

To: New Jersey Law Revision Commission
From: Erik Topp
Re: Municipal Vacancy Law
Date: March 5, 2018

MEMORANDUM

Executive Summary

New Jersey offers municipalities a choice of twelve forms of government, eleven of which are in use, to varying degrees. This presents a situation where there is substantial variation in the composition of local governments, limiting the ability to have a uniform process in the event of a governmental vacancy. The Legislature attempted to remedy this problem in 1979, when it approved the Municipal Vacancy Law,¹ but the problem of filling vacancies in a consistent and timely manner persists. This Memorandum provides information about the governance of municipalities, an outline of the process set forth in the Municipal Vacancy Law, and request for authorization to engage in additional research and outreach to identify potential changes to the Municipal Vacancy Law to improve its organization and effectiveness.

I. Introduction: Forms of Municipal Government

New Jersey has a tradition of home rule, providing each of the state's nearly 600 municipalities significant level of freedom in self-governance, a freedom that municipalities have long prided themselves on.² This has led to substantial variation among the municipalities, enabled by the State allowing municipalities to choose to organize themselves among any of twelve forms of government. The municipalities foster even further variation among those twelve forms, as several forms allow differences in the composition of governing bodies to be grandfathered in from municipal charters that predate the adoption of the forms.³

The twelve forms of government municipalities may choose to organize themselves under and their locations in the state Code are as follows:

Form of Government	Code Sections
Borough	N.J.S. §§ 40A:60-1 to 60-8.1
City	N.J.S. §§ 40A:61-1 to 61-8
Commission	N.J.S. §§ 40:70-1 to 76-27
Council Manager Act of 1923	N.J.S. §§ 40:79-1 to 85-22

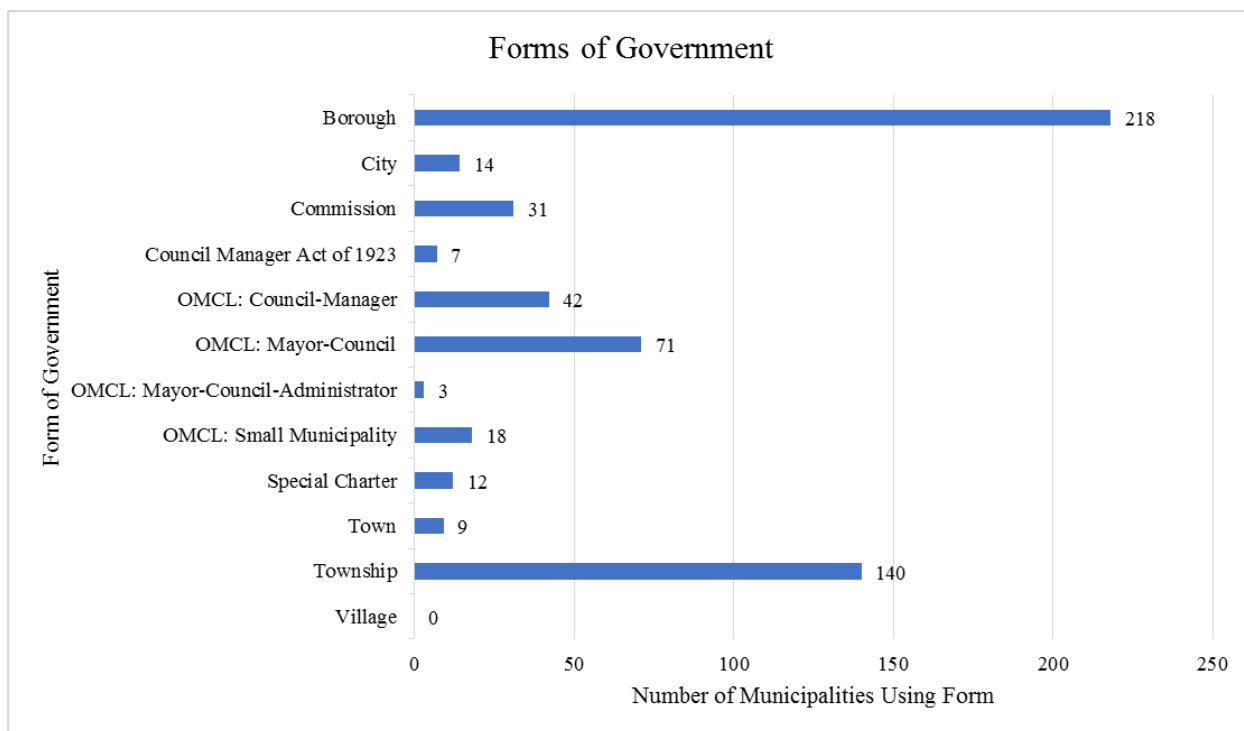
¹ N.J.S. 40A:16-1 et. seq.

