

ASSEMBLY, No. 2947

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MARCH 24, 2014

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

Establishes procedures for boards of fire commissioners to move annual fire district elections to November; eliminates vote on fire district budgets, except for proposals to raise revenue above the permissible levy cap.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/6/2014)

1 AN ACT concerning fire district elections, amending various parts
2 of the statutory law, and supplementing chapter 14 of Title 40A
3 of the New Jersey Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. N.J.S.40A:14-70 is amended to read as follows:
9 40A:14-70. a. In any municipality not having a paid or part-
10 paid fire department and force, the governing body, upon
11 application of at least 5% of the registered voters or 20 legal voters,
12 whichever is the greater, shall consider the designation of a fire
13 district. Upon receipt of the application, the governing body shall
14 fix a time and place for a hearing thereon. The municipal clerk
15 shall advertise the notice of the hearing in a newspaper circulating
16 in the county wherein the municipality is located at least once and
17 not less than 10 days prior to the hearing. After the hearing the
18 governing body shall determine the question of designation of a fire
19 district. If the governing body decides that the designation of a fire
20 district is appropriate, it, by ordinance, shall designate a territorial
21 location or locations for use as a fire district or fire districts and, by
22 resolution, provide for the election of a board of fire commissioners
23 for the district or each district, to consist of five persons, residents
24 therein, and specify the date, time and place for the election of the
25 first board.

26 The district or each district shall be assigned a number and the
27 commissioners thereof and their successors shall be a body
28 corporate, to be known as "the commissioners of fire district No. . .
29 . . . in (name of municipality), county of
30 (name of county)." The said body corporate shall have the power to
31 acquire, hold, lease, sell or otherwise convey in its corporate name
32 such real and personal property as the purposes of the corporation
33 shall require. All sales and leases of real and personal property
34 shall be in accordance with the provisions of section 13 or 14, as
35 appropriate, of the "Local Lands and Buildings Law," P.L.1971,
36 c.199 (C.40A:12-13 or 40A:12-14). Said body corporate may adopt
37 and use a corporate seal, sue or be sued and shall have such powers,
38 duties and functions as are usual and necessary for said purposes.

39 On the date and at the time and place specified for the election of
40 the first board the clerk of the municipality shall conduct the
41 election and shall preside at the meeting until the board shall have
42 been elected.

43 At the first meeting of a newly elected board of fire
44 commissioners of a district the board shall choose a chairman and
45 fix the place for the annual election. The members of the board

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 shall divide themselves by lot into three classes: the first to consist
2 of two members whose terms shall expire at 12 o'clock noon on the
3 first Tuesday in March of the year following the year in which the
4 first board is elected; the second, two members whose terms shall
5 expire at 12 o'clock noon on the first Tuesday in March of the
6 second year following that year; and the third, one member whose
7 term shall expire at 12 o'clock noon on the first Tuesday in March
8 of the third year following that year. The terms of fire
9 commissioners in each class, other than members of the first board,
10 shall expire at 12 o'clock noon on the first Tuesday in March of the
11 third year following the year in which they were elected.

12 Any vacancy in the membership shall be filled by the remaining
13 members until the next succeeding annual February election, at
14 which time a resident of the district shall be elected for the
15 unexpired term.

16 b. Should the election of the first board be held at the time of
17 the general election on the first Tuesday after the first Monday in
18 November pursuant to the provisions of section 20 of
19 P.L. , c. (C.) (pending before the Legislature as this bill)
20 and in accordance with the procedures provided for the general
21 election in Title 19 of the Revised Statutes, at the first meeting of a
22 newly elected board of fire commissioners of a district the board
23 shall choose a chairman. The members of the board shall divide
24 themselves by lot into three classes: the first to consist of two
25 members whose terms shall expire at 12 o'clock noon on the first
26 Tuesday in December of the year following the year in which the
27 first board is elected; the second, two members whose terms shall
28 expire at 12 o'clock noon on the first Tuesday in December of the
29 second year following that year; and the third, one member whose
30 term shall expire at 12 o'clock noon on the first Tuesday in
31 December of the third year following that year. The terms of fire
32 commissioners in each class, other than members of the first board,
33 shall expire at 12 o'clock noon on the first Tuesday in December of
34 the third year following the year in which they were elected.

35 The term of office of any fire district commissioner that expires
36 at 12 o'clock noon on the first Tuesday in March of the year in
37 which the election has been moved to the general election pursuant
38 to the provisions of section 20 of P.L. , c. (C.) (pending
39 before the Legislature as this bill) shall be extended until noon on
40 the first Tuesday in December of that same year. Any candidate to
41 fill the office of commissioner that year shall be voted for at the
42 general election held that year and shall take office at noon on the
43 first Tuesday in December next occurring.

44 Any vacancy in the membership shall be filled by the remaining
45 members until the next succeeding annual November election, at
46 which time a resident of the district shall be elected for the
47 unexpired term.

