



July 19, 2017

Kenneth Louis
City Clerk
Newark City Hall
920 Broad Street, Room 415
Newark, New Jersey 07102

Re: Proposed Initiative Petition To Be Submitted in July 2017

Dear Mr. Louis:

I am writing to you on behalf of a Committee of Petitioners that is currently circulating an initiative petition that they intend to submit to the Newark City Council for consideration by the end of the month. As part of my work on behalf of the Committee, I came across a Certification of Insufficiency, dated April 20, 2017, which you sent to Newark Tenants United in response to that organization's April 11, 2017 letter purporting to submit a referendum petition. The Certification lists a host of reasons why the referendum was deemed insufficient.

Among the many reasons, you stated:

I further certify that said petition is insufficient in that it is supported by an insufficient number of signatures. A referendum petition must be supported by "at least 15% of the total votes cast in the municipality at the last election at which members of the General Assembly were elected." The Essex County Clerk provided evidence that a total of 80,348 votes were cast by voters of the the City of Newark at the last general Assembly Election held in the year 2016. Therefore, as a threshold matter, any referendum petition is required to be supported by the signatures of at least 12, 0562 qualified voters. N.J.S.A. 40:69A-185.

As you know, N.J.S.A. 40:69A-184, governing initiative petitions, provides the same signature standard, though permits a petition supported by at least 10%, but less than 15% "of the **total**

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votes cast in the municipality at the last election at which **members** of the General Assembly were elected.” (emphasis added). Given our agreement on the wording of the signature standard, I am a bit puzzled by your choice of the 2016 election as the relevant election.

A review of the website of the Essex County Board of Election indicates that in Essex County, let alone Newark, there was an election for only one member of the General Assembly in 2016, and that election which occurred in the 29th Assembly District, occurred partially in Newark and partially in Belleville. That is, there was not even one General Assembly election that involved all Newark voters. Accordingly, in accord with the signature standard explicitly set forth in the Faulkner Act, N.J.S.A. 20:69A-184 and 185, the last election at which more than one member of the General Assembly was elected by the entire City of Newark is not the 2016 General Election, but rather is the 2015 General Election.

During the 2015 General Election, Newark voters elected four Assembly members, 2 members in the 28th Assembly District (covering Bloomfield, Glen Ridge, Irvington, Newark and Nutley), and 2 members in the 29th Assembly District. Although these two elections also included non-Newark voters, together they involved the entire municipality. However, because such elections included voters outside of the City of Newark, the relevant election to determine the “total votes cast in [Newark]” is not such Assembly races, but rather the Newark public question election. In that election, 6,910 Newark voters cast their ballots; the undervote was 4,942 and the overvote was 1. Accordingly, “the total votes cast in [Newark] at the last election in which members of the General Assembly were elected is 11, 851, and not 80,348, as you stated to Newark Tenants United.

The difference in our numbers is significant, and has serious implications for the Committee of Petitioners I am currently representing. I am writing you at this time to see if we can resolve this difference prior to the submission by my clients of their proposed initiative petition in order to facilitate the processing of their petition without recourse to the courts.

Thank you very much for your consideration of this matter, and I look forward to hearing from you.

Sincerely,

Renée Steinhagen

Cc: Flavio Komuves, Esq.
Committee of Petitioners