CITY OF HOBOKEN
ORDINANCE NO.: B-3

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 remaining 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 repeaters of existing provisions not intended to be repealed.

**Date of Introduction: January 3, 2018**

**Introduction:**

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**Final Reading:**

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Approved as to Legal Form:

Brian Aloia, Esq., Corporation Counsel

Adopted by the Hoboken City Council

By a Vote of ___ Yea to ___ Nays

On the ___ day of ___, 2018

James Farina, City Clerk

☑ Vetoed by the Mayor for the following reasons: Please see attached Veto statement.

☐ Approved by the Mayor

On the ___ day of ___, 2018

Ravinder S. Bhalla, Mayor
VETO STATEMENT

I have vetoed B-3 for the following reasons:

Presumably, the objective of this legislation is to ensure that any successful candidate for office obtain at least 50% of the vote. While this is a worthwhile objective, it needs to be considered together with other important objectives such as maximizing voter participation and minimizing the likelihood of elections results being influenced by improper conduct. The evidence is clear that there is a dramatic reduction in voter turnout associated with December runoff elections, as we saw most recently during four Jersey City runoffs in 2017 which experienced voter turnout reductions ranging from 33.6 percent to 45.4 percent.

The open secret known by every single member of the City Council and alluded to in multiple local news reports is that there is massive vote-buying that occurs in our elections. Reducing voter turnout through runoffs in December will amplify the power of those vote-buying operations, making our elections less democratic. Therefore, the approach taken by the City Council in achieving this objective is highly misguided and amounts to poor public policy that I cannot support. A far better approach, which I fully support, is to move to instant runoff (also known as ranked choice) voting which is commonplace around the country.

In October, 2017, Councilwoman Tiffanie Fisher summarized this threat to democracy in an email (The full email is attached):

“Hoboken has a long history of ‘pay for vote’ operations that are organized by certain elected officials and supporters and target the lower income and more vulnerable neighbors in our town. The stories I have been told include residents who are threatened for eviction or rent increases if they don’t vote a certain way. And/or get paid between $40 and $100 per vote....It amazed me too how the poll workers joked about people being paid to vote. The line they all got a chuckle out of was when one poll worker said ‘new people want [I voted] stickers, old people want their number so they can go get paid...In an election where the top mayoral vote getter will probably get 3-4000 votes, and the top city council and BOE candidates will get half, these votes have a potentially meaningful impact.”

As stated by Councilwoman Fisher, vote buying is an existing threat to our democracy – a threat which becomes even more pronounced during lower turnout elections, where the same number of purchased votes can more easily override the will of the people. Lower voter participation is exactly what will happen with runoff elections. In Jersey City, which moved their elections to November but retained runoffs (as would be the case if this referendum were to pass), all four of their Ward races that went to a runoff in December 2017 saw severe voter turnout reductions ranging from 33.6% to 45.4%:

Ward A (-45.4%): 4,493 voters in November → 2,451 voters in December  
Ward B (-34.7%): 4,024 voters in November → 2,625 voters in December  
Ward C (-33.6%): 4,226 voters in November → 2,804 voters in December  
Ward E (-44.7%): 7,502 voters in November → 4,151 voters in December

The implementation of instant runoffs would resolve the understandable concerns about electing candidates with a plurality rather than a majority of the vote, while mitigating or eliminating many of the anti-democratic and illegal practices fostered by traditional runoffs in December. I will be reaching out to the Murphy Administration and the legislative delegation for the 33rd District, State
Senator Brian P. Stack, Assemblywoman Annette Chaparro and Assemblyman Raj Mukherji, about enacting instant runoff legislation at the state level, so we may have this option in the future.

Councilwoman Fisher's remarks about the serious nature of vote-buying operations in Hoboken were underscored by Councilman Ruben Ramos who discussed vote by mail fraud during the 2013 election, stating: “Being told to bring your ballot to a headquarters with it open for someone to look at, is not okay. That is wrong, that is illegal, and that needs to be stopped.” [https://www.youtube.com/watch?v=yADtg4lvVS8]

Similarly, Hoboken advocate Cheryl Fallick highlighted the voter fraud issue in 2014 following the rent control referendum when she stated: “We feel very grateful to [Steinhagen] for her efforts on behalf of HFHA and all Hoboken voters to meet the city’s voter fraud problem head on…” [http://hudsonreporter.com/view/full_story/24627525/article-Hoboken-s-legacy-of-vote-by-mail-schemes--Rent-control-referendum-results-stand--and-shed-light-on-dubious-election-pastime--?instance=latest_story]

During the 2009 4th Ward council election, I personally witnessed and investigated the manner in which campaign “workers” were paid on average $40 for their “services,” and almost each and every one of those “workers” also submitted an absentee ballot. Furthermore, the investigation revealed a disturbing pattern where the checks paid to these “workers” were dated within days of the Board of Elections receiving an absentee ballot from the “worker.” An incredible number of 575 “workers” were paid by the winning candidate who received 1,240 votes. For anyone who has ever managed a campaign, having a paid worker for every two votes would be a red flag, but this kind of improper conduct is commonplace in Hoboken.