48 (cf: P.L.1991, c.223, s.1)

1 2. N.J.S.40A:14-72 is amended to read as follows:

2 40A:14-72. An election shall be held annually either on the third
3 Saturday in February, or at the time of the general election on the
4 first Tuesday after the first Monday in November pursuant to the
5 provisions of section 20 of P.L. , c. (C.) (pending before
6 the Legislature as this bill) in each established fire district for the
7 election of members of the board according to the expiration of
8 terms. The initial election for a newly created fire district may take
9 place on another date as a governing body may specify under
10 N.J.S.40A:14-70, but the annual election thereafter shall be held
11 either on the third Saturday in February, or on the first Tuesday
12 after the first Monday in November pursuant to the provisions of
13 section 20 of P.L. , c. (C.) (pending before the
14 Legislature as this bill). The board shall publish notice of the
15 closing date for the filing, with the clerk of the board, of petitions
16 of nomination for membership on the board. Such publication shall
17 be published at least once in a newspaper circulating in the district,
18 at least six weeks prior to the date fixed for the election.

19 **【The】** Except for elections held on the first Tuesday after the
20 first Monday in November pursuant to the provisions of section 20
21 of P.L. , c. (C.) (pending before the Legislature as this
22 bill), the place of the election shall be determined by the board and
23 a notice thereof**【, and of the closing date for the filing with the**
24 clerk of the board of petitions of nomination for membership on the
25 board,**】** shall be published at least once in a newspaper circulating
26 in the district, at least six weeks prior to the date fixed for the
27 election. Fire districts located in the same municipality may
28 combine the publication of their notices of election. For the
29 purpose of this section, "notices of election" shall include the
30 notices required to be published under section **【7 of P.L.1953, c.211**
31 **(C.19:57-7)】 6 of P.L.2009, c.79 (C.19:63-6).**

32 The legal voters thereat shall determine the amount of money to
33 be raised for the ensuing year only if such amount exceeds the
34 permissible property tax levy increase as determined pursuant to
35 sections 9 through 12 of P.L.2007, c.62 (C.40A:4-45.44 et seq.),
36 and determine such other matters as may be required.
37 (cf: P.L.1994, c.181, s.1)

38
39 3. N.J.S.40A:14-73 is amended to read as follows:

40 40A:14-73. The ballots shall be written or printed on opaque
41 paper, uniform in size and quality.

42 **【Each】** For a fire district election held at a time other than at the
43 time of the general election pursuant to section 20 of
44 P.L. , c. (C.) (pending before the Legislature as this
45 bill), each ballot shall have at the top, a coupon, at least one inch
46 wide extending across the ballot above a perforated line. The
47 coupons shall be numbered consecutively. The coupon shall

A2947 DANCER, SINGLETON

1 contain the following statements: "To be torn off by the Judge of
2 Election" and "Fold to this line." Below the perforated line shall be
3 printed or written, "Fire district election ballot," then the official
4 designation of the fire district and polling place and date of the
5 election. It shall bear the signature or facsimile signature of the
6 municipal clerk, or the clerk of the board of fire commissioners, as
7 the case may be. The heading shall be set apart from the body of the
8 ballot by a marked-off space. In said space, the voters shall be
9 instructed how to indicate their choice of candidates and the number
10 to be voted upon as follows: "To vote for any person whose name
11 appears on this ballot mark a cross (X), plus (+) or check () in ink
12 or pencil in the place or square at the left of the name of such
13 person." Underneath these instructions shall be directions as to the
14 number of candidates to be voted for and the name of each qualified
15 candidate, without grouping, to be placed according to the
16 alphabetical order of their surnames.

17 The ballot shall be substantially as follows:

18 No.....

19 To be torn off by the Judge of Election.

20 Fold to this line.

21

22 FIRE DISTRICT ELECTION BALLOT

23 Fire District No. 1

24 Township of Webster, Warren County

25 Date.....

26 Polling District No. 1 John Henry Doe,

27 Unexcelled Fire House. Clerk.

28 To vote for any person whose name appears on this ballot mark a
29 cross (X), plus (+) or check () mark with ink or pencil in the place
30 or square at the left of the name of such person.

31 For membership to Board of Fire Commissioners--
32 Full Term. Vote for Two.

33 [] Rutherford B. Fallon.

34 [] William F. Seibel.

35 [] James A. Stephens.

36 [] Thomas Templeton.

37 []

38 []

39 For membership to Board of Fire Commissioners--

40 Unexpired One-Year Term. Vote for One.

41 [] Francis R. Loori.

42 [] Arthur H. Patterson.

43 []

44 using as much of the form as may be applicable to the current
45 fire district election and extending the same to provide for cases not
46 herein specified.

47 (cf: P.L.1994, c.77, s.20)

1 4. N.J.S.40A:14-74 is amended to read as follows:

2 40A:14-74. **【The】** For a fire district election held at a time other
3 than at the time of the general election pursuant to section 20 of
4 P.L. , c. (C.) (pending before the Legislature as this bill), the
5 municipal clerk or the clerk of the board of fire commissioners, as
6 the case may be, shall cause a further notice of the holding of such
7 election to be published at least once not later than 1 week prior
8 thereto in a newspaper circulating in said fire district.

9 At least 7 days prior to the election the municipal clerk or the
10 clerk of the board, as the case may be, shall obtain the registry list
11 for the municipality or municipalities and election districts
12 comprised within such fire district for the preceding general
13 election. No person shall be permitted to vote at the election unless
14 his name appears on the registry list or he shall have become of
15 legal age and is otherwise qualified and shall file an application to
16 vote with the clerk at least 2 days prior thereto.

