

CHAPTER 206

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

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

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

As used in this Title.

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

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

"Fire district election" means an election to be held in and for a fire district established pursuant to N.J.S.40A:14-70 et seq.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Commissioner" means the commissioner of registration in counties.

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

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

Publication of notice of election.

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

b. Such notice shall set forth:

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

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

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

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

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

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

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

commissioner of registration or municipal clerk to determine the proper polling place location for the voter.

(2) For the general election:

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

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

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

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

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

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

(3) For a school election:

(a) The day, time and place thereof,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Official elections; ballots; specifications.

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

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

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

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

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

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

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

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

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

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

Arrangement of ballots.

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

Such titles of office shall be arranged in the following order: electors of President and Vice-President of the United States; member of the United States Senate; Governor; member of the House of Representatives; member of the State Senate; members of the General Assembly; county executive, in counties that have adopted the county executive plan of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk; surrogate; register of deeds and mortgages; county supervisor; members of the board of chosen freeholders; coroners; mayor and members of municipal governing bodies, and any other titles of office. Candidates for members of a school board and for members of a board of fire commissioners shall be listed in a section of the ballot that is separate from the section featuring other candidates whenever possible in a layout at the discretion of the county clerk. Above each of such titles of office, except the one at the top, shall be printed a two-point diagram rule in place of the two-point hair line rule. Below the titles of such offices shall be printed the names of the candidates for the offices.

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

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

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

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

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

Nominations by petition.

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

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

Above each of the titles of office, except the one on the top, shall be printed a two-point diagram rule in place of the two-point hair line rule. Below the titles of each of the offices shall be printed the names of each of the candidates for each of such offices followed by the designation or designations mentioned in the petitions filed.

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

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

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

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

Style of type, rulings and spacing.

19:14-16. The words to be printed on the perforated coupon shall be printed in twelve-point bold-faced capital letters and the figures in eighteen and twenty-two-point bold-faced type. At the head of the ballot the words "Official General Election Ballot" shall be printed in at least thirty-point bold-faced capital letters. The name of municipality, ward, school

district, fire district, election district, and date, as appropriate, shall be printed in twelve-point bold-faced capital letters. For a fire district election, the number of the fire district shall also be printed in twelve-point bold-faced capital letters. The words "Instructions to the voter" shall be printed in twelve-point bold-faced capitals and small letters, while the instructions embraced within the brackets shall be printed in eight-point bold-faced capital and small letters. The column designations shall be printed in eighteen-point bold-faced capital letters and the accompanying instructions shall be printed in eight-point capitals and small letters. The titles of office and accompanying instructions shall be printed in ten-point bold-faced capital and small letters. When there is no nomination made at the primary for an office, the title shall be printed in the space where such title should appear, and the words "No Nomination Made" in type large enough to fill the entire space or spaces shall be printed therein. The names of all candidates shall be printed in ten-point capital letters. The designations following the candidates' names in the nomination by petition column or columns shall be printed in ten-point capitals and small letters, except that where they overrun the space within the column the designations may be abbreviated, and all spaces between the two-point hair line rules not occupied by the titles of office and names of candidates shall be printed in with scroll or filling to guide the voter against wrongly marking the ballot. On the foot of the ballot the words "Public Questions to be Voted Upon" shall be printed in eighteen-point bold-faced capital letters. The accompanying instructions shall be printed in eight-point capital and small letters. The public questions to be voted upon shall be printed in ten-point capital and small letters, and the words "Yes" and "No" shall be printed in twelve-point bold-faced capital letters.

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

Form and contents; color of paper.

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

8. Section 9 of P.L.2009, c.79 (C.19:63-9) is amended to read as follows:

C.19:63-9 Delivery of mail-in ballots.

9. a. Starting on or before the 45th day before the day an election is held, each county clerk shall forward mail-in ballots by first-class postage or hand delivery to each mail-in voter whose request therefor has been approved. Mail-in ballots that have been approved before the 45th day before an election shall be forwarded or delivered at least 45 days before the day of the election. Hand delivery of a mail-in ballot shall be made by the county clerk or the clerk's designee only to the voter, or the voter's authorized messenger, who must appear in person. No person shall serve as an authorized messenger for more than three

qualified voters in an election. Ballots that have not been hand delivered shall be addressed to the voter at the forwarding address given in the application.

b. (1) Whenever the clerk forwards a mail-in ballot by mail to a mail-in voter between the 45th day and the 13th day before the day of an election, the ballot shall be transmitted within three business days of the receipt of the application.