Lastly, Council Members have said we should “let the people decide.” When Hoboken voters already decided to eliminate runoffs, it was during a high-turnout presidential election in 2012, and voters overwhelmingly chose to eliminate traditional runoffs. Nonetheless, if it is the will of the Council to seek a re-vote in the hopes of a different result, it would be far more democratic to hold this referendum during the presidential election in 2020 when there will be maximum voter turnout and participation, not in 2018, an off-year election. It is notable that if the referendum were held in 2020, voters could decide to reinstate runoffs prior to the next mayoral race.

In a high turnout election, the value of an honest vote is far greater than one obtained through illegal means. Conversely, in a low-turnout election, the value of a “paid for” vote is far greater than an honest vote. In such a context, why would any responsible public official advocate for the reinstatement of low-turnout runoff elections? Such an outcome undermines our democracy and fosters corruption. I cannot support legislation that facilitates such an objective.
Dear neighbors -

WE HAVE TO END VOTER FRAUD IN HOBOKEN - AND YOU CAN HELP IF YOU CONSIDER BECOMING A POLLWORKER.

I, as Chair of the Hoboken Democratic Committee along with Dan Cillie, the Chair of the Hoboken Municipal Republican Committee, are both interested in using our roles to make sure we do everything we can to end voter fraud at the polls. This is a non-partisan effort that makes sense for our community. Please help us help our community. ONE DAY OUT OF YOUR SCHEDULE CAN HAVE A MEANINGFUL IMPACT ON THE FUTURE OF HOBOKEN.

IF INTERESTED PLEASE PRINT OUT, SIGN AND EMAIL THE ATTACHED APPLICATION ASAP TO:

- JMANGINE@HCNJ.US and
- CCing: FGIGANTE@HCNJ.US.

Or email me and I will bring you an application. We are late getting this out so there is
some urgency as election day is just around the corner!

You must be a registered voter in Hudson County. The roll pays $200 for the day. It requires a commitment from 545 am till the polls close - you get lunch and dinner breaks. And other than the busy times - which total about 4-5 hours, you have a lot of down time. And... candidates bring you food and drinks all day.

Notwithstanding the focus on ending fraud, we are also looking for people who also just want to improve the experience for voters on election day. More smiles, and doing what we can to answer questions and get people in and out quickly to reduce the time standing in line.

There is a training in Hoboken tomorrow evening at Wallace at 6pm. There will be future training available if need be.

For those unaware, I became interested in helping change leadership of the Hoboken Democratic Committee because I learned that the Democratic Party Chair (and the Chair of the Hoboken Municipal Republican Committee) can select poll workers on Election Day. Why does this matter? Hoboken has a long history of “pay for vote” operations that are organized by certain elected officials and their supporters and target and exploit
the lower income and more vulnerable neighbors in our town. The stories I have been told include residents who are threatened for eviction or rent increases if they don’t vote a certain way. And / or get paid between $40 and $100 per vote.

This happens through absentee votes and, it also happens at the polls. We saw both happen most recently in the 2015 election where alleged paid for votes impacted the outcome of the Board of Ed election that year. You can see evidence of what happened and who was behind it when you review candidate election reports that year.

As a result of seeing this, last year I along with a former BOE commissioner were voter challengers in one of the polling locations and watched a poll worker “help” about 50 able bodied, active voters to vote. You cannot believe it unless you witness it with your own eyes. The poll workers walked into the polling booth with the voter, pointed to who to vote for, waited until they hit the "cast vote" button, and then walked out. Had we not been there, I am certain the curtains on the polling booth would have just stayed open all day and more would have been “helped” to vote. It amazed me too how the poll workers joked about people being paid to vote. The line they all got a chuckle out of was when one poll worker said “new people want [I voted] stickers, old people want their
number so they can go get paid.” I wasn't laughing.

In terms of VBM's, we have already heard this year of those who are going and collecting the ballots now from residents throughout our lower income and senior buildings in Hoboken - collecting more than three is illegal under NJ Law. One person in particular who keeps being named as someone doing the collecting is a long time City employee. Someone I have seen on election day in the past dropping off ballots at the County. To give you an idea of magnitude - as of this writing, there are 1300 VBM ballots sent already from across Hoboken, over 500 to the HHA alone. And another 200 to our senior buildings. You can see them in the attached VBM report that is sent to us by the County (all public information). Will all of these (HHA and seniors) be paid for or ill gotten through coercion? No. But we can't know how many will. We just see it in the results on election day. Past elections show scattered, minimal support across the city for certain candidates, but then huge amounts of votes in these areas. In an election where the top mayoral vote getter will probably get 3-4000 votes, and the top city council and BOE candidates will get half, these votes have a potentially meaningful impact.
This is not to say at all that there are no honest vote by mails out there - VBM's are a great tool to maximize voter turnout and are used by many including many on this email. Nor am I saying that all of the votes from our lower income and more vulnerable populations are not honest or count any less. There are so many people who know their vote is their voice and vote honestly. Many of those who have reached out to us about what is going on, want it to change. And we want to do our part to help. I hope you do as well.

There are so many more stories that I am happy to share. Feel free to reach out to me. But please consider being a poll worker and help end voter fraud in Hoboken! This election is too important.

Thank you!

Tiffanie Fisher
Hoboken 2nd Ward City Councilwoman

"More Voices are Better"