

[Second Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1690

STATE OF NEW JERSEY
217th LEGISLATURE

ADOPTED JANUARY 30, 2017

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SYNOPSIS

Allows fire district elections to be moved to November; eliminates certain fire district budget referenda; and eliminates certain fire district capital purchase referenda.

CURRENT VERSION OF TEXT

As amended by the Senate on June 22, 2017.

(Sponsorship Updated As Of: 6/30/2017)

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

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

7
8 1. 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 "Fire district election" means an election to be held in and for a
14 fire district established pursuant to N.J.S.40A:14-70 et seq.

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

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

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

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

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

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

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

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

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

42 "Political party" means a party which, at the election held for all
43 of the members of the General Assembly next preceding the holding
44 of any primary election held pursuant to this Title, polled for

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

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted June 1, 2017.

²Senate floor amendments adopted June 22, 2017.

1 members of the General Assembly at least 10% of the total vote cast
2 in this State.

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

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

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

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

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

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

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

20 "Commissioner" means the commissioner of registration in
21 counties.

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

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

26

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

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

41 b. Such notice shall set forth:

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

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

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

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

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

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

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

32 (2) For the general election:

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

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

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

- 1 (d) The existence of registration and voting aids, including: (i)
2 the availability of registration and voting instructions at places of
3 registration as provided under R.S.19:31-6; and (ii) the accessibility
4 of voter information to the deaf by means of a telecommunications
5 device.
- 6 (e) The availability of assistance to a person unable to vote due
7 to blindness, disability or inability to read or write.
- 8 (f) In the case of the notice published during the calendar week
9 next preceding the week in which the general election is held, that a
10 voter who, prior to the election, shall have moved within the same
11 county without (i) filing, on or before the 21st day preceding the
12 election, a notice of change of residence with the commissioner of
13 registration of the county or the municipal clerk of the municipality
14 in which the voter resides on the day of the election, (ii) returning
15 the confirmation notice sent to the voter by the commissioner of
16 registration of the county, if such a notice has been sent to the voter,
17 or (iii) otherwise notifying the commissioner of registration of the
18 voter's change of address within the county shall be permitted to
19 correct the voter's registration and to vote in the general election by
20 provisional ballot at the polling place of the district in which the
21 voter resides on the day of the election. The notice shall further
22 provide that the voter may contact the county commissioner of
23 registration or municipal clerk to determine the proper polling place
24 location for the voter.
- 25 (3) For a school election:
- 26 (a) The day, time and place thereof,
- 27 (b) The offices, if any, to be filled at the election,
- 28 (c) The substance of any public question to be submitted to the
29 voters thereat,
- 30 (d) That a voter who, prior to the election, shall have moved
31 within the same county without (i) filing, on or before the 21st day
32 preceding the election, a notice of change of residence with the
33 commissioner of registration of the county or the municipal clerk of
34 the municipality in which the voter resides on the day of the
35 election, (ii) returning the confirmation notice sent to the voter by
36 the commissioner of registration of the county, if such a notice has
37 been sent to the voter, or (iii) otherwise notifying the commissioner
38 of registration of the voter's change of address within the county
39 shall be permitted to correct the voter's registration and to vote in
40 the school election by provisional ballot at the polling place of the
41 district in which the voter resides on the day of the election,
- 42 (e) That if the voter has any questions as to where to vote on the
43 day of the election, the voter may contact the county commissioner
44 of registration or municipal clerk to determine the proper polling
45 place location for the voter; and
- 46 (f) Such other information as may be required by law.
- 47 c. If such publication is made in more than one newspaper, it
48 shall not be necessary to duplicate in the notice published in each

1 such newspaper all the information required under this section, so
2 long as:

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

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

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

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

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

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

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

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

31

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

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

1 right there shall be a bracket embracing the following instructions
2 numbered consecutively:

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

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

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

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

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

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

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

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

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

37

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

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

45 Such titles of office shall be arranged in the following order:
46 electors of President and Vice-President of the United States;
47 member of the United States Senate; Governor; member of the
48 House of Representatives; member of the State Senate; members of

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

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

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

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

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

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

32

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

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

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

1 of the board of fire commissioners, when appropriate; and any other
2 titles of office.