(2) Whenever the clerk forwards a mail-in ballot by mail to a mail-in voter between the 12th day and the seventh day before the day of an election, the ballot shall be transmitted within two business days of the receipt of the application.

The provisions of this subsection shall not apply to: (a) annual school elections and special school elections in those school districts holding such elections, pursuant to P.L.1995, c.278 (C.19:60-1 et seq.); (b) any municipality in which elections are conducted by mail, pursuant to P.L.2005, c.148 (C.19:62-1 et seq.); (c) annual elections for members of the boards of fire district commissions, pursuant to N.J.S.40A:14-72, when such elections are held at a time other than the time of the general election; and (d) the vote on any public question submitted to the voters of a local unit to increase the amount to be raised by taxation by more than the allowable adjusted tax levy, pursuant to section 11 of P.L.2007, c.62 (C.40A:4-45.46).

c. (Deleted by amendment, P.L.2011, c.37).

9. N.J.S.40A:14-70 is amended to read as follows:

Fire district designation; procedure; election of commissioners.

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

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

c. If the election of the first board of fire commissioners is held at a time other than the time of the general election, the following requirements shall apply:

(1) The clerk of the municipality shall conduct the election and shall preside at the meeting until the board shall have been elected.

(2) At the first meeting of a newly elected board of fire commissioners of a district the board shall choose a chairman and fix the place for the annual election. The members of the board shall divide themselves by lot into three classes: the first to consist of two members whose terms shall expire at 12 o'clock noon on the first Tuesday in March of the year following the year in which the first board is elected; the second, two members whose terms shall expire at 12 o'clock noon on the first Tuesday in March of the second year following that year; and the third, one member whose term shall expire at 12 o'clock noon on the first Tuesday in March of the third year following that year. The terms of fire commissioners in each class, other than members of the first board, shall expire at 12 o'clock noon on the first Tuesday in March of the third year following the year in which they were elected. If the time of the annual election is moved to the time of the general election pursuant to subsection a. of section 23 of P.L.2017, c.206 (C.40A:14-72.2), the terms of the fire commissioners then in office shall be extended until 12 o'clock noon on the first Tuesday in December of the years in which their terms expire.

(3) Any vacancy in the membership shall be filled by the remaining members until the next succeeding annual election held on the third Saturday in February, at which time a resident of the district shall be elected for the unexpired term.

d. If the election of the first board of fire commissioners is held at the time of the general election, the following requirements shall apply:

(1) The election shall be conducted in accordance with the procedures provided for the general election in Title 19 of the Revised Statutes, except as otherwise provided pursuant to N.J.S.40A:14-70 et seq.

(2) The annual election shall be held at the time of the general election on the first Tuesday after the first Monday in November, and shall be conducted in accordance with the procedures provided for the general election in Title 19 of the Revised Statutes, except as otherwise provided pursuant to N.J.S.40A:14-70 et seq.

(3) The term of a member of a board of fire commissioners shall commence at 12 o'clock noon on the first Tuesday in December.

(4) At the first meeting of a newly elected board of fire commissioners of a district, the board shall choose a chairman. The members of the board shall divide themselves by lot into three classes: the first to consist of two members whose terms shall expire at 12 o'clock noon on the first Tuesday in December of the year following the year in which the first board is elected; the second, two members whose terms shall expire at 12 o'clock noon on the first Tuesday in December of the second year following that year; and the third, one member whose term shall expire at 12 o'clock noon on the first Tuesday in December of the third year following that year. The terms of fire commissioners in each class, other than members of the first board, shall expire at 12 o'clock noon on the first Tuesday in December of the third year following the year in which they were elected.

(5) Any vacancy in the membership shall be filled by the remaining members until the next succeeding annual election held at the time of the general election, at which time a resident of the district shall be elected for the unexpired term.

