

ASSEMBLY, No. 3479

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MARCH 14, 2016

Sponsored by:

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblywoman ELIZABETH MAHER MUOIO

District 15 (Hunterdon and Mercer)

SYNOPSIS

Establishes procedures for consolidating fire districts and for moving annual fire district election to November; eliminates vote on fire district budgets, except for proposals to raise revenue above the permissible levy cap.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/21/2016)

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

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

7
8 1. 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.

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 and the name of the fire district, and of
44 the municipality or municipalities comprising the district, shall also
45 be indicated thereon. The name of the county clerk shall be a
46 facsimile of his signature. Below the last stated words extending
47 across the ballot and at the extreme left shall be printed the words
48 "Instructions to the voter," and immediately to the right there shall

1 be a bracket embracing the following instructions numbered
2 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
6 name 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
9 left of the names of such candidates not in excess of the number to
10 be 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
15 written 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
18 at 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 or board of fire
8 commissioners, when appropriate, 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
26 of 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

1 bodies; members of the school board or the board of fire
2 commissioners, when appropriate, and any other 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
18 elected to such office.

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

20

21 6. R.S.19:14-13 is amended to read as follows:

22 19:14-13 All public questions to be voted upon by the voters of
23 the entire State shall be placed first and shall be printed in the order
24 as certified by the Secretary of State. All public questions to be
25 voted for by the voters of a municipality shall be placed second and
26 shall be printed in the order as determined by the drawing of lots by
27 the county clerk. All public questions to be voted for by the voters
28 of a county shall be placed **[last]** third and shall be printed in the
29 order as determined by the drawing of lots by the county clerk. The
30 county clerk shall draw lots in substantially the same manner as the
31 drawing is made for the arrangement of candidates' names upon the
32 ballot. All public questions to be voted for by the voters of a fire
33 district, when appropriate, shall be placed last and shall be printed
34 in the order as determined by the drawing of lots by the board of
35 fire commissioners. As soon as that order is determined, the board
36 shall so notify the clerk of the county in which the fire district is
37 located so it can be included in the ballot for the general election
38 when appropriate.

39 (cf: P.L.1979, c.191, s.1)

40

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

42 19:14-16. The words to be printed on the perforated coupon
43 shall be printed in twelve-point bold-faced capital letters and the
44 figures in eighteen and twenty-two-point bold-faced type. At the
45 head of the ballot the words "Official General Election Ballot" shall
46 be printed in at least thirty-point bold-faced capital letters. The
47 name of municipality, ward, school district, fire district, election
48 district, and date, as appropriate, shall be printed in twelve-point

1 bold-faced capital letters. The words "Instructions to the voter"
2 shall be printed in twelve-point bold-faced capitals and small
3 letters, while the instructions embraced within the brackets shall be
4 printed in eight-point bold-faced capital and small letters. The
5 column designations shall be printed in eighteen-point bold-faced
6 capital letters and the accompanying instructions shall be printed in
7 eight-point capitals and small letters. The titles of office and
8 accompanying instructions shall be printed in ten-point bold-faced
9 capital and small letters. When there is no nomination made at the
10 primary for an office, the title shall be printed in the space where
11 such title should appear, and the words "No Nomination Made" in
12 type large enough to fill the entire space or spaces shall be printed
13 therein. The names of all candidates shall be printed in ten-point
14 capital letters. The designations following the candidates' names in
15 the nomination by petition column or columns shall be printed in
16 ten-point capitals and small letters, except that where they overrun
17 the space within the column the designations may be abbreviated,
18 and all spaces between the two-point hair line rules not occupied by
19 the titles of office and names of candidates shall be printed in with
20 scroll or filling to guide the voter against wrongly marking the
21 ballot. On the foot of the ballot the words "Public Questions to be
22 Voted Upon" shall be printed in eighteen-point bold-faced capital
23 letters. The accompanying instructions shall be printed in eight-
24 point capital and small letters. The public questions to be voted
25 upon shall be printed in ten-point capital and small letters, and the
26 words "Yes" and "No" shall be printed in twelve-point bold-faced
27 capital letters.

