Bond Case Briefs

Municipal Finance Law Since 1971

REFERENDA - NEW JERSEY

Kumar v. Piscataway Township Council

Superior Court of New Jersey, Appellate Division - August 23, 2022 - A.3d - 2022 WL 3589079

Voters sought review of a decision from township council, which approved resolutions to place non-binding public opinion questions on general election ballot regarding proposed ordinances to establish emergency medical services department and to required township to record, broadcast, or stream township's public meetings.

The Superior Court found township's resolutions were void and enjoined township from placing non-binding public opinion questions on the ballot, but denied voters' motion for attorney's fees. Appeals were taken.

The Superior Court, Appellate Division, held that:

- Township council was not authorized to place non-binding public opinion questions on general election ballot under the Faulkner Act, but
- Voters were entitled to award of attorney's fees under Civil Rights Act.

Township council was not authorized to place non-binding public opinion questions concerning identical binding questions proposed by voters on the same general election ballot under the Faulkner Act; voters had already asked township council to consider and place binding questions regarding creation of an emergency medical services department and recording or broadcasting of township meetings under statutory procedure governing initiatives for proposed ordinances, and inclusion of both binding and non-binding questions would have caused voter confusion and could have resulted in contradictory results.

Voters' right to petition initiatives for proposed township ordinances constituted a "substantive right" protected by the Civil Rights Act (CRA), such that a deprivation of the right entitled voters to an award of attorney fees as the prevailing party under the CRA; township, through its council, violated the Act and prevented voters from having their petitions fully and fairly considered, and court's order enjoining township from placing non-binding questions on the ballot altered legal relationship between the parties in favor of voters.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com