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

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

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

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

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

20

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

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

1 the titles of office and names of candidates shall be printed in with
2 scroll or filling to guide the voter against wrongly marking the
3 ballot. On the foot of the ballot the words "Public Questions to be
4 Voted Upon" shall be printed in eighteen-point bold-faced capital
5 letters. The accompanying instructions shall be printed in eight-
6 point capital and small letters. The public questions to be voted
7 upon shall be printed in ten-point capital and small letters, and the
8 words "Yes" and "No" shall be printed in twelve-point bold-faced
9 capital letters.

10 (cf: P.L.2011, c.202, s.29)

11

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

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

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

28

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

31 9. a. Starting on or before the 45th day before the day an
32 election is held, each county clerk shall forward mail-in ballots by
33 first-class postage or hand delivery to each mail-in voter whose
34 request therefor has been approved. Mail-in ballots that have been
35 approved before the 45th day before an election shall be forwarded
36 or delivered at least 45 days before the day of the election. Hand
37 delivery of a mail-in ballot shall be made by the county clerk or the
38 clerk's designee only to the voter, or the voter's authorized
39 messenger, who must appear in person. No person shall serve as an
40 authorized messenger for more than three qualified voters in an
41 election. Ballots that have not been hand delivered shall be
42 addressed to the voter at the forwarding address given in the
43 application.

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

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

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

17 c. (Deleted by amendment, P.L.2011, c.37).
18 (cf: P.L.2015, c.84, s.3)

19

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

21 40A:14-70. a. In any municipality not having a paid or part-
22 paid fire department and force, the governing body, upon
23 application of at least 5% of the registered voters or 20 legal voters,
24 whichever is the greater, shall consider the designation of a fire
25 district. Upon receipt of the application, the governing body shall
26 fix a time and place for a hearing thereon. The municipal clerk
27 shall advertise the notice of the hearing in a newspaper circulating
28 in the county wherein the municipality is located at least once and
29 not less than 10 days prior to the hearing. After the hearing the
30 governing body shall determine the question of designation of a fire
31 district. If the governing body decides that the designation of a fire
32 district is appropriate, it, by ordinance, shall designate a territorial
33 location or locations for use as a fire district or fire districts and, by
34 resolution, provide for the election of a board of fire commissioners
35 for the district or each district, to consist of five persons, residents
36 therein, and specify the date, time and place for the election of the
37 first board.

38 b. The district or each district shall be assigned a number and
39 the commissioners thereof and their successors shall be a body
40 corporate, to be known as "the commissioners of fire district No. . .
41 . . . in (name of municipality), county of
42 (name of county)." The said body corporate shall have the power to
43 acquire, hold, lease, sell or otherwise convey in its corporate name
44 such real and personal property as the purposes of the corporation
45 shall require. All sales and leases of real and personal property
46 shall be in accordance with the provisions of section 13 or 14, as
47 appropriate, of the "Local Lands and Buildings Law," P.L.1971,
48 c.199 (C.40A:12-13 or 40A:12-14). Said body corporate may adopt

1 and use a corporate seal, sue or be sued and shall have such powers,
2 duties and functions as are usual and necessary for said purposes.

3 **【On the date and at the time and place specified for the election**
4 **of the first board the】** c. If the election of the first board of fire
5 commissioners is held at a time other than the time of the general
6 election, the following requirements shall apply:

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

9 (2) At the first meeting of a newly elected board of fire
10 commissioners of a district the board shall choose a chairman and
11 fix the place for the annual election. The members of the board
12 shall divide themselves by lot into three classes: the first to consist
13 of two members whose terms shall expire at 12 o'clock noon on the
14 first Tuesday in March of the year following the year in which the
15 first board is elected; the second, two members whose terms shall
16 expire at 12 o'clock noon on the first Tuesday in March of the
17 second year following that year; and the third, one member whose
18 term shall expire at 12 o'clock noon on the first Tuesday in March
19 of the third year following that year. The terms of fire
20 commissioners in each class, other than members of the first board,
21 shall expire at 12 o'clock noon on the first Tuesday in March of the
22 third year following the year in which they were elected. If the time
23 of the annual election is moved to the time of the general election
24 pursuant to subsection a. of section 23 of P.L. , c. (C.)
25 (pending before the Legislature as this bill), the terms of the fire
26 commissioners then in office shall be extended until 12 o'clock
27 noon on the first Tuesday in December of the years in which their
28 terms expire.