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

29

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

31 19:14-22. The official general election sample ballots shall be as
32 nearly as possible facsimiles of the official general election ballot to
33 be voted at such election and shall have printed thereon, after the
34 words which indicate the number of the election district for which
35 such sample ballots are printed, the name of the school district,
36 when appropriate, the name and municipality or municipalities of
37 the fire district, when appropriate, the street address or location of
38 the polling place in the election district, the hours between which
39 the polls shall be open, and shall be printed on paper different in
40 color from the official general election ballot, and have the
41 following words printed in large type at the top: "This ballot cannot
42 be voted. It is a sample copy of the official general election ballot
43 used on election day."

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

45

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

47 40A:14-70. a. In any municipality not having a paid or part-
48 paid fire department and force, the governing body, upon

1 application of at least 5% of the registered voters or 20 legal voters,
2 whichever is the greater, shall consider the designation of a fire
3 district. Upon receipt of the application, the governing body shall
4 fix a time and place for a hearing thereon. The municipal clerk
5 shall advertise the notice of the hearing in a newspaper circulating
6 in the county wherein the municipality is located at least once and
7 not less than 10 days prior to the hearing. After the hearing the
8 governing body shall determine the question of designation of a fire
9 district. If the governing body decides that the designation of a fire
10 district is appropriate, it, by ordinance, shall designate a territorial
11 location or locations for use as a fire district or fire districts and, by
12 resolution, provide for the election of a board of fire commissioners
13 for the district or each district, to consist of five persons, residents
14 therein, and specify the date, time and place for the election of the
15 first board.

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

29 On the date and at the time and place specified for the election of
30 the first board, other than an election held at the time of the general
31 election pursuant to section 24 of P.L. , c. (C.) (pending
32 before the Legislature as this bill), the clerk of the municipality
33 shall conduct the election and shall preside at the meeting until the
34 board shall have been elected.

35 At the first meeting of a newly elected board of fire
36 commissioners of a district the board shall choose a chairman and
37 fix the place for the annual election. The members of the board
38 shall divide themselves by lot into three classes: the first to consist
39 of two members whose terms shall expire at 12 o'clock noon on the
40 first Tuesday in March of the year following the year in which the
41 first board is elected; the second, two members whose terms shall
42 expire at 12 o'clock noon on the first Tuesday in March of the
43 second year following that year; and the third, one member whose
44 term shall expire at 12 o'clock noon on the first Tuesday in March
45 of the third year following that year. The terms of fire
46 commissioners in each class, other than members of the first board,
47 shall expire at 12 o'clock noon on the first Tuesday in March of the
48 third year following the year in which they were elected.

1 Any vacancy in the membership shall be filled by the remaining
2 members until the next succeeding annual February election, at
3 which time a resident of the district shall be elected for the
4 unexpired term.

5 b. When the election of the first board is to be held at the time
6 of the general election on the first Tuesday after the first Monday in
7 November pursuant to section 24 of P.L. , c. (C.)
8 (pending before the Legislature as this bill), in accordance with the
9 procedures for the general election in Title 19 of the Revised
10 Statutes, the newly elected board of fire commissioners of a district
11 shall select a chairman at its first meeting. The members of the
12 board shall divide themselves by lot into three classes: the first to
13 consist of two members whose terms shall expire at 12 o'clock noon
14 on the first Tuesday in December of the year following the year in
15 which the first board is elected; the second, two members whose
16 terms shall expire at 12 o'clock noon on the first Tuesday in
17 December of the second year following that year; and the third, one
18 member whose term shall expire at 12 o'clock noon on the first
19 Tuesday in December of the third year following that year. The
20 terms of fire commissioners in each class, other than members of
21 the first board, shall expire at 12 o'clock noon on the first Tuesday
22 in December of the third year following the year in which they were
23 elected.