10. N.J.S.40A:14-71 is amended to read as follows:

Nominating petitions.

40A:14-71. a. For an election held at a time other than at the time of the general election, candidates for membership on the board shall be nominated by verified petitions and the procedures set forth in this subsection shall apply. Any such petition shall be in writing,

addressed to the municipal clerk or the clerk of the board, as the case may be, stating that the signers thereof are qualified voters and residents in the district and requesting that the name of the candidate be placed on the official ballot. The petition shall state the residence of the candidate and certify his qualification for membership. The candidate's consent to his nomination shall be annexed to the petition and shall constitute his agreement to serve in the event of his election. The petition shall contain the name of only one candidate, but several petitions may nominate the same person. Each petition shall be signed by not less than 10 qualified voters and shall be filed at least 29 days before the date of the election.

Any form of a petition of nomination which is provided to candidates by the Secretary of State, the county clerk, or the municipal clerk shall contain the following notice: "Notice: All candidates are required by law to comply with the provisions of 'The New Jersey Campaign Contributions and Expenditures Reporting Act,' P.L.1973, c.83 (C.19:44A-1 et seq.). For further information please call (insert telephone number of the Election Law Enforcement Commission)."

If a petition is found to be defective, either in form or substance, the municipal clerk or the clerk of the board, as the case may be, shall forthwith notify the candidate to cause it to be corrected before the petition is given consideration.

A candidate shall be permitted to sign or circulate, or both sign and circulate, the petition required to nominate that candidate for membership on the board.

b. For an election held at the time of the general election, each candidate for membership on the board of fire commissioners shall be nominated by petition for direct nomination pursuant to the procedures set forth in R.S.19:13-1 et seq. Notwithstanding the provisions of R.S.19:13-5, however, a petition of nomination for such office shall be signed by at least 10 persons, one of whom may be the candidate, or two percent of the number of qualified voters who voted in the fire district at the next preceding annual election for members of the board of fire commissioners, whichever is less, and filed with the county clerk on or before 4:00 p.m. of the last Monday in July preceding the general election. The signatures need not all appear upon a single petition and any number of petitions may be filed on behalf of any candidate, but no petition shall contain the endorsement of more than one candidate.

Any candidate may withdraw as a candidate by filing a notice in writing, signed by the candidate, of such withdrawal with the county clerk on or before the 70th day before the date of the November election, as applicable, and thereupon the name of that candidate shall be withdrawn by the county clerk and shall not be printed on the ballot.

A vacancy created by any reason set forth in R.S.19:13-18, or in any other manner, shall be filled under the provisions of R.S.19:13-19. In each fire district in which candidates for the office of member of a board of fire commissioners will seek election at the general election, the board of fire commissioners thereof shall certify to the county clerk no later than the day of the holding of the primary election for the general election next occurring a statement designating the public offices to be filled at such election, and the number of such offices to be filled.

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

Fire district elections.

40A:14-72. a. An election shall be held annually either on the third Saturday in February or at the time of the general election on the first Tuesday after the first Monday in November in each established fire district for the election of members of the board according to the

expiration of terms. The initial election for a newly created fire district may take place on another date as a governing body may specify under N.J.S.40A:14-70, but the annual election thereafter shall be held either on the third Saturday in February or at the time of the general election on the first Tuesday after the first Monday in November.

b. For an election held at a time other than at the time of the general election, the place of the election shall be determined by the board and a notice thereof, and of the closing date for the filing with the clerk of the board of petitions of nomination for membership on the board, shall be published at least once in a newspaper circulating in the district, at least six weeks prior to the date fixed for the election.

c. For an election held at the time of the general election, the place of the election shall be determined pursuant to R.S.19:8-1 et seq. and notice thereof shall be published pursuant to R.S.19:12-7. Notice of the closing date for the filing, with the county clerk, of nominations by petition for direct nomination for membership on the board shall be published by the board at least once in a newspaper circulating in the district, at least 21 days prior to the date by which such nominations are required to be filed with the county clerk.

d. Fire districts located in the same municipality may combine the publication of their notices of election. For the purpose of this section, "notices of election" shall include the notices required to be published under section 6 of P.L.2009, c.79 (C.19:63-6).