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

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

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

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

45 (3) The term of a member of a board of fire ¹【commissioner】
46 commissioners¹ shall commence at 12 o'clock noon on the first
47 Tuesday in December.

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

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

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

20

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

22 40A:14-71. **【Candidates】** a. For an election held at a time other
23 than at the time of the general election, candidates for membership
24 on the board shall be nominated by verified petitions and the
25 procedures set forth in this subsection shall apply. Any such
26 petition shall be in writing, addressed to the municipal clerk or the
27 clerk of the board, as the case may be, stating that the signers
28 thereof are qualified voters and residents in the district and
29 requesting that the name of the candidate be placed on the official
30 ballot. The petition shall state the residence of the candidate and
31 certify his qualification for membership. The candidate's consent to
32 his nomination shall be annexed to the petition and shall constitute
33 his agreement to serve in the event of his election. The petition
34 shall contain the name of only one candidate, but several petitions
35 may nominate the same person. Each petition shall be signed by
36 not less than 10 qualified voters and shall be filed at least 29 days
37 before the date of the election.

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

46 If a petition is found to be defective, either in form or substance,
47 the municipal clerk or the clerk of the board, as the case may be,

1 shall forthwith notify the candidate to cause it to be corrected
2 before the petition is given consideration.

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

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

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

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

35 (cf: P.L.2010, c.68, s.7)

36

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

38 40A:14-72. a. An election shall be held annually either on the
39 third Saturday in February or at the time of the general election on
40 the first Tuesday after the first Monday in November in each
41 established fire district for the election of members of the board
42 according to the expiration of terms. The initial election for a
43 newly created fire district may take place on another date as a
44 governing body may specify under N.J.S.40A:14-70, but the annual
45 election thereafter shall be held either on the third Saturday in
46 February or at the time of the general election on the first Tuesday
47 after the first Monday in November.

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

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

17 d. Fire districts located in the same municipality may combine
18 the publication of their notices of election. For the purpose of this
19 section, "notices of election" shall include the notices required to be
20 published under section 【7 of P.L.1953, c.211 (C.19:57-7)】 6 of
21 P.L.2009, c.79 (C.19:63-6).

22 e. The legal voters 【thereat】 at an annual election held on the
23 third Saturday in February shall determine the amount of money to
24 be raised for the ensuing year and determine such other matters as
25 may be required. ²If the amount of money to be raised for the
26 ensuing year exceeds the permissible property tax levy increase as
27 determined pursuant to section 10 of P.L.2007, c.62 (C.40A:4-
28 45.45), a public question shall be submitted to the legal voters to
29 increase the amount to be raised by taxation by more than the
30 allowable adjusted tax levy.²

31 f. ²【The legal voters at an】 If a fire district holds its² annual
32 election ²【held】² at the time of the general election ², then the legal
33 voters² shall determine the amount of money to be raised for the
34 ensuing year only ²【if】 by² such amount ²that² exceeds the
35 permissible property tax levy increase as determined pursuant to
36 section 10 of P.L.2007, c.62 (C.40A:4-45.45) ²【, and determine
37 such other matters as may be required.】 . The legal voters shall
38 determine whether to increase the amount to be raised by taxation
39 by more than the allowable adjusted tax levy for the ensuing year
40 through the submission of a public question. The board of fire
41 commissioners of the fire district shall notify the county or
42 municipal clerk, as appropriate, of the need to conduct a referendum
43 pursuant to this subsection at least 60 days before the date of the
44 referendum. A referendum conducted pursuant to this subsection
45 shall be held on the third Saturday in February of the budget year in
46 which the levy increase would apply.²

47 (cf: P.L.1994, c.181, s.1)

1 12. N.J.S.40A:14-73 is amended to read as follows:
2 40A:14-73. a. For an election held at a time other than at the
3 time of the general election, the following requirements shall apply:

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

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

25 The ballot shall be substantially as follows:

26 No.....
27 To be torn off by the Judge of Election.
28 Fold to this line.

29
30 FIRE DISTRICT ELECTION BALLOT
31 Fire District No. 1
32 Township of Webster, Warren County
33 Date.....