24 The term of office of any fire district commissioner that expires
25 at 12 o'clock noon on the first Tuesday in March of the year in
26 which the election has been moved to the general election pursuant
27 to the provisions of section 24 of P.L. , c. (C.) (pending
28 before the Legislature as this bill) shall be extended until noon on
29 the first Tuesday in December of that same year. Any candidate to
30 fill the office of commissioner that year shall be voted for at the
31 general election held that year and shall take office at noon on the
32 first Tuesday in December next occurring.

33 Any vacancy in the membership shall be filled by the remaining
34 members until the next succeeding annual November election, at
35 which time a resident of the district shall be elected for the
36 unexpired term.

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

38

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

40 40A:14-71. **【Candidates】** a. For an election held at a time other
41 than at the time of the general election, candidates for membership
42 on the board shall be nominated by verified petitions and the
43 procedures set forth in this subsection shall apply. Any such
44 petition shall be in writing, addressed to the municipal clerk or the
45 clerk of the board, as the case may be, stating that the signers
46 thereof are qualified voters and residents in the district and
47 requesting that the name of the candidate be placed on the official
48 ballot. The petition shall state the residence of the candidate and

1 certify his qualification for membership. The candidate's consent to
2 his nomination shall be annexed to the petition and shall constitute
3 his agreement to serve in the event of his election. The petition
4 shall contain the name of only one candidate, but several petitions
5 may nominate the same person. Each petition shall be signed by
6 not less than 10 qualified voters and shall be filed at least 29 days
7 before the date of the election.

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

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

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

23 b. For an election held at the time of the general election,
24 candidates for membership on the board shall be nominated by
25 petition for direct nomination pursuant to the procedures set forth in
26 R.S.19:13-1 et seq. If such nomination is vacated for any of the
27 reasons set forth in R.S.19:13-18, the vacancy may be filled
28 pursuant to the provisions of R.S.19:13-19.

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

30

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

32 40A:14-72. a. An election shall be held annually either on
33 the third Saturday in February, or at the time of the general election
34 on the first Tuesday after the first Monday in November pursuant to
35 the provisions of section 24 of P.L. , c. (C.) (pending
36 before the Legislature as this bill), in each established fire district
37 for the election of members of the board according to the expiration
38 of terms. The initial election for a newly created fire district may
39 take place on another date as a governing body may specify under
40 N.J.S.40A:14-70, but the annual election thereafter shall be held
41 either on the third Saturday in February, or on the first Tuesday
42 after the first Monday in November pursuant to the provisions of
43 section 24 of P.L. , c. (C.) (pending before the
44 Legislature as this bill). The board shall publish notice of the
45 closing date for the filing, with the clerk of the board, of petitions
46 of nomination for membership on the board. Such publication shall
47 be published at least once in a newspaper circulating in the district,
48 at least six weeks prior to the date fixed for the election.

1 **【The】** b. Except for elections held on the first Tuesday after
2 the first Monday in November pursuant to the provisions of section
3 24 of P.L. _____, c. _____ (C. _____) (pending before the Legislature as this
4 bill), the place of the election shall be determined by the board and
5 a notice thereof **【**, and of the closing date for the filing with the
6 clerk of the board of petitions of nomination for membership on the
7 board,**】** shall be published at least once in a newspaper circulating
8 in the district, at least six weeks prior to the date fixed for the
9 election. Fire districts located in the same municipality may
10 combine the publication of their notices of election. For the
11 purpose of this section, "notices of election" shall include the
12 notices required to be published under section **【**7 of P.L.1953, c.211
13 (C.19:57-7)**】** 6 of P.L.2009, c.79 (C.19:63-6).

14 c. The legal voters **【**thereat**】** at an annual election held on the
15 third Saturday in February shall determine the amount of money to
16 be raised for the ensuing year and determine such other matters as
17 may be required.

18 d. The legal voters at an annual election held at the time of the
19 general election on the first Tuesday after the first Monday in
20 November pursuant to the provisions of section 24 of P.L. _____,
21 c. _____ (C. _____) (pending before the Legislature as this bill) shall
22 determine the amount of money to be raised for the ensuing year
23 only if such amount exceeds the permissible property tax levy
24 increase as determined pursuant to sections 9 through 12 of
25 P.L.2007, c.62 (C.40A:4-45.44 et seq.), and determine such other
26 matters as may be required.