e. The legal voters at an annual election held on the third Saturday in February shall determine the amount of money to be raised for the ensuing year and determine such other matters as may be required. If the amount of money to be raised for the ensuing year exceeds the permissible property tax levy increase as determined pursuant to section 10 of P.L.2007, c.62 (C.40A:4-45.45), a public question shall be submitted to the legal voters to increase the amount to be raised by taxation by more than the allowable adjusted tax levy.

f. If a fire district holds its annual election at the time of the general election, then the legal voters shall determine the amount of money to be raised for the ensuing year only by such amount that exceeds the permissible property tax levy increase as determined pursuant to section 10 of P.L.2007, c.62 (C.40A:4-45.45). The legal voters shall determine whether to increase the amount to be raised by taxation by more than the allowable adjusted tax levy for the ensuing year through the submission of a public question. The board of fire commissioners of the fire district shall notify the county or municipal clerk, as appropriate, of the need to conduct a referendum pursuant to this subsection at least 60 days before the date of the referendum. A referendum conducted pursuant to this subsection shall be held on the third Saturday in February of the budget year in which the levy increase would apply.

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

Form of ballot.

40A:14-73. a. For an election held at a time other than at the time of the general election, the following requirements shall apply:

The ballots shall be written or printed on opaque paper, uniform in size and quality.

Each ballot shall have at the top, a coupon, at least one inch wide extending across the ballot above a perforated line. The coupons shall be numbered consecutively. The coupon shall contain the following statements: "To be torn off by the Judge of Election" and "Fold to this line." Below the perforated line shall be printed or written, "Fire district election ballot," then the official designation of the fire district and polling place and date of the election. It shall bear the signature or facsimile signature of the municipal clerk, or the clerk of the board of fire commissioners, as the case may be. The heading shall be set apart from the body of

the ballot by a marked-off space. In said space, the voters shall be instructed how to indicate their choice of candidates and the number to be voted upon as follows: "To vote for any person whose name appears on this ballot mark a cross (X), plus (+) or check (✓) in ink or pencil in the place or square at the left of the name of such person." Underneath these instructions shall be directions as to the number of candidates to be voted for and the name of each qualified candidate, without grouping, to be placed according to the alphabetical order of their surnames.

The ballot shall be substantially as follows:

No.....

To be torn off by the Judge of Election.

Fold to this line.

.....

FIRE DISTRICT ELECTION BALLOT

Fire District No. 1

Township of Webster, Warren County

Date.....

Polling District No. 1 John Henry Doe,
Unexcelled Fire House. Clerk.

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

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

[] Rutherford B. Fallon.

[] William F. Seibel.

[] James A. Stephens.

[] Thomas Templeton.

[]

[]

For membership to Board of Fire Commissioners--
Unexpired One-Year Term. Vote for One.

[] Francis R. Loori.

[] Arthur H. Patterson.

[]

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

b. For an election held at the time of the general election, the ballot shall be prepared in accordance with the provisions of Title 19 of the Revised Statutes.

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

Elections; notice; publication; eligibility of voters.

40A:14-74. For an election held at the time of the general election or at a time other than at the time of the general election, the voter registration procedures set forth in R.S.19:31-1 et seq. shall apply.

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

Use of voting machines.

40A:14-75. For an election held at a time other than at the time of the general election, the superintendent of elections of any county having a superintendent of elections or the county board of elections of any county not having a superintendent of elections, may upon application of the board of commissioners of any fire district, loan or rent to said board, one or more voting machines owned by the county, for a period of time which does not conflict with any State, county, municipal or school district election, for the purpose of conducting a fire district election as required by law. The loan or rental of a voting machine or machines for this purpose shall be upon such terms and conditions as may be determined by the board of chosen freeholders of the county.

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

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

Polls, hours.

40A:14-76. For an election held at a time other than at the time of the general election, upon petition of 25 or more voters, filed with the clerk of the board at least 20 days prior to the date of any election, after the first election, the board of fire commissioners, by resolution, may divide the fire district into 2 or more polling places.

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

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

Manner of conducting elections.

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

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

Appropriations, other matters to be voted upon, form of question.