² See, e.g., Andrew J. Bruck and H. Joseph Pinto III, *Overruled by Home Rule: The Problems with New Jersey's Latest Effort to Consolidate Municipalities*, 32 SETON HALL LEGIS. J. 287, 288–89 (noting former Governor Byrne's description of home rule as the state's "religion" and discussing Pahaquarry Township's resistance to disbanding and merging into Hardwick, despite Pahaquarry's population having been whittled down to just six residents, only two of whom were eligible to hold municipal-level elected office).

³ See Appendix Table 1, displaying form-by-form municipal officers and rules for distributions and elections.

Optional Municipal Charter Law (OMCL) Council-Manager Plan	N.J.S. §§ 40:69A-81 to 69A-98
OMCL Mayor-Council Plan	N.J.S. §§ 40:69A-31 to 69A-48
OMCL Mayor-Council-Administrator Plan	N.J.S. §§ 40:69A-149.1 to 69A-149.16
OMCL Small Municipality Plan	N.J.S. §§ 40:69A-115 to 69A-132
Special Charter	N.J.S. §§ 1:6-10 <i>or</i> 40:69A-16, in conjunction with charter approved by Legislature
Town	N.J.S. §§ 40A:62-1 to 62-8
Township	N.J.S. §§ 40A:63-1 to 63-7
Village	N.J.S. §§ 40A:63-8 to 63-8.1

The distribution of the forms of government among municipalities is as follows⁴:



⁴ This information was collected from the Rutgers New Jersey Data Book and most recently updated January 30, 2018. *Rutgers New Jersey Data Book*, RUTGERS CENTER FOR GOVERNMENT SERVICES, njdatatbook.rutgers.edu.

See Appendix Figure 1 for a geographic view of this data, showing that Boroughs tend to be geographically small, densely populated, and concentrated in the northeast part of the state, while Townships occupy the bulk of the state's landmass, but are sparsely populated, with the other forms having a variety of locations and compositions.

See Appendix Table 2 and Figure 2 for a more granular view of this data, measuring both the number of municipalities using each form of government, and the elected officials used within each form of government.

In a December 20, 2011 referendum vote, Loch Arbour became the final municipality to abandon the Village form of government. *News: Form of Government Changed – Special Election Information*, VILLAGE OF LOCH ARBOUR, <https://web.archive.org/web/20120313180139/http://www.locharbournj.us/locharbournews.html>.

The Municipal Vacancy Act did address one major point of contention, repealing the provisions each municipal form of government independently had for filling vacancies.⁵ Currently, none of the statutory sections concerning the individual forms of government contains its own provision for filling municipal vacancies. Still, the complexity between and within the forms leaves opportunities to upend the intended standardization of the process.

II. The Municipal Vacancy Law: Section-by-Section Breakdown of Title 40A, Chapter 16

Section Number and Title	Description
1. Short title	Provides title of chapter as “Municipal Vacancy Law.”
2. Definitions	Provides definitions for: <ul style="list-style-type: none"> • Governing body: the municipal legislature, including mayors who are initially elected as legislators; • Incumbent: a person eligible to hold and currently holding office as mayor or governing body member; • Mayor: a person elected to the officer of mayor at large; • Municipality: any village, borough, town, township, or city in the state; • Officer: a mayor or member of a governing body; • Political party: an entity recognized as such under Title 19.
3. When office deemed vacant	Outlines situations in which an office has a vacancy to be filled under the statute: judicial decree, death, failure to meet residential requirements, refusal to serve, physical or mental incapacity, resignation, truancy, or any other condition set forth in N.J.S. 19:3-25.
4. Filling vacancies in municipalities holding regular municipal elections	Outlines process for vacancies in municipalities which hold general elections and additional regular elections. <ul style="list-style-type: none"> • If vacancy opens after September 1 in an election year, in the vacant seat holder’s final year in office, appoint for the remainder of the term as dictated in later sections. • If vacancy opens at any other time, the seat is to be filled in the municipality’s next general election or regular municipal election to be held at least 60 days after the vacancy. An appointment for the period between the vacancy and next corresponding election is to be made as dictated in later sections.