17 For a fire district election held at the time of the general election
18 pursuant to section 20 of P.L. , c. (C.) (pending before
19 the Legislature as this bill), the voter registration procedures
20 pursuant to the provisions of R.S.19:31-1 et seq. shall apply.
21 (cf: P.L.1973, c.25, s.2)

22

23 5. N.J.S.40A:14-75 is amended to read as follows:

24 40A:14-75. **【The】** For a fire district election held at a time other
25 than at the time of the general election pursuant to section 20 of
26 P.L. , c. (C.) (pending before the Legislature as this bill),
27 the superintendent of elections of any county having a
28 superintendent of elections or the county board of elections of any
29 county not having a superintendent of elections, may upon
30 application of the board of commissioners of any fire district, loan
31 or rent to said board, one or more voting machines owned by the
32 county, for a period of time which does not conflict with any State,
33 county, municipal or school district election, for the purpose of
34 conducting a fire district election as required by law. The loan or
35 rental of a voting machine or machines for this purpose shall be
36 upon such terms and conditions as may be determined by the board
37 of chosen freeholders of the county.

38 In any case in which voting machines are made available for
39 such purpose, the use thereof for any fire district election shall be
40 held as provided herein.

41 (cf: N.J.S.40A:14-75)

42

43 6. N.J.S.40A:14-76 is amended to read as follows:

44 40A:14-76. **【Upon】** For a fire district election held at a time
45 other than at the time of the general election pursuant to section 20
46 of P.L. , c. (C.) (pending before the Legislature as this
47 bill), upon petition of 25 or more voters, filed with the clerk of the
48 board at least 20 days prior to the date of any election, after the first

1 election, the board of fire commissioners, by resolution, may divide
2 the fire district into 2 or more polling places.

3 The polls for any election held at a time other than at the time of
4 the general election shall be opened between the hours of 2:00 and
5 9:00 P.M., but the board may designate a later closing hour on the
6 same day. The board shall furnish the necessary books for the
7 entries of the names and addresses of the voters.

8 (cf: N.J.S.40A:14-76)

9

10 7. N.J.S.40A:14-77 is amended to read as follows:

11 40A:14-77. Before the opening of the polls for a fire district
12 election held at a time other than at the time of the general election,
13 a public proclamation shall be made by the chairman of the board or
14 the clerk or his or their representative as to the purpose of the
15 voting. Two tellers for each polling place shall be appointed by the
16 chairman or clerk and thereupon the polls shall be opened and the
17 balloting shall continue without recess until the closing of the polls.
18 Immediately after the close of the polls the clerk and tellers shall
19 forthwith canvass the vote and certify the results. The clerk shall
20 publicly announce the results.

21 (cf: N.J.S.40A:14-77)

22

23 8. N.J.S.40A:14-78 is amended to read as follows:

24 40A:14-78. Any **[appropriation or other]** matter to be voted
25 upon at such election shall be in the form of a question, placed upon
26 the ballot immediately following the names of the candidates for
27 members of the board of fire commissioners, in substantially the
28 following form:

29 YES. (Question to be voted on)

30 NO.

31 The voter shall indicate his approval or opposition by making a
32 cross (X), plus (+) or check () mark in ink or pencil in the
33 appropriate square.

34 (cf: P.L.1994, c.77, s.21)

35

36 9. Section 6 of P.L.1979, c.453 (C.40A:14-78.2) is amended to
37 read as follows:

38 6. No fire district budget that exceeds the permissible property
39 tax levy cap pursuant to sections 9 through 12 of P.L.2007, c.62
40 (C.40A:4-45.44 et seq.) shall be adopted until a public hearing has
41 been held thereon and taxpayers of the district and all persons
42 having an interest therein shall have been given an opportunity to
43 present objections. Such hearing shall be held not less than 28 days
44 after approval of the budget.

45 The public hearing shall be held at the time and place specified
46 in the notice, but may be adjourned from time to time until the
47 hearing is closed.

1 **【The】** When a hearing is required the budget shall be read at the
2 public hearing in full, or it may be read by its title, if:

3 a. At least 1 week prior to the date of the hearing, a complete
4 copy of the approved budget shall have been posted in such public
5 place as notices are usually posted in the district, and is made
6 available to each person requesting a copy during said week and
7 during the public hearing; and,

8 b. The fire commissioners shall, by resolution passed by not less
9 than a majority of the full membership, determine that the budget
10 shall be read by its title and declare that the conditions set forth in
11 subsection a. of this section have been met.

12 After closing the hearing, the fire commissioners may, by a vote
13 of not less than a majority of the full membership, adopt the budget
14 by title without amendments, or may approve amendments as
15 provided in section 7**【.】** of this act.

16 (cf: P.L.1979, c.453, s.6)

17

18 10. Section 7 of P.L.1979, c.453 (C.40A:14-78.3) is amended to
19 read as follows:

20 7. The fire commissioners may amend the budget during or
21 after the public hearing. All amendments shall be read in full.