40A:14-78. a. Any appropriation or other matter to be voted upon at an election held at a time other than at the time of the general election shall be in the form of a question, placed upon the ballot immediately following the names of the candidates for members of the board of fire commissioners, in substantially the following form:

YES. (Question to be voted on)

NO.

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

b. Any appropriation or other matter to be voted upon at an election held at the time of the general election shall be in the form of a question placed upon the ballot in accordance with the requirements of Title 19 of the Revised Statutes.

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

C.40A:14-78.2 Adoption of fire district budget, hearing.

6. No fire district budget shall be adopted until a public hearing has been held thereon and taxpayers of the district and all persons having an interest therein shall have been given an opportunity to present objections.

The public hearing shall be held not less than 28 days after approval of the budget.

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

The budget shall be read at the public hearing in full, or it may be read by its title, if:

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

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

After closing the hearing, the fire commissioners may, by a vote of not less than a majority of the full membership, adopt the budget by title without amendments, or may approve amendments as provided in section 7 of P.L.1979, c.453 (C.40A:14-78.3).

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

C.40A:14-78.5 Adoption of budget amendments.

9. a. If at an election held on the third Saturday in February pursuant to N.J.S.40A:14-72 the question of either (1) pursuant to subsection e. of N.J.S.40A:14-72, determining the amount of money to be raised for the ensuing year and, if applicable, whether to exceed the property tax levy cap, established pursuant to section 10 of P.L.2007, c.62 (C.40A:4-45.45); or (2) pursuant to subsection f. of N.J.S.40A:14-72, whether to exceed the property tax levy cap, established pursuant to section 10 of P.L.2007, c.62 (C.40A:4-45.45), is voted affirmatively upon by a majority of the legal voters voting in the election, the budget shall be considered finally adopted, and the board of fire commissioners shall certify the amount to be raised by taxation to support the district budget to the assessor of the municipality, pursuant to N.J.S.40A:14-79.

b. If at an election held on the third Saturday in February the question of either (1) pursuant to subsection e. of N.J.S.40A:14-72, determining the amount of money to be raised for the ensuing year and, if applicable, the question of whether to exceed the property tax levy cap established pursuant to section 10 of P.L.2007, c.62 (C.40A:4-45.45); or (2) pursuant to subsection f. of N.J.S.40A:14-72, whether to exceed the property tax levy cap, established pursuant to section 10 of P.L.2007, c.62 (C.40A:4-45.45), is voted negatively upon by a majority of the legal voters voting in the election, the governing body of the municipality in which the fire district is located shall, by resolution of a majority of its full membership, within 30 days after the annual election and after a public hearing for which the legal voters of the fire district shall be given 5 days' advertised notice, and at which any

interested person shall be heard, fix an annual budget for the fire district. The amount of each appropriation section of the budget so fixed shall not exceed the amount for each as previously voted upon at the annual election, except the appropriation for debt service which shall be included in the amount that is required to be paid. The governing body shall certify the amount to be raised by taxation to support the district budget as set forth in the final budget, to the assessor of the municipality, pursuant to N.J.S.40A:14-79.

c. Following the final approval of a budget by the board of fire commissioners or the voters, as applicable, the Director of the Division of Local Government Services in the Department of Community Affairs may approve a budget amendment to provide for the anticipation of revenue from a public or private funding source which was not known at the time the budget was approved, and the appropriation thereof, provided the amount of the appropriation does not exceed the amount of the revenue received.

20. N.J.S.40A:14-84 is amended to read as follows:

Revenue for the district, purposes, limitations; meetings.

40A:14-84. a. For a fire district that holds its annual election at a time other than at the time of the general election, the legal voters, at a regular meeting or at a special meeting called by the commissioners of the fire district, may vote to raise money for a firehouse, fire engines, apparatus, or other appliances for the extinguishment of fires and acquire lands or buildings or erect buildings for the housing of such equipment, or other buildings, including but not limited to, administrative, communications, or training buildings, or buildings for the maintenance of fire apparatus, in an amount not exceeding 5 mills on the dollar of the last assessed valuation of the property in the fire district. The amount so voted for shall be included in the next succeeding annual budget of the fire district under the section for capital appropriations. Voting shall be open between the hours of 6:00 P.M. to 9:00 P.M., but the board may designate a later closing hour on the same day, and the board shall take any necessary action to ensure the secrecy and privacy of the casting of votes.