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

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

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

- 41 [] Rutherford B. Fallon.
- 42 [] William F. Seibel.
- 43 [] James A. Stephens.
- 44 [] Thomas Templeton.

- 45 []
- 46 []
- 47 For membership to Board of Fire Commissioners--
- 48 Unexpired One-Year Term. Vote for One.

1 [] Francis R. Loori.

2 [] Arthur H. Patterson.

3 []

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

7 b. For an election held at the time of the general election, the
8 ballot shall be prepared in accordance with the provisions of Title
9 19 of the Revised Statutes.

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

11

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

13 40A:14-74. **【The】**²a. For an election held at a time other than
14 at the time of the general election, the municipal clerk or the clerk
15 of the board of fire commissioners, as the case may be, shall cause a
16 further notice of the holding of such election to be published at least
17 once not later than 1 week prior thereto in a newspaper circulating
18 in said fire district.

19 At least 7 days prior to **【the】** such election the municipal clerk or
20 the clerk of the board, as the case may be, shall obtain the registry
21 list for the municipality or municipalities and election districts
22 comprised within such fire district for the preceding general
23 election. No person shall be permitted to vote at the election unless
24 his name appears on the registry list or he shall have become of
25 legal age and is otherwise qualified and shall file an application to
26 vote with the clerk at least 2 days prior thereto.

27 **b.】**² For an election held at the time of the general election² or
28 at a time other than at the time of the general election² , the voter
29 registration procedures set forth in R.S.19:31-1 et seq. shall apply.

30 (cf: P.L.1973, c.25, s.2)

31

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

33 40A:14-75. **【The】** For an election held at a time other than at
34 the time of the general election, the superintendent of elections of
35 any county having a superintendent of elections or the county board
36 of elections of any county not having a superintendent of elections,
37 may upon application of the board of commissioners of any fire
38 district, loan or rent to said board, one or more voting machines
39 owned by the county, for a period of time which does not conflict
40 with any State, county, municipal or school district election, for the
41 purpose of conducting a fire district election as required by law.
42 The loan or rental of a voting machine or machines for this purpose
43 shall be upon such terms and conditions as may be determined by
44 the board of chosen freeholders of the county.

45 In any case in which voting machines are made available for
46 such purpose, the use thereof for any fire district election shall be

1 held as provided herein.
2 (cf: N.J.S.40A:14-75)

3

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

5 40A:14-76. **【Upon】** For an election held at a time other than at
6 the time of the general election, upon petition of 25 or more voters,
7 filed with the clerk of the board at least 20 days prior to the date of
8 any election, after the first election, the board of fire
9 commissioners, by resolution, may divide the fire district into 2 or
10 more polling places.

11 The polls for any election held at a time other than at the time of
12 the general election shall be opened between the hours of 2:00 and
13 9:00 P.M., but the board may designate a later closing hour on the
14 same day. The board shall furnish the necessary books for the
15 entries of the names and addresses of the voters in such election.

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

17

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

19 40A:14-77. **【Before】** For an election held at a time other than at
20 the time of the general election, before the opening of the polls, a
21 public proclamation shall be made by the chairman of the board or
22 the clerk or his or their representative as to the purpose of the
23 voting. Two tellers for each polling place shall be appointed by the
24 chairman or clerk and thereupon the polls shall be opened and the
25 balloting shall continue without recess until the closing of the polls.
26 Immediately after the close of the polls the clerk and tellers shall
27 forthwith canvass the vote and certify the results. The clerk shall
28 publicly announce the results.