⁵ See N.J.S. 40A:16-22 (superseding vacancy provisions contained in existing special charters); N.J.S. 40A:16-23 (repealing all other statutory municipal vacancy provisions inconsistent with the Municipal Vacancy Law).

5. Filling vacancies in municipalities holding general elections	<p>Outlines process for vacancies in municipalities which hold only general elections.</p> <ul style="list-style-type: none"> • If vacancy opens after September 1 of the next-to-last year of the vacant seat holder’s term, appoint for the remainder of the term as dictated in later sections. • If vacancy opens at any other time, the seat is to be filled in the municipality’s next general election. An appointment for the period between the vacancy and next corresponding election is to be made as dictated in later sections.
6. Vote required to fill vacancy in office of mayor	Appointees to a vacant mayor’s officer are to be selected by a majority of all remaining members of the governing body.
7. Vote required to fill a vacancy in the membership of a governing body	Appointees to a vacant position in governing body are to be selected by a majority of all remaining members of a governing body.
8. Authority of mayor to vote in filling a vacancy	In municipalities using the Borough or any OMCL form of government, a mayor is allowed act as a tiebreakers in a vote on filling a vacancy.
9. Authority of Governor to fill vacancies in governing bodies	In the event that a majority of seats in a governing body are vacant, the Governor is empowered to fill the vacancies. The governor is to act within 30 days and follow the preexisting political party arrangement in filling the vacancies.
10. Qualifications of appointee to fill vacancy	Any individual appointed to fill a vacancy must meet the qualifications required to be elected to their position.
11. Appointment to fill vacancy where incumbent was nominee of a political party; time to fill vacancy.	<p>If the incumbent whose seat becomes vacant was the nominee of a political party, the following procedure applies:</p> <ul style="list-style-type: none"> • First, the municipality’s corresponding party committee presents three nominees to the governing body within 15 days of the vacancy. • If the party committee fails to submit this list, the governing body gets 15 days to make the appointment, considering any member of the incumbent’s party. • Second, the municipality’s governing body appoints one of the party nominees within 30 days of the vacancy. • Third, if the governing body fails to make a selection within its 30-day window, the party committee gets 15 days to make the appointment itself, from its original list of three.

<p>12. Appointment to fill vacancy where incumbent was not nominee of a political party; time to fill vacancy</p>	<p>If the incumbent whose seat becomes vacant was not the nominee of a political party, the governing body may appoint an eligible successor without regard to party.</p>
<p>13. Failure of governing body to fill vacancy in membership of governing body</p>	<p>If a governing body fails to fill a vacancy, the seat in question remains vacant for the remainder of the term, or until the election of a successor.</p>
<p>14. Special election to fill vacancy in the office of mayor; limitation on authority to appoint</p>	<p>If a governing body fails to fill a vacancy for the office of mayor, the following procedure applies:</p> <ul style="list-style-type: none"> • If the vacancy occurs with more than 6 months remaining in the mayor’s term, the municipal clerk sets a date for a special election to select a new mayor to complete the term. <ul style="list-style-type: none"> • Generally, the date is to be between 45 and 50 days from the date of the vacancy, unless this date is within 20 days of an already-scheduled election. • If the date chosen would fall within the 20 days prior to an already-scheduled election, the vacancy is to be filled at the already-scheduled election instead. • If the date chosen would fall within the 20 days subsequent to an already-scheduled election, the special election is instead to be held between 20 and 25 days after the already-scheduled election. • If the vacancy occurs with less than 6 months remaining in the mayor’s term, no special election is to be held. The mayor’s office remains vacant for the remainder of the term. • Once the date for a special election is set, the governing body is prohibited from appointing a new mayor.
<p>15. Appointment pending election when person elected to office dies before commencement of term</p>	<p>If, between the time after an election for municipal office and the swearing-in of election winners, the winner dies, the following procedure applies:</p> <ul style="list-style-type: none"> • If the deceased winner was the nominee of a political party, the municipal party committee appoints a replacement to serve until the next already-scheduled election. • If the deceased winner was not the nominee of a political party, the governing body has 30 days to appoint a