Any such special meeting shall be called on 10 days' notice by the board of fire commissioners, to be posted in five public places in the district, setting forth the time, place and object of the meeting and the legal voters shall determine the amount of money to be raised.

b. (1) For a fire district that holds its annual election at the time of the general election, the board of fire commissioners of a fire district, at a regular meeting or at a special meeting called by the commissioners of the fire district, may, by resolution adopted by a vote of not less than $\frac{2}{3}$ of the full membership thereof, raise money for a firehouse, apparatus, appliances, land or buildings in connection therewith for fire extinguishing purposes, including but not limited to administrative or training buildings, in an amount not exceeding 5 mills on the dollar of the last assessed valuation of the property in the fire district. The amount so adopted shall be included in the next succeeding annual budget of the fire district under the section for capital appropriations.

(2) (a) Prior to such meeting, the resolution, or a summary thereof, shall be published together with notice of the time and place of the meeting, the opportunity of the public to be heard at the meeting, and the availability of copies of the resolution to the members of the general public of the fire district from the date following such publication up to and including the date of the meeting. If a summary is published, the summary shall contain a clear and concise statement prepared by the clerk of the board of fire commissioners setting

forth the purpose of the resolution and the amount to be raised by the additional levy being authorized.

(b) If the resolution is to be adopted at a regular meeting, the clerk of the board of fire commissioners shall, at least 10 days prior to the date of the meeting, post the information required to be published pursuant to this subsection in five public places in the fire district, and shall advertise this information in a newspaper, published in the fire district, if any, otherwise in a newspaper circulating in the district.

(c) If the resolution is to be adopted at a special meeting, the clerk shall, at least 21 days prior to the date of the meeting, post the information required to be published pursuant to this subsection in five public places in the fire district, and shall advertise this information in a newspaper, published in the fire district, if any, otherwise in a newspaper circulating in the district. The clerk shall, not more than 20 days and at least 10 days prior to the date of the meeting, again advertise this information in that newspaper.

(3) (a) All interested persons shall be given an opportunity to be heard at a meeting subject to the provisions of this section.

(b) Copies of a resolution shall be made available to the members of the general public of the fire district who shall request such copies from the date following publication of the resolution up to and including the date of the meeting.

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

Acquisition of property, equipment by fire district.

40A:14-85. The board of commissioners of a fire district may purchase a firehouse, fire engines, apparatus, or other appliances for the extinguishment of fires and acquire lands or buildings or erect buildings for the housing of such equipment, or other buildings, including but not limited to, administrative, communications, or training buildings, or buildings for the maintenance of fire apparatus, at a cost not exceeding \$60,000.00 or 2% of the assessed valuation of the taxable property in the district, whichever amount is larger. The money may be raised by a bond issue, or through the creation of any other debt or liability, including, but not limited to, through a lease-purchase agreement. Any such bond issue, debt, or liability shall be authorized by a resolution of the commissioners specifying the amount and the purpose thereof. The resolution shall be inoperative unless and until it shall have been submitted to and approved by the legal voters within said fire district at the annual election held for the election of commissioners and appropriation of money for fire extinguishing purposes, or at a special election for such purpose.

The resolution shall be written or printed and the election shall be upon notice stating the time and place. If said election is to be the annual one, the notices shall be posted by the clerk of the board of fire commissioners in 10 public places, at least 10 days prior to the date of the election. The board of commissioners and the clerk, in their or his discretion, may advertise the election in a newspaper, published in the fire district, if any, otherwise in a newspaper published in the county of said district and circulating in such district. When a special election is specified notices shall be posted in 10 public places, at least 21 days prior to the date of election, and the clerk of said board shall advertise said notice in such a newspaper at least twice prior to the election date.

C.40A:14-72.1 Moving date of election for fire district; revision of boundary lines.