22 No amendment shall be effective until the taxpayers of the
23 district and all persons having an interest therein shall have been
24 granted a public hearing thereon, if such amendment shall:

25 a. Add a new item of operating appropriations in an amount in
26 excess of 1% of the total amount of operating appropriations as
27 stated in the approved budget; or,

28 b. Increase or decrease any item of operating appropriations by
29 more than 10% **【; or,】** .

30 c. **【Increase the amount to be raised by taxes by more than 5%.】**
31 (Deleted by amendment, P.L. _____, c. _____.) (pending before the
32 Legislature as this bill)

33 Notice of hearing on any amendment shall be advertised at least
34 3 days before the date set therefor. Such amendment shall be read
35 in full at such hearing and before adoption.

36 (cf: P.L.1979, c.453, s.7)

37

38 11. Section 9 of P.L.1979, c.453 (C.40A:14-78.5) is amended to
39 read as follows:

40 9. a. If at the annual election held pursuant to N.J.S.40A:14-72
41 the question of **【finally adopting the budget】** exceeding the
42 property tax levy cap pursuant to sections 9 through 12 of P.L.2007,
43 c.62 (C.40A:4-45.44 et seq.) is voted affirmatively upon by a
44 majority of the legal voters voting in the election, the budget shall
45 be considered finally adopted, and the board of fire commissioners
46 shall certify the amount to be raised by taxation to support the
47 district budget to the assessor of the municipality, pursuant to
48 N.J.S.40A:14-79.

1 b. If at the annual election the question of **finally adopting the**
2 **budget** exceeding the property tax levy cap pursuant to sections 9
3 through 12 of P.L.2007, c.62 (C.40A:4-45.44 et seq.) is voted
4 negatively upon by a majority of the legal voters voting in the
5 election, the governing body of the municipality in which the fire
6 district is located shall, by resolution of a majority of its full
7 membership, within 30 days after the annual election and after a
8 public hearing for which the legal voters of the fire district shall be
9 given 5 days' advertised notice, and at which any interested person
10 shall be heard, fix an annual budget for the fire district. The
11 amount of each appropriation section of the budget so fixed shall
12 not exceed the amount for each as previously voted upon at the
13 annual election, except the appropriation for debt service which
14 shall be included in the amount that is required to be paid. The
15 governing body shall certify the amount to be raised by taxation to
16 support the district budget as set forth in the final budget, to the
17 assessor of the municipality, pursuant to N.J.S.40A:14-79.

18 c. Following the final approval of a budget **by the voters**, the
19 Director of the Division of Local Government Services in the
20 Department of Community Affairs may approve a budget
21 amendment to provide for the anticipation of revenue from a public
22 or private funding source which was not known at the time the
23 budget was approved, and the appropriation thereof, provided the
24 amount of the appropriation does not exceed the amount of the
25 revenue received.

26 (cf: P.L.2011, c.153, s.1)

27

28 12. N.J.S.40A:14-85 is amended to read as follows:

29 40A:14-85. The board of commissioners of a fire district may
30 purchase fire engines, apparatus or other appliances for the
31 extinguishment of fires and acquire lands or buildings or erect
32 buildings for the housing of such equipment, at a cost not exceeding
33 \$60,000.00 or 2% of the assessed valuation of the taxable property
34 in the district, whichever amount is larger **], the] . The money [to]**
35 **may** be raised by a bond issue. Any such bond issue shall be
36 authorized by a resolution of the commissioners specifying the
37 amount and the purpose thereof. The resolution shall be inoperative
38 unless and until it shall have been submitted to and approved by the
39 legal voters within said fire district at the annual election held for
40 the election of commissioners and appropriation of money for fire
41 extinguishing purposes, or at a special election for such purpose.

42 The resolution shall be written or printed and the election shall
43 be upon notice stating the time and place. If said election is to be
44 the annual one, the notices shall be posted by the clerk of the board
45 of fire commissioners in 10 public places, at least 10 days prior to
46 the date of the election. The board of commissioners and the clerk,
47 in their or his discretion, may advertise the election in a newspaper,
48 published in the fire district, if any, otherwise in a newspaper

1 published in the county of said district and circulating in such
2 district. When a special election is specified notices shall be posted
3 in 10 public places, at least 21 days prior to the date of election, and
4 the clerk of said board shall advertise said notice in such a
5 newspaper at least twice prior to the election date.

6 (cf: N.J.S.40A:14-85)

7

8 13. R.S.19:1-1 is amended to read as follows:

9 19:1-1. As used in this Title:

10 "Election" means the procedure whereby the electors of this
11 State or any political subdivision thereof elect persons to fill public
12 office or pass on public questions.

13 "General election" means the annual election to be held on the
14 first Tuesday after the first Monday in November and, where
15 applicable, includes annual school elections and annual fire district
16 elections held on that date.

17 "Primary election for the general election" means the procedure
18 whereby the members of a political party in this State or any
19 political subdivision thereof nominate candidates to be voted for at
20 general elections, or elect persons to fill party offices.

21 "Municipal election" means an election to be held in and for a
22 single municipality only, at regular intervals.

23 "Special election" means an election which is not provided for by
24 law to be held at stated intervals.

25 "Any election" includes all primary, general, municipal, school
26 and special elections, as defined herein.

27 "Municipality" includes any city, town, borough, village, or
28 township.