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

28

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

30 40A:14-73. The ballots shall be written or printed on opaque
31 paper, uniform in size and quality.

32 **【Each】** For a fire district election held at a time other than at the
33 time of the general election on the first Tuesday after the first
34 Monday in November pursuant to section 24 of
35 P.L. _____, c. _____ (C. _____) (pending before the Legislature as this bill),
36 each ballot shall have at the top, a coupon, at least one inch wide
37 extending across the ballot above a perforated line. The coupons
38 shall be numbered consecutively. The coupon shall contain the
39 following statements: "To be torn off by the Judge of Election" and
40 "Fold to this line." Below the perforated line shall be printed or
41 written, "Fire district election ballot," then the official designation
42 of the fire district and polling place and date of the election. It shall
43 bear the signature or facsimile signature of the municipal clerk, or
44 the clerk of the board of fire commissioners, as the case may be.
45 The heading shall be set apart from the body of the ballot by a
46 marked-off space. In said space, the voters shall be instructed how
47 to indicate their choice of candidates and the number to be voted
48 upon as follows: "To vote for any person whose name appears on

1 this ballot mark a cross (X), plus (+) or check (✓) in ink or pencil
2 in the place or square at the left of the name of such person."
3 Underneath these instructions shall be directions as to the number
4 of candidates to be voted for and the name of each qualified
5 candidate, without grouping, to be placed according to the
6 alphabetical order of their surnames.

7 The ballot shall be substantially as follows:

8 No.....

9 To be torn off by the Judge of Election.

10 Fold to this line.

11

12 FIRE DISTRICT ELECTION BALLOT

13 Fire District No. 1

14 Township of Webster, Warren County

15 Date.....

16 Polling District No. 1 John Henry Doe,

17 Unexcelled Fire House. Clerk.

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

21 For membership to Board of Fire Commissioners--

22 Full Term. Vote for Two.

23 [] Rutherford B. Fallon.

24 [] William F. Seibel.

25 [] James A. Stephens.

26 [] Thomas Templeton.

27 []

28 []

29 For membership to Board of Fire Commissioners--

30 Unexpired One-Year Term. Vote for One.

31 [] Francis R. Loori.

32 [] Arthur H. Patterson.

33 []

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

37 For a fire district election held at the time of the general election,
38 the ballot shall be prepared in accordance with the provisions of
39 Title 19 of the Revised Statutes.

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

41

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

43 40A:14-74. **【The】** For a fire district election held at a time other
44 than at the time of the general election on the first Tuesday after the
45 first Monday in November pursuant to section 24 of P.L. ,
46 c. (C.) (pending before the Legislature as this bill), the
47 municipal clerk or the clerk of the board of fire commissioners, as
48 the case may be, shall cause a further notice of the holding of such

1 election to be published at least once not later than 1 week prior
2 thereto in a newspaper circulating in said fire district.

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

11 For a fire district election held at the time of the general election
12 on the first Tuesday after the first Monday in November pursuant to
13 section 24 of P.L. _____, c. _____ (C. _____) (pending before the
14 Legislature as this bill), the voter registration procedures provided
15 pursuant to R.S.19:31-1 et seq. shall apply.

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

17

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

19 40A:14-75. **The** For a fire district election held at a time other
20 than at the time of the general election on the first Tuesday after the
21 first Monday in November pursuant to section 24 of P.L. _____,
22 c. _____ (C. _____) (pending before the Legislature as this bill), the
23 superintendent of elections of any county having a superintendent
24 of elections or the county board of elections of any county not
25 having a superintendent of elections, may upon application of the
26 board of commissioners of any fire district, loan or rent to said
27 board, one or more voting machines owned by the county, for a
28 period of time which does not conflict with any State, county,
29 municipal or school district election, for the purpose of conducting
30 a fire district election as required by law. The loan or rental of a
31 voting machine or machines for this purpose shall be upon such
32 terms and conditions as may be determined by the board of chosen
33 freeholders of the county.