	replacement to serve until the next already-scheduled election.
16. Special election when vacancy occurs pursuant to R.S. 19:3-25	If an office is deemed vacant pursuant to N.J.S. 19:3-25 (where election is deemed void, election ends in a tie, winner is conflicted out of the position, or winner refuses to take his seat), the municipal clerk sets a special election for a date between 45 and 50 days of the date of the election.
17. Special election when person elected to office becomes disqualified before commencement of term	If the winner of an election is deemed not qualified to hold their office before being sworn in, the municipal clerk sets a special election for a date between 45 and 50 days of the date of the finding of disqualification.
18. Notice of holding special election; contents	When the municipal clerk sets a special election, notice must be promulgated in a local newspaper. The notice must specify the date of the election, its purpose, and the date by which nominations must be filed.
19. Nomination of successor to be elected at special election	For nominations for special elections, the following procedures apply: <ul style="list-style-type: none"> • In municipalities holding general elections: within 15 days, the municipal party committee selects their own candidates, and all others must file by petition. • In municipalities holding regular elections, within 15 days, all interested must file by petition.
20. Nomination of successor to be elected at regular municipal or general election	Nominations for successors are to be made in compliance with Title 19.
21. Time for taking office	Any appointee to a vacancy shall take office immediately upon appointment and qualification. Any individual winning an election to complete a vacated term shall take office immediately upon certification of the election. Any individual winning an election to a full term shall take office on the regular fixed swearing-in date.
22. Provisions in special municipal charters superseded	Any and all provisions in special municipal charters that otherwise contradict the Municipal Vacancy Law are void.
23. Statutes repealed	Repeals several existing statutes from the laws regulating municipal forms of government that contradict the Municipal Vacancy Law.

III. The Municipal Vacancy Law: Issues and Opportunities for Improvement

A. Abstentions and Compulsion

Perhaps the most pressing issue concerning a potential change to the Municipal Vacancy Law is the lack of compulsion behind the law—governing bodies are more or less free to leave vacant seats open, or force costly special elections, because of a lack of finality in several sections of the statute. Case law stretching back before the implementation of the Municipal Vacancy Law highlights the difficulties in crafting effective remedies regarding the filling of vacant municipal offices; this problem dates to the Municipal Vacancy Law’s precursor, the Municipal Governing Body Vacancy Law.⁶ In a case addressing this issue, the Law Division found that a municipal governing body could not be compelled to appoint and approve a replacement council member where the incumbent had resigned upon becoming mayor.⁷ Instead, the Court determined that members of the governing body needed only to act in good faith in their refusal to appoint a new member.⁸

This phenomenon has not gone away, as seen in a pair of 2013 cases.⁹ In a dispute regarding a vacancy on the Newark Municipal Council, the Appellate Division held that a council member’s abstention from a vote to fill a vacancy counted neither as a “yes” nor a “no” vote.¹⁰ This decision upended the Council’s vote to appoint Shanique Davis Speight to the seat vacated upon Donald Payne’s election to the House of Representatives, where Speight received four “yes” votes and three “no” votes while one member abstained.¹¹ The Council treated the abstention as a “no” vote, allowing Mayor Booker to cast the ostensibly tiebreaking fifth vote required to confirm Speight’s appointment.¹² Because Newark’s own Council rules regard an abstention as neither a “yes” nor a “no” vote, in a manner consistent with the Optional Municipal Charter Law (OMCL) requirements regarding rules of procedure, the court held that the tie-breaking vote was invalid.¹³

A similar case emerged in Hoboken, where the council interpreted the absence of one Council member and abstention of a second as “no” votes, creating a tie for Mayor Zimmer to

⁶ N.J.S. 40:45B-1 to 40:45B-6 (repealed).

⁷ *In re Vacancies in Municipal Government*, 140 N.J. Super. 328, 335 (Law Div. 1976) (“The statute gives the governing body 30 days to exercise its duty to fill the vacancy. If it is unable to do so, the statute prevents a permanent vacancy and shifts the responsibility of filling the office from the governing body to the electorate.”).