29 "School election" means any annual or special election to be held
30 in and for a local or regional school district established pursuant to
31 chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes.

32 "Public office" includes any office in the government of this
33 State or any of its political subdivisions filled at elections by the
34 electors of the State or political subdivision.

35 "Public question" includes any question, proposition or
36 referendum required by the legislative or governing body of this
37 State or any of its political subdivisions to be submitted by
38 referendum procedure to the voters of the State or political
39 subdivision for decision at elections.

40 "Political party" means a party which, at the election held for all
41 of the members of the General Assembly next preceding the holding
42 of any primary election held pursuant to this Title, polled for
43 members of the General Assembly at least 10% of the total vote cast
44 in this State.

45 "Party office" means the office of delegate or alternate to the
46 national convention of a political party or member of the State,
47 county or municipal committees of a political party.

1 "Masculine" includes the feminine, and the masculine pronoun
2 wherever used in this Title shall be construed to include the
3 feminine.

4 "Presidential year" means the year in which electors of President
5 and Vice-President of the United States are voted for at the general
6 election.

7 "Election district" means the territory within which or for which
8 there is a polling place or room for all voters in the territory to cast
9 their ballots at any election.

10 "District board" means the district board of registry and election
11 in an election district.

12 "County board" means the county board of elections in a county.

13 "Superintendent" means the superintendent of elections in
14 counties wherein the same shall have been appointed.

15 "Commissioner" means the commissioner of registration in
16 counties.

17 "File" or "filed" means deposited in the regularly maintained
18 office of the public official wherever said regularly maintained
19 office is designated by statute, ordinance or resolution.

20 (cf: P.L.2011, c.202, s.24)

21

22 14. R.S.19:12-7 is amended to read as follows:

23 19:12-7. a. The county board in each county shall cause to be
24 published in a newspaper or newspapers which, singly or in
25 combination, are of general circulation throughout the county, a
26 notice containing the information specified in subsection b. hereof,
27 except for such of the contents as may be omitted pursuant to
28 subsection c. or d. hereof. Such notice shall be published once
29 during the 30 days next preceding the day fixed for the closing of
30 the registration books for the primary election, once during the
31 calendar week next preceding the week in which the primary
32 election for the general election is held, once during the 30 days
33 next preceding the day fixed for the closing of the registration
34 books for the general election, and once during the calendar week
35 next preceding the week in which the general election is held.

36 b. Such notice shall set forth:

37 (1) For the primary election for the general election:

38 (a) That a primary election for making nominations for the
39 general election, for the selection of members of the county
40 committees of each political party, and in each presidential year for
41 the selection of delegates and alternates to national conventions of
42 political parties, will be held on the day and between the hours and
43 at the places provided for by or pursuant to this Title.

44 (b) The place or places at which and hours during which a
45 person may register, the procedure for the transfer of registration,
46 and the date on which the books are closed for registration or
47 transfer of registration.

1 (c) The several State, county, municipal and party offices or
2 positions to be filled, or for which nominations are to be made, at
3 such primary election.

4 (d) The existence of registration and voting aids, including: (i)
5 the availability of registration and voting instructions at places of
6 registration as provided under R.S.19:31-6; and (ii), if available, the
7 accessibility of voter information to the deaf by means of a
8 telecommunications device.

9 (e) The availability of assistance to a person unable to vote due
10 to blindness, disability or inability to read or write.

11 (f) In the case of the notice published during the calendar week
12 next preceding the week in which the primary election is held, that
13 a voter who, prior to the election, shall have moved within the same
14 county without (i) filing, on or before the 21st day preceding the
15 election, a notice of change of residence with the commissioner of
16 registration of the county or the municipal clerk of the municipality
17 in which the voter resides on the day of the election, (ii) returning
18 the confirmation notice sent to the voter by the commissioner of
19 registration of the county, if such a notice has been sent to the voter,
20 or (iii) otherwise notifying the commissioner of registration of the
21 voter's change of address within the county shall be permitted to
22 correct the voter's registration and to vote in the primary election by
23 provisional ballot at the polling place of the district in which the
24 voter resides on the day of the election. The notice shall further
25 provide that the voter may contact the county commissioner of
26 registration or municipal clerk to determine the proper polling place
27 location for the voter.

28 (2) For the general election:

29 (a) That a general election will be held on the day and between
30 the hours and at the places provided for by or pursuant to this Title
31 and, where applicable, shall include annual school elections and
32 annual fire district elections held on that date.

33 (b) The place or places at which and hours during which a
34 person may register, the procedure for transfer of registration, and
35 the date on which the books are closed for registration or transfer of
36 registration.

37 (c) The several State, county and municipal offices, and where
38 applicable, school board offices and fire district offices to be filled,
39 notice of any school district propositions to be submitted to the
40 people and, except as provided in R.S.19:14-33 of this Title as to
41 publication of notice of any Statewide proposition directed by the
42 Legislature to be submitted to the people, the State, county **[and]** ,
43 municipal , and fire district public questions to be voted upon at
44 such general election.

45 (d) The existence of registration and voting aids, including: (i)
46 the availability of registration and voting instructions at places of
47 registration as provided under R.S.19:31-6; and (ii) the accessibility

1 of voter information to the deaf by means of a telecommunications
2 device.