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

30

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

32 40A:14-78. a. Any appropriation or other matter to be voted
33 upon at **【such】** an election held at a time other than at the time of
34 the general election shall be in the form of a question, placed upon
35 the ballot immediately following the names of the candidates for
36 members of the board of fire commissioners, in substantially the
37 following form:

38 YES. (Question to be voted on)

39 NO.

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

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

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

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

3 6. ~~【No】~~²~~【For an election held at a time other than at the time~~
4 ~~of the general election, no】~~ ~~No~~² fire district budget shall be adopted
5 until a public hearing has been held thereon and taxpayers of the
6 district and all persons having an interest therein shall have been
7 given an opportunity to present objections. ~~【Such】~~²~~【For an~~
8 ~~election held at the time of the general election, no fire district~~
9 ~~budget that exceeds the property tax levy cap established pursuant~~
10 ~~to section 10 of P.L.2007, c.62 (C.40A:4-45.45) shall be adopted~~
11 ~~until a public hearing has been held thereon and taxpayers of the~~
12 ~~district and all persons having an interest therein shall have been~~
13 ~~given an opportunity to present objections.】~~²

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

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

19 ~~【The】~~²~~【If a hearing is required, the】~~ ~~The~~² budget shall be read
20 at the public hearing in full, or it may be read by its title, if:

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

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

30 After closing the hearing, the fire commissioners may, by a vote
31 of not less than a majority of the full membership, adopt the budget
32 by title without amendments, or may approve amendments as
33 provided in section 7~~【.】~~ of ~~【this act】~~ P.L.1979, c.453 (C.40A:14-
34 78.3).

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

36

37 ²~~【19. Section 7 of P.L.1979, c.453 (C.40A:14-78.3) is amended~~
38 ~~to read as follows:~~

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

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

44 a. Add a new item of operating appropriations in an amount in
45 excess of 1% of the total amount of operating appropriations as
46 stated in the approved budget; or,

1 b. Increase or decrease any item of operating appropriations by
2 more than 10% **;** or, **]** .

3 c. **[**Increase the amount to be raised by taxes by more than
4 5%.**]** (Deleted by amendment, P.L. , c.) (pending before the
5 Legislature as this bill)

6 Notice of hearing on any amendment shall be advertised at least
7 3 days before the date set therefor. Such amendment shall be read
8 in full at such hearing and before adoption.

9 (cf: P.L.1979, c.453, s.7)**]**²

10
11 ²**[20.]** 19.² Section 9 of P.L.1979, c.453 (C.40A:14-78.5) is
12 amended to read as follows:

13 9. a. If at ²**[the annual]** an² election held ²on the third
14 Saturday in February² pursuant to N.J.S.40A:14-72 the question of
15 **[finally adopting the budget]** either (1) ²pursuant to subsection e.
16 of N.J.S.40A:14-72,² determining the amount of money to be raised
17 for the ensuing year ²[under subsection e. of N.J.S.40A:14-72; or
18 (2) exceeding the property tax levy cap, established pursuant to
19 section 10 of P.L.2007, c.62 (C.40A:4-45.45), under subsection f. of
20 N.J.S.40A:14-72] and , if applicable, whether to exceed the
21 property tax levy cap, established pursuant to section 10 of
22 P.L.2007, c.62 (C.40A:4-45.45); or (2) pursuant to subsection f. of
23 N.J.S.40A:14-72, whether to exceed the property tax levy cap,
24 established pursuant to section 10 of P.L.2007, c.62 (C.40A:4-
25 45.45).² is voted affirmatively upon by a majority of the legal
26 voters voting in the election, the budget shall be considered finally
27 adopted, and the board of fire commissioners shall certify the
28 amount to be raised by taxation to support the district budget to the
29 assessor of the municipality, pursuant to N.J.S.40A:14-79.

30 b. If at ²**[the annual]** an² election ²held on the third Saturday
31 in February² the question of **[finally adopting the budget]** either (1)
32 ²pursuant to subsection e. of N.J.S.40A:14-72,² determining the
33 amount of money to be raised for the ensuing year ²[under
34 subsection e. of N.J.S.40A:14-72; or (2) exceeding the property tax
35 levy cap, established pursuant to section 10 of P.L.2007, c.62
36 (C.40A:4-45.45), under subsection f. of N.J.S.40A:14-72] and, if
37 applicable, the question of whether to exceed the property tax levy
38 cap established pursuant to section 10 of P.L.2007, c.62 (C.40A:4-
39 45.45); or (2) pursuant to subsection f. of N.J.S.40A:14-72, whether
40 to exceed the property tax levy cap, established pursuant to section
41 10 of P.L.2007, c.62 (C.40A:4-45.45).² is voted negatively upon by
42 a majority of the legal voters voting in the election, the governing
43 body of the municipality in which the fire district is located shall,
44 by resolution of a majority of its full membership, within 30 days
45 after the annual election and after a public hearing for which the
46 legal voters of the fire district shall be given 5 days' advertised