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

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

38

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

40 40A:14-76. **Upon** For a fire district election held at a time
41 other than at the time of the general election on the first Tuesday
42 after the first Monday in November pursuant to section 24 of
43 P.L. _____, c. _____ (C. _____) (pending before the Legislature as this
44 bill), upon petition of 25 or more voters, filed with the clerk of the
45 board at least 20 days prior to the date of any election, after the first
46 election, the board of fire commissioners, by resolution, may divide
47 the fire district into 2 or more polling places.

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

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

8

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

10 40A:14-77. Before the opening of the polls for a fire district
11 election held at a time other than at the time of the general election
12 on the first Tuesday after the first Monday in November, a public
13 proclamation shall be made by the chairman of the board or the
14 clerk or his or their representative as to the purpose of the voting.
15 Two tellers for each polling place shall be appointed by the
16 chairman or clerk and thereupon the polls shall be opened and the
17 balloting shall continue without recess until the closing of the polls.
18 Immediately after the close of the polls the clerk and tellers shall
19 forthwith canvass the vote and certify the results. The clerk shall
20 publicly announce the results.

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

22

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

24 40A:14-78. Any appropriation or other matter to be voted upon
25 at **【such】** an election held at a time other than at the time of the
26 general election on the first Tuesday after the first Monday in
27 November pursuant to section 24 of P.L. , c. (C.)
28 (pending before the Legislature as this bill), shall be in the form of
29 a question, placed upon the ballot immediately following the names
30 of the candidates for members of the board of fire commissioners,
31 in substantially the following form:

32 YES. (Question to be voted on)

33 NO.

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

37 Any matter to be voted upon at an election held at the time of the
38 general election on the first Tuesday after the first Monday in
39 November pursuant to section 24 of P.L. , c. (C.)
40 (pending before the Legislature as this bill) shall be in the form of a
41 question placed upon the ballot in accordance with the requirements
42 of Title 19 of the Revised Statutes.

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

44

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

47 6. **【No】** For an election held at a time other than at the time of
48 the general election on the first Tuesday after the first Monday in

1 November pursuant to section 24 of P.L. , c. (C.)
2 (pending before the Legislature as this bill), no fire district budget
3 shall be adopted until a public hearing has been held thereon and
4 taxpayers of the district and all persons having an interest therein
5 shall have been given an opportunity to present objections. Such
6 hearing shall be held not less than 28 days after approval of the
7 budget.

8 For an election held at the time of the general election on the
9 first Tuesday after the first Monday in November pursuant to
10 section 24 of P.L. , c. (C.) (pending before the
11 Legislature as this bill), no fire district budget that exceeds the
12 permissible property tax levy cap as established in sections 9
13 through 12 of P.L.2007, c.62 (C.40A:4-45.44 et seq.) shall be
14 adopted until a public hearing has been held thereon and taxpayers
15 of the district and all persons having an interest therein shall have
16 been given an opportunity to present objections. Such hearing shall
17 be held not less than 28 days after approval of the budget.

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

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

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

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

32 After closing the hearing, the fire commissioners may, by a vote
33 of not less than a majority of the full membership, adopt the budget
34 by title without amendments, or may approve amendments as
35 provided in section 7**【.】** of **【this act】** P.L.1979, c.453 (C. 40A:14-
36 78.3).

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

38

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

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

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

46 a. Add a new item of operating appropriations in an amount in
47 excess of 1% of the total amount of operating appropriations as
48 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)

10

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

13 40A:14-78.4. The fire district budget shall be adopted, by a vote
14 of a majority of the full membership of the fire commissioners, not
15 later than 25 days prior to the annual election in February or in
16 November if the election is held at the time of the general election
17 on the first Tuesday after the first Monday in November pursuant to
18 section 24 of P.L. , c. (C.) (pending before the Legislature
19 as this bill). The adopted budget shall be advertised after adoption.
20 The advertisement shall contain a copy of the budget and shall be
21 published at least once in a newspaper circulating in the fire district
22 at least 7 days prior to the annual election in February or
23 November, as the case may be.