3 (e) The availability of assistance to a person unable to vote due
4 to blindness, disability or inability to read or write.

5 (f) In the case of the notice published during the calendar week
6 next preceding the week in which the general election is held, that a
7 voter who, prior to the election, shall have moved within the same
8 county without (i) filing, on or before the 21st day preceding the
9 election, a notice of change of residence with the commissioner of
10 registration of the county or the municipal clerk of the municipality
11 in which the voter resides on the day of the election, (ii) returning
12 the confirmation notice sent to the voter by the commissioner of
13 registration of the county, if such a notice has been sent to the voter,
14 or (iii) otherwise notifying the commissioner of registration of the
15 voter's change of address within the county shall be permitted to
16 correct the voter's registration and to vote in the general election by
17 provisional ballot at the polling place of the district in which the
18 voter resides on the day of the election. The notice shall further
19 provide that the voter may contact the county commissioner of
20 registration or municipal clerk to determine the proper polling place
21 location for the voter.

22 (3) For a school election:

23 (a) The day, time and place thereof,

24 (b) The offices, if any, to be filled at the election,

25 (c) The substance of any public question to be submitted to the
26 voters thereat,

27 (d) That a voter who, prior to the election, shall have moved
28 within the same county without (i) filing, on or before the 21st day
29 preceding the election, a notice of change of residence with the
30 commissioner of registration of the county or the municipal clerk of
31 the municipality in which the voter resides on the day of the
32 election, (ii) returning the confirmation notice sent to the voter by
33 the commissioner of registration of the county, if such a notice has
34 been sent to the voter, or (iii) otherwise notifying the commissioner
35 of registration of the voter's change of address within the county
36 shall be permitted to correct the voter's registration and to vote in
37 the school election by provisional ballot at the polling place of the
38 district in which the voter resides on the day of the election,

39 (e) That if the voter has any questions as to where to vote on the
40 day of the election, the voter may contact the county commissioner
41 of registration or municipal clerk to determine the proper polling
42 place location for the voter; and

43 (f) Such other information as may be required by law.

44 c. If such publication is made in more than one newspaper, it
45 shall not be necessary to duplicate in the notice published in each
46 such newspaper all the information required under this section, so
47 long as:

1 (1) The municipal officers or party positions to be filled, or
2 nominations made, or municipal public questions to be voted upon
3 by the voters of any municipality, shall be set forth in at least one
4 newspaper having general circulation in such municipality;

5 (2) All offices to be filled, or nominations made therefor, or
6 public questions to be voted upon, by the voters of the entire State
7 or of the entire county shall be set forth in a newspaper or
8 newspapers which, singly or in combination, have general
9 circulation throughout the county;

10 (3) Information relating to nominations and elections in each
11 Legislative District comprised in whole or part in the county, shall
12 be published in at least a newspaper or newspapers which singly or
13 in combination, have general circulation in every municipality of
14 the county which is comprised in such legislative district.

15 d. Such part or parts of the original notices as published which
16 pertain to day of registration or primary election which has occurred
17 shall be eliminated from such notice in succeeding insertions.

18 e. (Deleted by amendment, P.L.1999, c.232.)

19 f. The cost of publishing the notices required by this section
20 shall be paid by the respective counties, unless otherwise provided
21 for by law.

22 g. Notices required to be published or posted pursuant to this
23 section shall set forth a general description of the contents of the
24 voter information notice provided for in section 1 of P.L.2005,
25 c.149 (C.19:12-7.1), how the notice may be viewed or obtained
26 prior to the day of an election, and that the notice will be posted in
27 each polling place on the day of an election.

28 (cf: P.L.2011, c.202, s.25)

29

30 15. R.S.19:14-4 is amended to read as follows:

31 19:14-4. In the center of the ballot immediately below the
32 perforated line shall be printed in bold-faced type the words
33 "Official general election ballot." Below these words and extending
34 across the ballot shall appear the words: "Name of (municipality),
35 ward, school district (if applicable),
36fire district (if applicable),.....
37 election district, date of election, John
38 Doe, county clerk." The blank spaces shall be filled in with the
39 name of the proper municipality, the ward and district numbers and
40 the date of the election. For school and fire district elections, the
41 name of the school district and the name and number of the fire
42 district, and of the municipality or municipalities comprising the
43 district, shall also be indicated thereon. The name of the county
44 clerk shall be a facsimile of his signature. Below the last stated
45 words extending across the ballot and at the extreme left shall be
46 printed the words "Instructions to the voter," and immediately to the
47 right there shall be a bracket embracing the following instructions
48 numbered consecutively:

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15

1 (1) The only kind of a mark to be made on this ballot in voting
2 shall be a cross x, plus + or check ?.

3 (2) To mark a cross x, plus +, check ? or when writing a name
4 on this ballot use only ink or pencil.

5 (3) To vote for any candidates whose names are printed in any
6 column, mark a cross x, plus + or check ? in the square at the left
7 of the names of such candidates not in excess of the number to be
8 elected to the office.

9 (4) To vote for any person whose name is not printed on this
10 ballot, write or paste the name of such person under the proper title
11 of office in the column designated personal choice and mark a cross
12 x, plus + or check ? in the square to the left of the name so written
13 or pasted.