⁸ *Id.* at 335–36. The court fashioned an interesting remedy: to avoid political gamesmanship in light of the council’s failure to appoint a replacement member of the same party as the former incumbent, the ensuing special election could feature only candidates of that party. *Id.* at 336–37.

⁹ Both cases discussed were decided July 5, 2013 in opinions written by Judge Clarkson S. Fisher, Jr. of the Appellate Division.

¹⁰ *Booker v. Rice*, 431 N.J. Super. 548, 552 (App. Div. 2013).

¹¹ *Id.* at 550–52.

¹² *Id.* A fifth vote was needed to create a five-vote majority, given that Newark’s Municipal Council has nine members. *Id.*

¹³ *Id.* at 553–54.

break to appoint James Doyle to a seat vacated upon Carol Marsh's resignation.¹⁴ Judge Fisher reiterated the point that a "Council [is] not *required* to fill a vacancy" but instead that the Municipal Vacancy Law "only provides a governing body's remaining members with the *discretion* to fill a vacancy."¹⁵ In holding the Hoboken Council's rules of procedure consistent with statutory requirements, when read in conjunction with Robert's Rules of Order, the court deemed the abstentions neither "yes" nor "no" votes and again invalidated the tie-breaking vote.¹⁶

The combination of these decisions and the statutory ambiguity present avenues for revisions to the Municipal Vacancy Law.

The Commission has already considered the issue of abstentions. As the NJLRC's 2013 Final Report regarding the Effect of Abstentions notes, this is a thorny area of law left largely unaddressed by statutory authority.¹⁷ Courts seem to have coalesced around the idea that abstentions constitute neither a "yes" nor a "no" vote, but the rules differ based on the particular context of the abstention.¹⁸ The Final Report recommends a codification of the rule that abstentions should always be treated as neither a "yes" nor a "no" vote; however, it has not yet been enacted despite being introduced in two prior legislative sessions as well as the current (2018-2019) session.¹⁹

Outreach regarding the vacancy issue might result in a recommendation to the Commission to create a mechanism incentivizing governing bodies against leaving vacant seats open and minimize the number of expensive special elections that must be held in response to persistent vacancies. At one end of the spectrum of possibilities, a draconian approach could be a requirement that vacancies be filled within the statutory deadlines and, if they are not, the municipality might be in jeopardy of having a designated amount of state funding withheld.²⁰ Such a measure would likely be considered an affront to home rule. It must also be noted that such a mechanism could be in conflict with the existing section 13 of the Municipal Vacancy Law, which envisions a scenario in which a vacancy goes unfilled.

It is the expectation of Staff that additional research and outreach and will result in other drafting options that might incentivize the filling of vacancies without being deemed to inappropriately interfere with municipal self-governance.

¹⁴ *Zimmer v. Castellano*, 432 N.J. Super. 412 (App. Div. 2013).

¹⁵ *Id.* at 418 (citing N.J.S. 40A:16-12).

¹⁶ *Id.* at 418-20.

¹⁷ John M. Cannel, *Final Report Relating to Effect of Abstentions*, NEW JERSEY LAW REVISION COMMISSION (Apr. 2011), <http://www.lawrev.state.nj.us/abstentions/abstentionFR042811.doc>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ The state does have power in some contexts to compel municipalities to act in particular ways, but preliminary research has not uncovered a situation quite like the one at issue. *See, e.g., Robinson v. Cahill*, 62 N.J. 473, 498 n.6 (1973) (noting that the state can compel a municipality to "levy a tax with respect to matters committed to them as agencies of the State").

B. Language, Structure, and Organization Issues

In addition to the substantive challenges posed by the statutory language, the language used throughout the Municipal Vacancy Law often reads in a confusing manner and could benefit from revisions for the purpose of clarity.

