sixty days before said election (prior to September 7, 2018), and is directed to send a certified copy of this Ordinance upon adoption to the Hudson County Clerk to advise of same.

SECTION THREE: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FOUR: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FIVE: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided by law.

SECTION SIX: CODIFICATION

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Date of Introduction: December 6, 2017


Introduction:

Councilperson	Yea	Nay	Abstain/Present	Absent
Ravinder Bhalla		/		
Peter Cunningham	/			
Michael DeFusco	/		/	
James Doyle				
Tiffanie Fisher	/			
Jennifer Giattino	/			
David Mello	/			
Ruben Ramos, Jr.	/			
Michael Russo	/			

Final Reading:

Councilperson	Yea	Nay	Abstain/Present	Absent
Ravinder Bhalla		/		
Peter Cunningham	/			
Michael DeFusco	/			
James Doyle		/		
Tiffanie Fisher	/			
Jennifer Giattino	/			
David Mello	/			
Ruben Ramos, Jr.	/			
Michael Russo	/			

Approved as to Legal Form:



Brian Aloia, Esq., Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of 7 Yeas to 2 Nays
On the 20 day of Dec, 2017

James Farina, City Clerk

☒ Vetoed by the Mayor for the following reasons: _____

Please see attached
veto statement
12/22/17

-or-

☐ Approved by the Mayor
On the ____ day of ____, 2017

Dawn Zimmer, Mayor

VETO STATEMENT

On December 20, 2017, the Hoboken City Council adopted an Ordinance requiring a binding referendum to be conducted during the November 2018 election with respect to bringing back run-off elections in Hoboken. I have vetoed this Ordinance for the following reasons:

5 years ago, the people of Hoboken resoundingly (58%-42%) voted to eliminate run-off elections. The merits of the issue were vigorously publicly discussed and debated. One of the issues debated was the obvious possibility, that if the runoff was eliminated, a candidate could be elected to office with substantially less than 50% of the vote. The voters understood that. They also understood that a December run-off would have a poor turnout, the cost of elections for candidates would rise significantly, voters would have to endure an additional month of election madness, and the backroom political deals that often were made in the past would continue to infect our system if the run-off was not eliminated. Additionally, they understood that the run-off has rarely changed the results of a Hoboken election.

While the law permits revisiting this decision every four years, that does not mean it is prudent or appropriate to do so. Changes in how we choose our elected officials need to be carefully considered.

This Ordinance was passed in the immediate aftermath of a hotly contested election, in which Mayor Elect Bhalla won with approximately 33% of the vote. It was sponsored by the candidate who finished 2nd, almost 500 votes behind. It was adopted by a lame duck City Council, in the last City Council meeting of the year. Every single Councilperson who voted in support of this Ordinance was either a losing candidate in the election, or actively supported a losing candidate.

This hurried way this Ordinance was handled reflects the personal frustrations of those dissatisfied with the election result. Indeed, it appears to be an attempt to de-legitimize the election of Mayor Elect Bhalla. I suspect that the losing candidates would have a far more favorable view of our existing system had they won in November, even if the victory was achieved with as little as 29.5% of the vote, the total received by Councilman DeFusco, who is the sponsor of this Ordinance.

It is certainly understandable for losing candidates and their supporters to believe that they would have won if only the rules were different. However, the frustration of losing an election is not an appropriate basis for rushing to revisit a decision made by almost 9200 voters just 5 years ago. This issue deserves a complete, vigorous public discussion about not only which system is better, but about the wisdom of revisiting this issue only five years after it was resoundingly decided by the voters.

The City Council has until August to adopt an Ordinance putting this issue onto the 2018 ballot. There is no conceivable legitimate reason for pushing this through at the last Council Meeting of 2017. This measure should be fully vetted in sub-committee before being considered by the full Council. Our two newly elected Council Members, Councilwomen Falco and Jabbour, should be full participants in the discussion. Data from past elections should be carefully analyzed. The public should be engaged and given a full opportunity to participate in the discussion. Then, if the City Council still believes that revisiting the run-off question in 2018 is appropriate, it can take the necessary steps without the appearance of impropriety created by the hurried vote taken December 20th.