14 (5) To vote upon any public question printed on this ballot if in
15 favor thereof, mark a cross x, plus + or check ? in the square at the
16 left of the word "Yes," and if opposed thereto, mark a cross x, plus
17 + or check ? in the square at the left of the word "No."

18 (6) Do not mark this ballot in any other manner than above
19 provided for and make no erasures. Should this ballot be wrongly
20 marked, defaced, torn or any erasure made thereon or otherwise
21 rendered unfit for use return it and obtain another. In presidential
22 years, the following instructions shall be printed upon the general
23 election ballot:

24 (7) To vote for all the electors of any party, mark a cross x, plus
25 + or check ? in ink or pencil in the square at the left of the surnames
26 of the candidates for president and vice-president for whom you
27 desire to vote.

28 Below the above-stated instructions and information and, except
29 when compliance with R.S.19:14-13 as to Statewide propositions
30 otherwise requires, three inches below the perforated line and
31 parallel to it, there shall be printed a six-point diagram rule
32 extending across the ballot to within not less than a half inch to the
33 right and left edges of the paper.

34 (cf: P.L.2011, c.202, s.26)

35

36 16. R.S.19:14-8 is amended to read as follows:

37 19:14-8. In the columns of each of the political parties which
38 made nominations at the next preceding primary election to the
39 general election and in the personal choice column, within the space
40 between the two-point hair line rules, there shall be printed the title
41 of each office to be filled at such election, except as hereinafter
42 provided.

43 Such titles of office shall be arranged in the following order:
44 electors of President and Vice-President of the United States;
45 member of the United States Senate; Governor; member of the
46 House of Representatives; member of the State Senate; members of
47 the General Assembly; county executive, in counties that have
48 adopted the county executive plan of the "Optional County Charter

1 Law," P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk;
2 surrogate; register of deeds and mortgages; county supervisor;
3 members of the board of chosen freeholders; coroners; mayor and
4 members of municipal governing bodies, and any other titles of
5 office. Candidates for members of a school board or board of fire
6 commissioners (if applicable), shall be listed in a section of the
7 ballot that is separate from the section featuring other candidates
8 whenever possible. Above each of such titles of office, except the
9 one at the top, shall be printed a two-point diagram rule in place of
10 the two-point hair line rule. Below the titles of such offices shall be
11 printed the names of the candidates for the offices.

12 The arrangement of the names of candidates for any office for
13 which more than one are to be elected shall be determined in the
14 manner hereinafter provided, as in the case of candidates nominated
15 by petition.

16 When no nomination for an office has been made the words "No
17 Nomination Made" in type large enough to fill the entire space or
18 spaces below the title of office shall be printed upon the ballot.

19 Immediately to the left of the name of each candidate, at the
20 extreme left of each column, including the personal choice column,
21 shall be printed a square, one-quarter of an inch in size, formed by
22 two-point diagram rules. In the personal choice column no names of
23 candidates shall be printed.

24 To the right of the title of each office in the party columns and
25 the personal choice column shall be printed the words "Vote for,"
26 inserting in words the number of persons to be elected to such
27 office.

28 (cf: P.L.2011, c.202, s.27)

29

30 17. R.S.19:14-10 is amended to read as follows:

31 19:14-10. In the column or columns designated as nominations
32 by petition, within the space between the two-point hair line rules,
33 there shall be printed the title of each office for which nominations
34 by petition have been made.

35 Such titles of office shall be arranged in the following order:
36 electors of President and Vice-President of the United States;
37 member of the United States Senate; Governor and Lieutenant
38 Governor; member of the House of Representatives; member of the
39 State Senate; members of the General Assembly; county executive,
40 in counties that have adopted the county executive plan of the
41 "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et
42 seq.); sheriff; county clerk; surrogate; register of deeds and
43 mortgages; county supervisor; members of the board of chosen
44 freeholders; coroners; mayor and members of municipal governing
45 bodies; members of the school board ; members of the board of fire
46 commissioners, when appropriate, and any other titles of office.

47 Above each of the titles of office, except the one on the top, shall
48 be printed a two-point diagram rule in place of the two-point hair

1 line rule. Below the titles of each of the offices shall be printed the
2 names of each of the candidates for each of such offices followed
3 by the designation or designations mentioned in the petitions filed.

4 Immediately to the left of the name of each candidate, at the
5 extreme left of the column, shall be printed a square, one-quarter of
6 an inch in size formed by two-point diagram rules.

7 The names of candidates for any office for which more than one
8 are to be elected shall be arranged in groups as presented in the
9 several certificates of nominations or petitions, which groups shall
10 be separated from other groups and candidates by two two-point
11 hair line rules.

12 To the right of the title of each office shall be printed the words
13 "Vote for " inserting in words the number of candidates to be
14 elected to such office.