Several discrete issues are also apparent regarding language, structure, and organization, as follows:

- Sections 4 and 5 use the phrase “as hereinafter provided” instead of referencing specific provisions of the statute.
- Sections 6, 7, and 8 could be combined into one section with subparts, instead of being standalone provisions, given their close relation and short length.
- Section 8 looks to reference an outdated set of statutory provisions regarding Boroughs, and fails to reference Cities, which have mayors elected at large in the same manner as the Boroughs and OMCL forms.
- Section 11 lacks guidance as to the procedure for when a municipal party committee submits a list of nominees to fill a vacancy that contains fewer than three names (of its own volition or because it cannot find three willing individuals)²¹ or effectively contains fewer than three names (because the party committee selected individual(s) who declined to serve).²²
- Section 15 lacks a time limit within which a municipal party committee can select a replacement for an individual who is elected but dies before taking office. It is also unclear what happens in the event that the governing body fails to appoint a successor within 30 days, where an individual who is elected but dies before taking office.
- Section 18 requires notice of special elections via newspaper publication; it would likely benefit from an additional requirement of digital notice via the municipality’s website.

²¹ See *Brubaker v. Borough of Ship Bottom*, 246 N.J. Super. 55 (1990). In *Brubaker*, the municipal party committee deliberately nominated only one person to fill a vacancy and selected that person to fill the vacancy when the governing body failed to act. *Id.* at 56. The court found that this maneuver was improper and refused to mandate that the Borough seat the nominee, based on the requirement that three names be presented before the party committee can make a selection of one. *Id.* at 59–60. The court called on the Legislature to remedy this opportunity for exploitation. *Id.* at 61.

²² See *Kukasch v. Cote*, 257 N.J. Super. 48 (App. Div. 1992). In *Kukasch*, the court addressed a distinct but similar issue: the party committee named three potential successors, but one was unwilling to serve, leading the Township Committee to make a selection from outside the list. *Id.* at 50–51. The court held that this did not nullify the original list, requiring the Township Committee to select one of the remaining two nominees on the grounds that the party committee had made its selections in good faith, but also raised the issue of ambiguity in the statute. *Id.* at 54–55.

- Section 20 could include more specific citations to the Title 19 provisions it references, or could be eliminated altogether on the basis that nominations should already be made in compliance with Title 19.
- Section 21's third prong regarding individuals elected to full terms seems out of place in a statute designed to fill partial terms.
- Section 22 may require reauthorization in the event that any special charters established since 1979 have their own vacancy-filling procedures, and could be modified to prohibit any future inconsistencies with the Municipal Vacancy Law.

Two other matters closely related to the Municipal Vacancy Law are also worth considering:

- The Municipal Vacancy Law is currently located in Title 40A, which governs municipalities and counties. This seems reasonable, but several sections reference Title 19 (elections), and several more may merit additional references to Title 19. Accordingly, the Commission could consider moving some provisions of the Municipal Vacancy Law to Title 19, or moving some provisions of Title 19 relating specifically to municipalities to Title 40A.
- As zero municipalities are now using the Village form of government, the Commission could consider a measure repealing N.J.S. 40A:63-8 and 63-8.1.

Conclusion

Staff seeks authorization to engage in additional research and outreach regarding the Municipal Vacancy Law - a well-intentioned statute that served its major purpose of establishing procedural uniformity among municipalities for filling vacant offices, but leaves open several problematic issues. Revision of both the style and the substance, to address issues regarding the effects of abstentions and implications of noncompliance, could improve the statute, making it clearer, better organized, and more effective.

Appendix

Table 1: Municipal Officers and Elections				
Form	Executive Officers (Elected at large unless specified)	Legislative Officers (Elected at large unless specified)	Notes	Code
Borough	Mayor (4 year term)	6 Council (3 year term)	Elections can be by ward, if wards predate adoption of modern borough form.	40A:60-2
City	Mayor (4 year term)	7 Council: 3 from both of 2 wards (3 year term) 1 at large (4 year term)	Number of council members and distribution among wards can differ, if arrangement predates adoption of city form.	40A:61-2
Commission	3 Commissioners (if population is less than 12,000); OR 5 Commissioners (if population is at least 12,000) 4 year terms for all One commissioner is selected as mayor, but only for administrative purposes.		If population sets Commission at 3 members, voters can raise and vote on petition to increase to 5 members. Commissioners share executive and legislative power.	40: 72-1, 72-1.1, 75-2
Council-Manager Act of 1923	Mayor (selected by Council from within Council) Optional: Municipal Manager (appointed by majority of Council)	3, 5, 7, or 9 Council (as authorized by municipal charter) 4 year terms for all.	Number of council members can change pursuant to voters raising and approving a petition. There is an option for 3 year terms instead of 4 year terms.	40: 81-1, 81-3, 81-4

