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Via hand delivery and regular mail

Paula Geletei
City Clerk, Atlantic City
1301 Bacharach Blvd., Rm. 704
Atlantic City, New Jersey 08401

Re: Interpretative Statement for Special Election, March 31, 2020

Dear Ms. Geletei:

I am writing to you on behalf of Civic Associations of Atlantic City United, a coalition of neighborhood groups operating within the City of Atlantic City, which seeks to directly advocate for the interests of all persons residing within the City. For over six months, Atlantic City residents heard about a petition calling for a change in the structure of Atlantic City's government, from the current Faulkner Act council-mayor form of government to a council-manager form of government. Recently, that petition was certified as sufficient, and a special election was scheduled for March 31, 2020. A review of the petition indicates that the circulators of the petition did not include an interpretative statement; the Civic Associations of Atlantic City United assert that the proposed ballot question is not self-explanatory and that it is appropriate for the Clerk to submit an interpretative statement to the County Clerk to appear on the Special Election ballot in order to ensure that voters can make a fully-informed decision.

The certified petition includes the following ballot question:

Shall subtitle 5 of the title Municipalities and Counties of the Revised Statutes (N.J.S.A. 40:79-1 et seq.), providing for the Municipal Manager Form of Government, with five (5) council members all to be elected at-large for concurrent terms at elections held in May, with the mayor elected from among the council members, and a municipal manager appointed by the municipal council, be adopted by the City of Atlantic City?¹

¹ We suggest that the first sentence be clarified to read: Shall subtitle 5, of the title "Municipalities and Counties," of the New Jersey Revised Statutes . . . This addition of commas, quotations and New Jersey, though minimal, does make the question easier to understand.

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The petitioners of the proposed ballot question did not propose an interpretative statement, despite their inclusion of a legal citation that obscures the full scope of the change contemplated by the petition. Pursuant to N.J.S.A. 19:3-6,

Any public question voted upon at an election shall be presented in simple language that can be easily understood by the voter. The printed phrasing of said question on the ballots shall clearly set forth the true purpose of the matter being voted upon [...]. In event that in any statute the public question to be voted upon is so stated as not clearly to set forth the true purpose of the matter being voted upon and no provision is made in said statute for presenting the same in simple language or printing upon the ballots a brief statement interpreting the same, there may be added on the ballots to be used in voting upon the question, a brief statement interpreting the same and setting forth the true purpose of the matter being voted upon in addition to the statement of the public question required by the statute itself.

Although this provision itself is expressed in a convoluted fashion, its intent is clear: If the ballot question proposed is phrased in such a way that the "true purpose of the matter being voted upon" is not "clearly set forth," inclusion of an interpretative statement is appropriate. See also N.J.S.A. 40:69A-15 (authorizing charter commission, under the Faulkner Act, to frame the question of adoption of optional plan of government to be placed upon the ballot and, if it deems appropriate, an interpretative statement to accompany such question). In this case, it is not clear to the average voter based on the explicit words of the question that the petitioners propose that **Atlantic City will no longer be governed by the Optional Municipal Charter Law, the Faulkner Act**, which also provides for a Manager-Council form of government. As a result, the proposed change has ramifications not apparent on the face of the proposed question of which the voters should be made aware before being asked to cast their vote. Accordingly, the Civic Associations of Atlantic City United, on behalf of the potential persons participating in the March special election suggest the following interpretative statement:

This ballot question proposes to change Atlantic City's form of government. Currently, the City operates under the Optional Municipal Charter Law Council-Mayor Plan, a form of government under the "Faulkner Act." The question asks voters whether they want the City to be governed by the Municipal Manager Act of 1923, and no longer be governed by the Faulkner Act. This change would mean the following:

- (i) currently, voters elect 6 council members, one from each of the 6 wards, and 3 council members at-large, for 4-year staggered terms. Under the Municipal Manager Act of 1923, wards would be eliminated and, pursuant to the proposed question, voters would elect 5 council members, all at-large, for 4-year concurrent terms;
- (ii) currently, voters directly elect a mayor for a 4-year term. Under the Municipal Manager Act of 1923, the 5 council members will select a mayor from among themselves;
- (iii) currently, the mayor is the chief executive. Under the Municipal Manager Act of 1923, the 5 council members would hire a Municipal Manager to be the chief executive

and administrative official of the municipality. There is no term limit for the Municipal Manager who, after a 3-year period of employment, may be removed only for cause by the council, with the voters having no direct role in that decision;

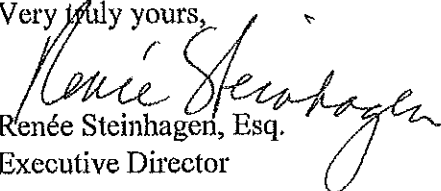
(iv) currently, general elections for municipal government positions are held in November along with other county, state-wide and federal elections. Pursuant to the proposed question, nonpartisan elections would be held in May, with only municipal candidates on the ballot and,

(v) currently, voters have the right of initiative and referendum, meaning voters can directly propose certain ordinances and ballot questions, or repeal certain council enacted ordinances. Under the Municipal Manager Act of 1923, voters will no longer have initiative and referendum powers.

A "Yes" vote is a vote to approve the proposed change to Atlantic City's form of government. A "No" vote is a vote against the proposed change and to maintain Atlantic City as a Faulkner Act municipality.

We respectfully request that you consider the above language for inclusion on the March 31st Special Election ballot. If you have any further questions, do not hesitate to contact me at 973-735-0523.

Very truly yours,


Renée Steinhagen, Esq.
Executive Director

cc: Civic Associations of
Atlantic City United