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

25

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

28 9. a. If at the annual election held pursuant to N.J.S.40A:14-72
29 the question of either finally adopting the budget pursuant to
30 subsection c. of N.J.S.40A:14-72 or of exceeding the property tax
31 levy cap pursuant to sections 9 through 12 of P.L.2007, c.62
32 (C.40A:4-45.44 et seq.) and subsection d. of N.J.S.40A:14-72 is
33 voted affirmatively upon by a majority of the legal voters voting in
34 the election, the budget shall be considered finally adopted, and the
35 board of fire commissioners shall certify the amount to be raised by
36 taxation to support the district budget to the assessor of the
37 municipality, pursuant to N.J.S.40A:14-79.

38 b. If at the annual election the question of either finally
39 adopting the budget pursuant to subsection c. of N.J.S.40A:14-72
40 or of exceeding the property tax levy cap pursuant to sections 9
41 through 12 of P.L.2007, c.62 (C.40A:4-45.44 et seq.) and
42 subsection d. of N.J.S.40A:14-72 is voted negatively upon by a
43 majority of the legal voters voting in the election, the governing
44 body of the municipality in which the fire district is located shall,
45 by resolution of a majority of its full membership, within 30 days
46 after the annual election and after a public hearing for which the
47 legal voters of the fire district shall be given 5 days' advertised
48 notice, and at which any interested person shall be heard, fix an

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

9 c. Following the final approval of a budget **【by the voters】**, the
10 Director of the Division of Local Government Services in the
11 Department of Community Affairs may approve a budget
12 amendment to provide for the anticipation of revenue from a public
13 or private funding source which was not known at the time the
14 budget was approved, and the appropriation thereof, provided the
15 amount of the appropriation does not exceed the amount of the
16 revenue received.

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

18

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

20 40A:14-85. The board of commissioners of a fire district may
21 purchase fire engines, apparatus or other appliances for the
22 extinguishment of fires and acquire lands or buildings or erect
23 buildings for the housing of such equipment, at a cost not exceeding
24 \$60,000.00 or 2% of the assessed valuation of the taxable property
25 in the district, whichever amount is larger **【, the】** . The money **【to】**
26 may be raised by a bond issue. Any such bond issue shall be
27 authorized by a resolution of the commissioners specifying the
28 amount and the purpose thereof. The resolution shall be inoperative
29 unless and until it shall have been submitted to and approved by the
30 legal voters within said fire district at the annual election held for
31 the election of commissioners and appropriation of money for fire
32 extinguishing purposes, or at a special election for such purpose.

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

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

46

47 23. N.J.S.40A:14-90 is amended to read as follows:

1 40A:14-90. **【The】** Except as provided in a consolidation plan
2 prepared pursuant to section 25 of P.L. , c. (C.) (pending
3 before the Legislature as this bill), the governing body of a
4 municipality having a fire district therein, by ordinance, may
5 enlarge such fire district by extending the boundaries thereof to
6 include additional territory in such municipality but not included in
7 another fire district.

8 Upon the adoption of any such ordinance and publication thereof
9 as required by law the additional territory shall become part of said
10 fire district.

11 Nothing contained herein shall affect the terms or tenure of
12 members of the board of fire commissioners or officers or personnel
13 thereof, nor the bonds and obligations, if any, of such fire district.

14 (cf: P.L.1979, c.381, s.2)

15
16 24. (New section) a. The question of moving the date of a fire
17 district's annual election to the first Tuesday after the first Monday
18 in November, to be held simultaneously with the general election,
19 shall be submitted to the legal voters of a local fire district
20 whenever a petition is filed with the clerk of the board of fire
21 commissioners, signed by not less than 15% of the number of
22 legally qualified voters who voted in the fire district at the next
23 preceding annual election for members of the board of fire
24 commissioners. The question shall be submitted to the voters of the
25 district at the next annual fire district election, provided that at least
26 60 days have lapsed since the date of the filing of the petition. In
27 the event that the question is not approved by the voters, no petition
28 may be filed to submit the question to the voters again within one
29 year after an election shall have been held pursuant to any petition
30 filed pursuant to this subsection.