22. a. Except as provided in subsection b. of this section, the board of fire commissioners of a fire district may by resolution move the time of the annual election for the fire district to

the time of the general election on the first Tuesday after the first Monday in November. If the time of the annual election for a fire district is moved to the time of the general election, the fire district election shall be held for the purposes of electing members of the board of fire commissioners and for voting on any appropriation or other matter according to the provisions of N.J.S.40A:14-70 et seq. The procedures for holding a fire district election at the time of the general election shall be in accordance with the procedures provided for the general election under Title 19 of the Revised Statutes, except as otherwise provided pursuant to N.J.S.40A:14-70 et seq.

After moving the date of a fire district's annual election to the day of the general election on the first Tuesday after the first Monday in November, the date of the annual fire election shall be held at that time and shall not be changed.

b. (1) An annual election shall not be moved to the first Tuesday after the first Monday in November, to be held simultaneously with the general election, pursuant to subsection a. of this section, unless the county board of elections has certified that the election may be conducted in accordance with the requirements of section 1 of P.L.1976, c.83 (C.19:4-10).

(2) The county board of elections for a county within which a fire district is located shall determine, within 30 days of the effective date of P.L.2017, c.206, whether an annual election may be so conducted.

(a) If the county board of elections determines that an annual election may be conducted pursuant to paragraph (1) of this subsection, the board shall transmit a certification to the board of fire commissioners and the governing body of the municipality within which the district is located.

(b) If the county board of elections determines that an annual election may not be conducted pursuant to paragraph (1) of this subsection, the board shall transmit a letter to the fire district so stating. In order to meet the requirement of paragraph (1) of this subsection, the board of election may revise or readjust the boundary lines of any election district and the board of fire commissioners, if authorized by an ordinance adopted by the governing body of the municipality, may revise or readjust the boundary lines of any fire district, including by means of consolidating or subdividing districts, as may be necessary, except as may be otherwise required by section 6 of P.L.1976, c.83 (C.19:4-15). The Local Finance Board shall approve any proposed consolidation or subdivision of a fire district in accordance with the procedures set forth in the Local Authorities Fiscal Control Law, P.L.1983, c.313 (C.40A:5A-1 et seq.), or sections 2 and 3 of P.L.2015, c.279 (C.40A:14-90.1 et seq.), as applicable. Any fire district whose boundaries have been adjusted shall notify the Director of the Division of Local Government Services in the Department of Community Affairs.

Upon the completion of such revision or readjustment of the boundary lines of any election district by the board of elections, the board of elections shall transmit a certification to the board of fire commissioners and the governing body of the municipality within which the district is located.

Upon the completion of such revision or readjustment of the boundary lines of any fire district by the board of fire commissioners, the fire district shall transmit a letter so notifying the county board of elections. The board of elections shall, within 30 days thereafter, transmit either a certification to the board of fire commissioners and the governing body of the municipality within which the district is located, provided the board of elections can then certify compliance with paragraph (1) of this subsection, or a letter to the board of fire commissioners stating that compliance with paragraph (1) of this subsection has not been met notwithstanding the revision or readjustment.

c. If the time of the annual election is moved to the time of the general election pursuant to subsection a. of this section, the term of a member of a board of fire commissioner elected at the time of a general election shall commence at 12 o'clock noon on the first Tuesday in December, and shall expire at 12 o'clock noon on the first Tuesday in December of the third year following the year in which such member was elected. Any vacancy in the membership shall be filled by the remaining members until the next succeeding annual election held at the time of the general election, at which time a resident of the district shall be elected for the unexpired term.

C.40A:14-72.2 Rules, regulations.

23. The Department of Community Affairs, in consultation with the Division of Elections in the Department of State, as appropriate, shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this act, P.L.2017, c.206 (C.40A:14-72.1 et al.).

24. Section 8 of P.L.1979, c. 453 (C.40A:14-78.4) is amended to read as follows:

C.40A:14-78.4 Adoption of budget; time; advertisement.

8. The fire district budget shall be adopted, by a vote of a majority of the full membership of the fire commissioners, not later than 25 days prior to the third Saturday in February. The adopted budget shall be advertised after adoption. The advertisement shall contain a copy of the budget and shall be published at least once in a newspaper circulating in the fire district at least 7 days prior to the third Saturday in February.

25. This act shall take effect on January 1, 2019.

Approved August 7, 2017.