OMCL: Council- Manager	Mayor (4 year term) Either: Selected from within Council by Council OR Leading vote-getter among At-Large Council members	5 Council (4 year term) All at large OR By ward, but no more than one per ward, with any remaining elected at large.		40:69A-83, 69A-83.2
OMCL: Mayor- Council	Mayor (4 year term)	5 Council, or a number specified otherwise by municipal charter. At large OR by ward, pursuant to municipal charter. 4 year term		40:69A-33, 69A-34, 69A-34.2
OMCL: Mayor- Council- Administrator	Mayor (4 year term) Administrator (appointed and approved by Mayor and Council)	6 Council (3 year term)		40:69A-149.2, 69A-149.3, 69A-149.4
OMCL: Small Municipality	Mayor (3 year term)	2 Council (3 year term) Charter can alternatively provide for 4 or 6 Council.	Can be implemented only in municipalities with population of 12,000 or less. Mayor has executive and legislative authority; Council have only legislative authority.	40:69A-117, 69A-117.1, 69A-117.3
Special Charter	Variable, based on charter.			

Town	Mayor, called Councilman-At-Large (4 year term)	8 Council (4 year term) Elected two per four wards	Council composition and distribution among wards based on preexisting charters. Term limits for all can change based on referendum.	40A:62-2, 62-2.1
Township	Mayor (Is Chairman of Committee members, selected by the Committee from its membership)	3 or 5 Committee members (3 year term)	Council composition can be changed base on referendum.	40A: 63-3, 63-5
Village	Municipal administrator (appointed by Board)	5 Board of Trustees Members (3 year term)		40A:63-8

Figure 1. Color-coded municipal-level map of forms of government in New Jersey.

Darker, thicker borders indicate a higher population density as of the 2010 Census.

Color Coding:

- Borough = Green
- City = Red
- Commission = Dark Blue
- Council-Manager Act of 1923 = Purple
- OMCL Variants:
 - Council-Manager = White
 - Mayor-Council = Orange
 - Mayor-Council-Administrator = Yellow
 - Small Municipality = Lavender
- Special Charter = Gray
- Town = Blue-Gray
- Township = Teal

An interactive version of this map, created using Google’s Fusion Tables tool, is available at: https://www.google.com/fusiontables/DataSource?docid=1CsTtokv1j1gsFZJNmSidMxTvFsOgahfbkLPKi_w (click “map of geometry” tab)

The interactive map displays each municipality’s form of government, elected officials, and election processes.