15 (cf: P.L.2011, c.202, s.28)

16

17 18. R.S.19:14-16 is amended to read as follows:

18 19:14-16. The words to be printed on the perforated coupon shall
19 be printed in twelve-point bold-faced capital letters and the figures
20 in eighteen and twenty-two-point bold-faced type. At the head of
21 the ballot the words "Official General Election Ballot" shall be
22 printed in at least thirty-point bold-faced capital letters. The name
23 of municipality, ward, school district, fire district, election district,
24 and date, as appropriate, shall be printed in twelve-point bold-faced
25 capital letters. The words "Instructions to the voter" shall be printed
26 in twelve-point bold-faced capitals and small letters, while the
27 instructions embraced within the brackets shall be printed in eight-
28 point bold-faced capital and small letters. The column designations
29 shall be printed in eighteen-point bold-faced capital letters and the
30 accompanying instructions shall be printed in eight-point capitals
31 and small letters. The titles of office and accompanying instructions
32 shall be printed in ten-point bold-faced capital and small letters.
33 When there is no nomination made at the primary for an office, the
34 title shall be printed in the space where such title should appear, and
35 the words "No Nomination Made" in type large enough to fill the
36 entire space or spaces shall be printed therein. The names of all
37 candidates shall be printed in ten-point capital letters. The
38 designations following the candidates' names in the nomination by
39 petition column or columns shall be printed in ten-point capitals and
40 small letters, except that where they overrun the space within the
41 column the designations may be abbreviated, and all spaces
42 between the two-point hair line rules not occupied by the titles of
43 office and names of candidates shall be printed in with scroll or
44 filling to guide the voter against wrongly marking the ballot. On the
45 foot of the ballot the words "Public Questions to be Voted Upon"
46 shall be printed in eighteen-point bold-faced capital letters. The
47 accompanying instructions shall be printed in eight-point capital
48 and small letters. The public questions to be voted upon shall be

1 printed in ten-point capital and small letters, and the words "Yes"
2 and "No" shall be printed in twelve-point bold-faced capital letters.
3 (cf: P.L.2011, c.202, s.29)

4

5 19. R.S.19:14-22 is amended to read as follows:

6 19:14-22. The official general election sample ballots shall be as
7 nearly as possible facsimiles of the official general election ballot to
8 be voted at such election and shall have printed thereon, after the
9 words which indicate the number of the election district for which
10 such sample ballots are printed, the name of the school district,
11 when appropriate, the number or name and municipality or
12 municipalities of the fire district, when appropriate, the street
13 address or location of the polling place in the election district, the
14 hours between which the polls shall be open, and shall be printed on
15 paper different in color from the official general election ballot, and
16 have the following words printed in large type at the top: "This
17 ballot cannot be voted. It is a sample copy of the official general
18 election ballot used on election day."

19 (cf: P.L.2011, c.202, s.30)

20

21 20. (New section) a. The date of the annual fire district
22 election may be moved to the general election on the first Tuesday
23 after the first Monday in November upon the adoption of a
24 resolution by the board of fire commissioners of a fire district.

25 b. In the event that the date of a fire district's annual election is
26 moved to the day of the general election in November, the fire
27 district election shall be held for the purposes of electing members
28 of the board and for voting on any appropriation or other matter
29 according to the provisions of P.L.1971, c.197 (C.40A:14-72 et
30 seq.). The procedures for holding a fire district election in
31 November shall be in accordance with the procedures provided for
32 the general election under Title 19 of the Revised Statues.

33

34 21. (New section) Within six months next following enactment
35 of P.L. , c. (C.) (pending before the Legislature as this
36 bill), the Director of the New Jersey Division of Elections in the
37 Department of State, in consultation with the Department of
38 Community Affairs, shall study the feasibility of consolidating
39 election districts with fire districts for potential municipal cost-
40 saving measures and shall, after notice and an opportunity for
41 public comment, submit a report to the Legislature with findings
42 and any recommendations to provide for greater municipal savings
43 through such consolidation.

44

45 22. The Department of Community Affairs, in consultation with
46 the New Jersey Division of Elections in the Department of State, as
47 appropriate, shall adopt rules and regulations pursuant to the

1 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
2 seq.), to effectuate the purposes of this act.

3

4 23. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 This bill establishes procedures for moving the date of a fire
10 district's annual election to the day of the general election in
11 November and eliminates a vote on fire district budgets and capital
12 expenditures, except for proposals to raise revenue above the
13 property tax levy cap in accordance with the levy cap law
14 provisions of N.J.S.A.40A:4-45.44 et seq. Consistent with current
15 law, any money to be raised by a bond issue would still require
16 voter approval.

17 Under the bill, the date of the annual fire district election may be
18 moved to November upon the adoption of a resolution by the board
19 of fire commissioners of a fire district. The board of fire
20 commissioners' option to move the fire district election date is
21 intended to increase voter participation in the election of fire district
22 commissioners and provide an opportunity for municipal election-
23 related cost savings.

24 The procedures for holding a fire district election in November
25 shall be in accordance with the procedures provided for the general
26 election under Title 19 of the Revised Statutes. If the fire district's
27 annual election is moved to November, then the fire district's board
28 members would take office at the beginning of December.

29 Further, the bill requires that, within six months next following
30 enactment, the Director of the New Jersey Division of Elections in
31 the Department of State, in consultation with the Department of
32 Community Affairs, study the feasibility of consolidating election
33 districts with fire districts for the potential of additional municipal
34 cost-saving measures and shall, after notice and an opportunity for
35 public comment, submit a report to the Legislature with findings
36 and any recommendations to provide for greater municipal savings
37 through such consolidation.