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

10 c. Following the final approval of a budget by the board of fire
11 commissioners or the voters, as applicable, the Director of the
12 Division of Local Government Services in the Department of
13 Community Affairs may approve a budget amendment to provide
14 for the anticipation of revenue from a public or private funding
15 source which was not known at the time the budget was approved,
16 and the appropriation thereof, provided the amount of the
17 appropriation does not exceed the amount of the revenue received.
18 (cf: P.L.2011, c.153, s.1)

19

20 ²[21.] 20.² N.J.S.40A:14-84 is amended to read as follows:

21 40A:14-84. a. ¹['The']¹ ¹['legal voters']¹ ¹['board of fire
22 commissioners of a fire district'] For a fire district that holds its
23 annual election at a time other than at the time of the general
24 election, the legal voters¹, at ¹['the annual'] ¹a regular¹ meeting or at
25 a special meeting called by the commissioners of the fire district,
26 may ¹[', by resolution adopted by a']¹ vote ¹['to']¹ ¹['of not less than
27 2/3 of the full membership thereof,'] ¹to¹ raise money for a
28 firehouse, ¹fire engines,¹ apparatus , ¹['and']¹ ¹or other¹ appliances
29 ¹['in connection therewith for fire extinguishing purposes'] ¹for the
30 extinguishment of fires and acquire lands or buildings or erect
31 buildings for the housing of such equipment, or other buildings,
32 including but not limited to, administrative, communications, or
33 training buildings, or buildings for the maintenance of fire
34 apparatus¹ , in an amount not exceeding 5 mills on the dollar of the
35 last assessed valuation of the property in the fire district. The
36 amount so ¹['voted for']¹ ¹['adopted'] ¹voted for¹ shall be included in
37 the next succeeding annual budget of the fire district under the
38 section for capital appropriations. ¹Voting shall be open between
39 the hours of 6:00 P.M. to 9:00 P.M., but the board may designate a
40 later closing hour on the same day ², and the board shall take any
41 necessary action to ensure the secrecy and privacy of the casting of
42 votes^{2, 1}.

43 ¹['Any such special meeting shall be called on 10 days' notice by
44 the board of fire commissioners, to be posted in five public places
45 in the district, setting forth the time, place and object of the meeting
46 and the legal voters shall determine the amount of money to be

1 raised.】 ¹Any such special meeting shall be called on 10 days'
2 notice by the board of fire commissioners, to be posted in five
3 public places in the district, setting forth the time, place and object
4 of the meeting and the legal voters shall determine the amount of
5 money to be raised.¹

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

18 (2) (a) ¹Prior to such meeting, the resolution, or a summary
19 thereof, shall be published together with notice of the time and
20 place of the meeting, the opportunity of the public to be heard at the
21 meeting, and the availability of copies of the resolution to the
22 members of the general public of the fire district from the date
23 following such publication up to and including the date of the
24 meeting. If a summary is published, the summary shall contain a
25 clear and concise statement prepared by the clerk of the board of
26 fire commissioners setting forth the purpose of the resolution and
27 the amount to be raised by the additional levy being authorized.

28 ¹~~[(2)]~~ (b) ¹If the resolution is to be adopted at ¹~~the annual~~ a
29 regular¹ meeting, the clerk of the board of fire commissioners shall,
30 at least 10 days prior to the date of the meeting, post the
31 information required to be published pursuant to this subsection in
32 five public places in the fire district, and shall advertise this
33 information in a newspaper, published in the fire district, if any,
34 otherwise in a newspaper circulating in the district.