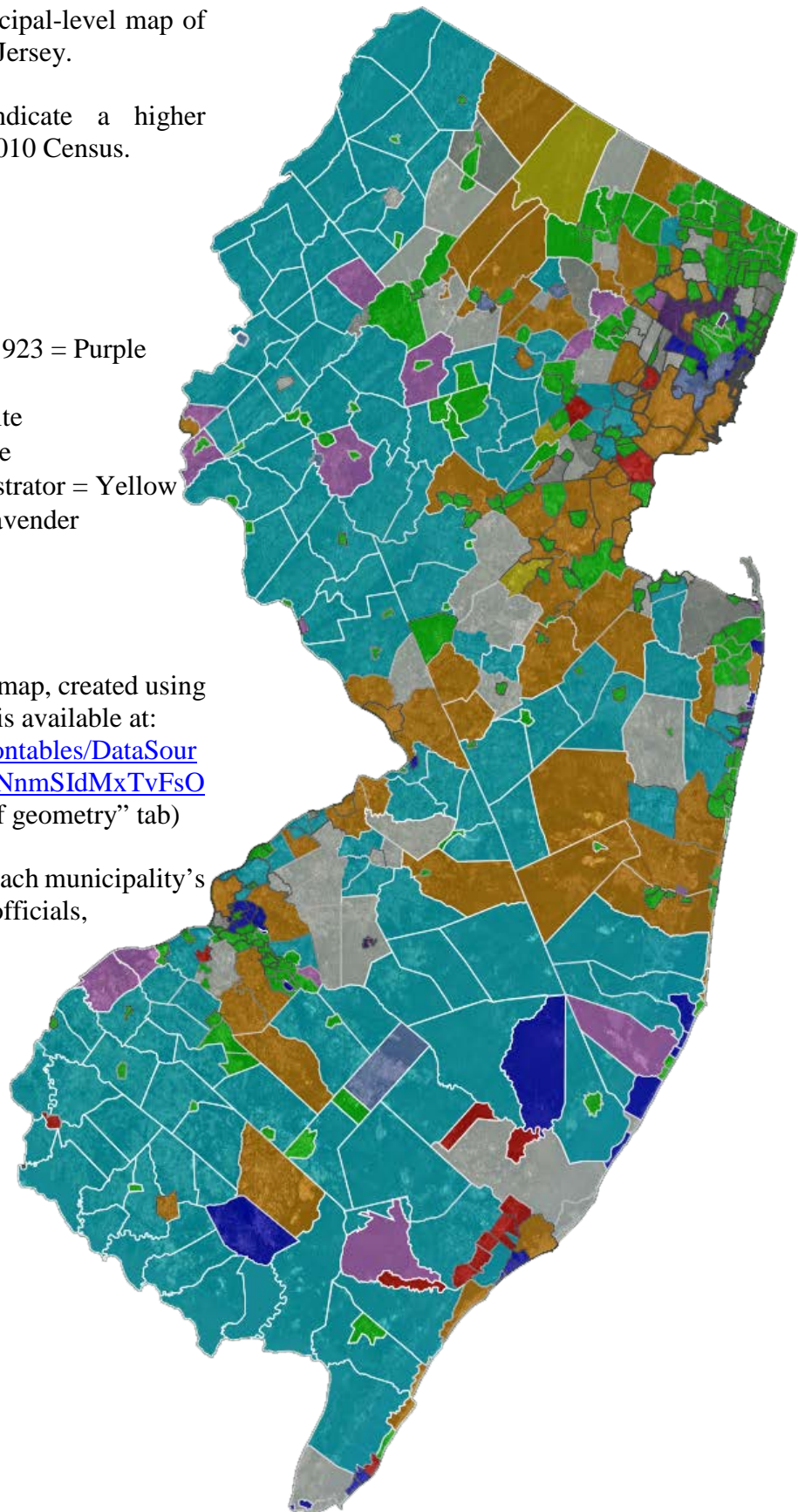


Table 2: Municipalities by Form of Government and Elected Officials		
Municipal Form of Government	Elected Municipal Officials	Count
Borough	Mayor-6 Council	218
City	Mayor-10 Council	1
	Mayor-11 Council	1
	Mayor-3 Council	1
	Mayor-7 Council	8
	Mayor-8 Council	1
	Mayor-9 Council	2
Commission	3 Commissioner	24
	5 Commissioner	7
Council Manager Act of 1923	5 Council	6
	7 Council	1
OMCL: Council-Manager	5 Council	21
	7 Council	10
	Mayor-4 Council	7
	Mayor-6 Council	3
	Mayor-8 Council	1
OMCL: Mayor-Council	Mayor-5 Council	35
	Mayor-7 Council	25
	Mayor-9 Council	11
OMCL: Mayor-Council-Administrator	Mayor-6 Council	3
OMCL: Small Municipality	5 Council	1
	Mayor-4 Council	14
	Mayor-6 Council	3
Special Charter	5 Committee	1
	5 Council	2
	Mayor-5 Council	2
	Mayor-6 Council	4
	Mayor-7 Council	1
	Mayor-8 Council	1
	Pres-6 Trust	1
Town	Mayor-5 Council	1
	Mayor-6 Council	4
	Mayor-8 Alderman	2
	Mayor-8 Council	2
Township	3 Committee	32
	5 Committee	107
	Mayor-8 Committee	1

Figure 2. Treemap Visualization of Table 2 Data.

This graphic presents the distribution of elected officials within each form of government.

Color Coding:

- Borough = Green
- City = Red
- Commission = Dark Blue
- Council-Manager Act of 1923 = Purple
- OMCL Variants:
 - Council-Manager = White
 - Mayor-Council = Orange
 - Mayor-Council-Administrator = Yellow
 - Small Municipality = Lavender
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