

Fulop-backed referendum to move Jersey City election challenged as 'Frankenstein question'

By Matt Friedman

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JERSEY CITY - Calling it a "Frankenstein question," critics of Jersey City Mayor Steve Fulop have again filed a lawsuit challenging his attempt to move the city's municipal election from May to November.

The lawsuit, filed by attorney Bill Matsikoudis, four Fulop critics and a civic group Matsikoudis helped found, claims the Fulop-backed binding referendum that will appear on the November ballot unlawfully combines aspects of two state election laws and is "impermissibly vague."

Matsikoudis wrote that the ordinance's language needs to be heavily edited in order to pass muster.

A spokeswoman for Jersey City did not immediately respond to a request for comment.

The Jersey City Council approved an ordinance that puts a question on the ballot to move the city's non-partisan municipal elections from May to November. That in itself is controversial. Fulop is likely running for governor in the June 2017 Democratic primary. If he does run, he would not be able to seek reelection as mayor of the state's second largest city in May of the same year. But if the election is moved and if Fulop does not win the gubernatorial primary, he would be able to run for reelection as mayor. (Fulop has pointed out that he supported moving the election when he was a councilman and long before he was considering a run for governor).

But the question says nothing about runoffs, which are required a month after the initial election if no candidate wins a majority. Matsikoudis wants an interpretive statement attached to the ballot question to note that runoffs would be required in December. (A spokeswoman for Fulop [told the Jersey Journal in August](#) that the mayor and City Council first want to address the question).

That's not the referendum's only flaw, said Matsikoudis, a former Jersey City corporation counsel who is considering running for mayor himself. The referendum seeks to move the election, but it would remain non-partisan, without requiring a primary in June.

New Jersey's Faulkner Act allows voters to decide on moving non-partisan municipal elections to November, but only if they become partisan, Matsikoudis argued. On the other hand, he said, the state's Uniform Nonpartisan Elections Law does allow municipalities to move their elections from May to November without making them partisan. That must be done through ordinance, not referendum.

"Neither the Faulkner Act nor Uniform Nonpartisan Elections Law allows the City to keep its elections *nonpartisan* and simply *move* them to November via *referendum* - even though this is exactly what the City purports to do," Matsikoudis wrote. "All of this is patently illegal: The City may not override the Legislature, and, as its Frankenstein question fails to accord with either the plain language or express legislative intent of the Faulkner Act or the Uniform Nonpartisan Election Law, it may not be placed on a ballot as presently drafted."

This is the second time Matsikoudis, along with some of the same activists, have challenge a Jersey City referendum on moving the elections.

In November 2015, Jersey City voters narrowly approved a non-binding referendum that asked voters if the city should move its election from May to November. [But Matsikoudis prevailed upon a judge](#) to agree to remove some language from the question at the last minute that said it would save the city \$400,000 and cut down on "voter fatigue."