31 The date of the annual fire district election may be moved to the
32 day of the general election on the first Tuesday after the first
33 Monday in November without voter approval upon the adoption of
34 a resolution by the board of fire commissioners of a fire district.

35 The term of office of any fire district commissioner that expires
36 at 12 o'clock noon on the first Tuesday in March of the year in
37 which the election has been moved to the general election on the
38 first Tuesday after the first Monday in November pursuant to this
39 section shall be extended until noon on the first Tuesday in
40 December of that same year. Any candidate to fill the office of
41 commissioner that year shall be voted for at the general election
42 held that year and shall take office at noon on the first Tuesday in
43 December next occurring.

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

1 b. In the event that the date of a fire district's annual election is
2 moved to the day of the general election on the first Tuesday after
3 the first Monday in November, the fire district election shall be held
4 for the purposes of electing members of the board and for voting on
5 any appropriation or other matter according to the provisions of
6 P.L.1971, c.197 (C.40A:14-72 et seq.). The procedures for holding
7 a fire district election in November shall be in accordance with the
8 procedures provided for the general election under Title 19 of the
9 Revised Statutes.

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

14 c. The date of a fire district's annual election may not be
15 moved to the day of the general election on the first Tuesday after
16 the first Monday in November by voter approval or by the adoption
17 of a resolution by the board of fire commissioners of a fire district
18 unless a municipality has a single fire district. A municipality
19 having more than one fire district shall consolidate all fire districts
20 into a single fire district in accordance with section 25 of P.L. ,
21 c. (C.) (pending before the Legislature as this bill) prior to
22 any vote to move the fire district's annual election to the day of the
23 general election on the first Tuesday after the first Monday in
24 November.

25
26 25. (New section) A municipal governing body may consider
27 the consolidation of all fire districts within that municipality into a
28 single fire district, upon receipt of identical resolutions adopted by
29 the commissioners of all of the fire districts within the municipality
30 consenting to the development of a consolidation plan. If the
31 municipal governing body approves the development of a
32 consolidation plan, it shall work with the fire district commissioners
33 to prepare the plan. The plan may be prepared in consultation with
34 the Director of the Division of Local Government Services in the
35 Department of Community Affairs, or his designee.

36 Upon completion of the consolidation plan, which shall include a
37 first-year budget for the consolidated fire district, the governing
38 body of the municipality shall fix a time and place for a hearing to
39 discuss the proposed consolidation. Notice of the hearing shall be
40 provided in accordance with the "Senator Byron M. Baer Open
41 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), and
42 copies of the proposed consolidation plan shall be made available
43 for public inspection by the municipal clerk, in accordance with the
44 provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L.2001,
45 c.404 (C.47:1A-5 et al.).

46 Following the hearing, the governing body of the municipality
47 shall vote on a resolution to consolidate the fire districts.

1 If a resolution is adopted by the municipal governing body to
2 consolidate the fire districts, then notice of the impending
3 consolidation, and a copy of the proposed consolidation plan, shall
4 be sent to the Local Finance Board, which if it has objections, shall
5 within 30 days of receipt schedule a hearing to discuss revisions to
6 the plan. Otherwise, the consolidation plan shall be deemed
7 approved by the board.

8 Upon approval or revision of the plan by the Local Finance
9 Board, the consolidation plan shall be considered finally adopted by
10 the municipal governing body, and the assets and debts of the fire
11 districts to be consolidated shall be reapportioned pursuant to the
12 consolidation plan.

13 The consolidation shall become operative after the next fire
14 district election following the final adoption of the consolidation
15 plan by at least 29 days, during which new commissioners for the
16 consolidated district shall be elected.