35 ¹~~[(3)]~~ (c) ¹If the resolution is to be adopted at a special meeting,
36 the clerk shall, at least 21 days prior to the date of the meeting, post
37 the information required to be published pursuant to this subsection
38 in five public places in the fire district, and shall advertise this
39 information in a newspaper, published in the fire district, if any,
40 otherwise in a newspaper circulating in the district. The clerk shall,
41 not more than 20 days and at least 10 days prior to the date of the
42 meeting, again advertise this information in that newspaper.

43 ¹~~[c. (1)]~~ (3) (a) ¹All interested persons shall be given an
44 opportunity to be heard at a meeting subject to the provisions of this
45 section.

46 ¹~~[(2)]~~ (b) ¹Copies of a resolution shall be made available to the
47 members of the general public of the fire district who shall request

1 such copies from the date following publication of the resolution up
2 to and including the date of the meeting.

3 (cf: P.L.1979, c.453, s.15)

4
5 ²**[22.]** 21.² N.J.S.40A:14-85 is amended to read as follows:

6 40A:14-85. The board of commissioners of a fire district may
7 purchase ¹a firehouse,¹ fire engines, apparatus ^{1,}¹ or other
8 appliances for the extinguishment of fires and acquire lands or
9 buildings or erect buildings for the housing of such equipment, ¹or
10 other buildings, including but not limited to, administrative,
11 communications, or training buildings, or buildings for the
12 maintenance of fire apparatus,¹ at a cost not exceeding \$60,000.00
13 or 2% of the assessed valuation of the taxable property in the
14 district, whichever amount is larger **[, the]** . The money **[to]** **may**
15 be raised by a bond issue, or through the creation of any other debt
16 or liability, including, but not limited to, through a lease-purchase
17 agreement. Any such bond issue, debt, or liability shall be
18 authorized by a resolution of the commissioners specifying the
19 amount and the purpose thereof. The resolution shall be inoperative
20 unless and until it shall have been submitted to and approved by the
21 legal voters within said fire district at the annual election held for
22 the election of commissioners and appropriation of money for fire
23 extinguishing purposes, or at a special election for such purpose.

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

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

37
38 ²**[23.]** 22.² (New section) a. Except as provided in subsection
39 b. of this section, the board of fire commissioners of a fire district
40 may by resolution move the time of the annual election for the fire
41 district to the time of the general election on the first Tuesday after
42 the first Monday in November. If the time of the annual election
43 for a fire district is moved to the time of the general election, the
44 fire district election shall be held for the purposes of electing
45 members of the board of fire commissioners and for voting on any
46 appropriation or other matter according to the provisions of
47 N.J.S.40A:14-70 et seq. The procedures for holding a fire district

1 election at the time of the general election shall be in accordance
2 with the procedures provided for the general election under Title 19
3 of the Revised Statutes, except as otherwise provided pursuant to
4 N.J.S.40A:14-70 et seq.

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

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

15 (2) The county board of election for a county within which a fire
16 district is located shall determine, within 30 days of the effective
17 date of P.L. , c. (pending before the Legislature as this bill),
18 whether an annual election may be so conducted.

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

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

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

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

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

23
24 ²[24.] 23.² The Department of Community Affairs, in
25 consultation with the Division of Elections in the Department of
26 State, as appropriate, shall adopt rules and regulations pursuant to
27 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
28 et seq.), to effectuate the purposes of this act, P.L. , c. (C.)
29 (pending before the Legislature as this bill).

30
31 ²24. Section 8 of P.L.1979, c. 453 (C.40A:14-78.4) is amended
32 to read as follows:

33 8. The fire district budget shall be adopted, by a vote of a
34 majority of the full membership of the fire commissioners, not later
35 than 25 days prior to the **[annual election]** third Saturday in
36 February. The adopted budget shall be advertised after adoption.
37 The advertisement shall contain a copy of the budget and shall be
38 published at least once in a newspaper circulating in the fire district
39 at least 7 days prior to the **[annual election]** third Saturday in
40 February.²

41 (cf: P.L.1979 c.453, s.8)

42
43 25. This act shall take effect on ²**[the first day of the year next**
44 **following the date of enactment]** January 1, 2019².