17

18 26. (New section) Within six months next following the
19 effective date of P.L. , c. (pending before the Legislature as
20 this bill), the Director of the Division of Elections in the
21 Department of State, in consultation with the Department of
22 Community Affairs, shall study the feasibility of consolidating fire
23 districts and of integrating election districts with fire districts for
24 potential cost-saving measures and shall, after notice and an
25 opportunity for public comment, submit a report to the Governor
26 and Legislature, in accordance with section 2 of P.L.1991, c.164
27 (C.52:14-19.1) with findings and any recommendations to provide
28 for greater savings.

29

30 27. The Department of Community Affairs, in consultation with
31 the Division of Elections in the Department of State, as appropriate,
32 shall adopt rules and regulations pursuant to the "Administrative
33 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate
34 the purposes of this act, P.L. , c. (pending before the
35 Legislature as this bill).

36

37 28. This act shall take effect immediately.

38

39

40

STATEMENT

41

42 This bill establishes procedures for moving the date of a fire
43 district's annual election to the day of the general election in
44 November and eliminates a vote on fire district budgets for fire
45 districts that have moved elections to the day of the general
46 election, except for proposals to raise revenue above the levy cap in
47 accordance with the levy cap law provisions of N.J.S.A.40A:4-

1 45.44 et seq. Consistent with current law, any money to be raised by
2 a bond issue would still require voter approval.

3 Under this bill, there would be two options to move a fire
4 district election to November. However, either option would
5 require the consolidation of multiple fire districts within a
6 municipality into a single fire district.

7 Under the first procedure, the question would be presented to
8 the voters for their approval whenever a petition is filed with the
9 clerk of the board of fire commissioners, signed by not less than
10 15% of the number of legally qualified voters who voted in the fire
11 district at the next preceding annual election for members of the
12 board of fire commissioners. The question is then submitted to the
13 voters of the district at the next annual election, provided that at
14 least 60 days have lapsed since the date of the filing of the petition.

15 Under the second procedure, the date of the annual fire district
16 election may be moved to November upon the adoption of a resolution
17 by the board of fire commissioners of a fire district.

18 If the fire district's annual election is moved to November, then
19 the fire district's board members will be elected in November and
20 take office at the beginning of December. Further, if the date of the
21 annual fire district election is moved to November, then a district
22 may not move the fire district election back to the third Saturday in
23 February. The procedures for holding a fire district election in
24 November shall be in accordance with the procedures provided for
25 the general election in Title 19 of the Revised Statutes.

26 This bill further permits two or more municipalities to
27 consolidate fire districts if the commissioners of all of the fire
28 districts within each municipality adopt parallel resolutions
29 consenting to the development of a consolidation plan. In addition,
30 the bill permits a single municipality to consider the consolidation
31 of all fire districts within that municipality. Any municipal
32 governing body or governing bodies that approve the development
33 of a consolidation plan, are to work with the fire district
34 commissioners to prepare the plan. The plan may be prepared in
35 consultation with the Director of the Division of Local Government
36 Services in the Department of Community Affairs, or his designee.

37 Upon completion of the consolidation plan, which is to include a
38 first-year budget for the consolidated fire district, the governing
39 body of each municipality considering consolidation is to fix a time
40 and place for a hearing to discuss the proposed consolidation.
41 Notice of the hearing is to be provided to the public, and copies of
42 the proposed consolidation plan are to be made available for public
43 inspection by the municipal clerk.

44 Following the hearing, the governing body or governing bodies
45 of each municipality are required to vote on a resolution to
46 consolidate the fire districts. Upon passage of the resolution, the
47 assets and debts of the fire districts to be consolidated are to be
48 reapportioned pursuant to the consolidation plan. The consolidation

1 is to become operative after the next fire district election following
2 the final adoption of the consolidation plan by at least 29 days,
3 during which new commissioners for the consolidated district are to
4 be elected.

5 The bill also requires that, within six months of enactment, the
6 Director of the New Jersey Division of Elections in the Department
7 of State, in consultation with the Department of Community
8 Affairs, study the feasibility of consolidating election districts with
9 fire districts for potential municipal cost-saving measures and shall,
10 after notice and an opportunity for public comment, submit a report
11 to the Legislature with findings and any recommendations to
12 provide for greater municipal savings through such consolidation.