

# SENATE, No. 2002

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED APRIL 18, 2016

**Sponsored by:**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Senator Van Drew**

**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 introduced.



**(Sponsorship Updated As Of: 9/30/2016)**

S2002 BEACH, TURNER

2

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

**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.

S2002 BEACH, TURNER

3

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

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

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

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

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

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

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

18 "Commissioner" means the commissioner of registration in  
19 counties.

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

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

24

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

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

39 b. Such notice shall set forth:

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

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

47 (b) The place or places at which and hours during which a  
48 person may register, the procedure for the transfer of registration,

S2002 BEACH, TURNER

1 and the date on which the books are closed for registration or  
2 transfer of registration.

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

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

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

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

30 (2) For the general election:

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

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

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

47 (d) The existence of registration and voting aids, including: (i)  
48 the availability of registration and voting instructions at places of

**S2002 BEACH, TURNER**

1 registration as provided under R.S.19:31-6; and (ii) the accessibility  
2 of voter information to the deaf by means of a telecommunications  
3 device.

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

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

23 (3) For a school election:

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

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

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

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

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

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

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

S2002 BEACH, TURNER

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

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

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

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

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

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

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

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

29

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

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

S2002 BEACH, TURNER

7

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

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

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

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

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

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

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

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

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

35

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

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

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

S2002 BEACH, TURNER

8

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

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

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

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

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

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

30

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

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

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



S2002 BEACH, TURNER

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

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

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

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

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

18

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

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

S2002 BEACH, TURNER

1 ballot. On the foot of the ballot the words "Public Questions to be  
2 Voted Upon" shall be printed in eighteen-point bold-faced capital  
3 letters. The accompanying instructions shall be printed in eight-  
4 point capital and small letters. The public questions to be voted  
5 upon shall be printed in ten-point capital and small letters, and the  
6 words "Yes" and "No" shall be printed in twelve-point bold-faced  
7 capital letters.

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

9

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

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

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

25

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

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

44 b. The district or each district shall be assigned a number and  
45 the commissioners thereof and their successors shall be a body  
46 corporate, to be known as "the commissioners of fire district No. . .  
47 . . . in . . . . . (name of municipality), county of . . . . .  
48 (name of county)." The said body corporate shall have the power to

S2002 BEACH, TURNER

1 acquire, hold, lease, sell or otherwise convey in its corporate name  
2 such real and personal property as the purposes of the corporation  
3 shall require. All sales and leases of real and personal property  
4 shall be in accordance with the provisions of section 13 or 14, as  
5 appropriate, of the "Local Lands and Buildings Law," P.L.1971,  
6 c.199 (C.40A:12-13 or 40A:12-14). Said body corporate may adopt  
7 and use a corporate seal, sue or be sued and shall have such powers,  
8 duties and functions as are usual and necessary for said purposes.

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

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

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

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

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

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

46 (2) The annual election shall be held at the time of the general  
47 election on the first Tuesday after the first Monday in November,  
48 and shall be conducted in accordance with the procedures provided

S2002 BEACH, TURNER

12

1 for the general election in Title 19 of the Revised Statues, except as  
2 otherwise provided pursuant to N.J.S.40A:14-70 et seq.

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

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

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

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

24

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

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

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

1 information please call (insert telephone number of the Election  
2 Law Enforcement Commission)."

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

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

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

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

17

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

19 40A:14-72. a. An election shall be held annually either on the  
20 third Saturday in February or at the time of the general election on  
21 the first Tuesday after the first Monday in November in each  
22 established fire district for the election of members of the board  
23 according to the expiration of terms. The initial election for a  
24 newly created fire district may take place on another date as a  
25 governing body may specify under N.J.S.40A:14-70, but the annual  
26 election thereafter shall be held either on the third Saturday in  
27 February or at the time of the general election on the first Tuesday  
28 after the first Monday in November.

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

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

45 d. Fire districts located in the same municipality may combine  
46 the publication of their notices of election. For the purpose of this  
47 section, "notices of election" shall include the notices required to be

1 published under section **【7 of P.L.1953, c.211 (C.19:57-7)】** 6 of  
2 P.L.2009, c.79 (C.19:63-6).

3 e. The legal voters **【thereat】** at an annual election shall  
4 determine the amount of money to be raised for the ensuing year ,  
5 only if such amount exceeds the property tax levy cap established  
6 pursuant to section 10 of P.L.2007, c.62 (C.40A:4-45.45), and shall  
7 determine such other matters as may be required.

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

9

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

11 40A:14-73. a. For an election held at a time other than at the  
12 time of the general election, the following requirements shall apply:

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

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

34 The ballot shall be substantially as follows:

35 No.....

36 To be torn off by the Judge of Election.

37 Fold to this line.

38 .....

39 FIRE DISTRICT ELECTION BALLOT

40 Fire District No. 1

41 Township of Webster, Warren County

42 Date.....

43 Polling District No. 1 John Henry Doe,

44 Unexcelled Fire House. Clerk.

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

48 For membership to Board of Fire Commissioners--

S2002 BEACH, TURNER

15

1 Full Term. Vote for Two.

2 [ ] Rutherford B. Fallon.

3 [ ] William F. Seibel.

4 [ ] James A. Stephens.

5 [ ] Thomas Templeton.

6 [ ]

7 [ ]

8 For membership to Board of Fire Commissioners--

9 Unexpired One-Year Term. Vote for One.

10 [ ] Francis R. Loori.

11 [ ] Arthur H. Patterson.

12 [ ]

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

16 b. For an election held at the time of the general election, the  
17 ballot shall be prepared in accordance with the provisions of Title  
18 19 of the Revised Statutes.

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

20

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

22 40A:14-74. **【The】** a. For an election held at a time other than at  
23 the time of the general election, the municipal clerk or the clerk of  
24 the board of fire commissioners, as the case may be, shall cause a  
25 further notice of the holding of such election to be published at least  
26 once not later than 1 week prior thereto in a newspaper circulating  
27 in said fire district.

28 At least 7 days prior to **【the】** such election the municipal clerk or  
29 the clerk of the board, as the case may be, shall obtain the registry  
30 list for the municipality or municipalities and election districts  
31 comprised within such fire district for the preceding general  
32 election. No person shall be permitted to vote at the election unless  
33 his name appears on the registry list or he shall have become of  
34 legal age and is otherwise qualified and shall file an application to  
35 vote with the clerk at least 2 days prior thereto.

36 b. For an election held at the time of the general election, the  
37 voter registration procedures set forth in R.S.19:31-1 et seq. shall  
38 apply.

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

40

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

42 40A:14-75. **【The】** For an election held at a time other than at  
43 the time of the general election, the superintendent of elections of  
44 any county having a superintendent of elections or the county board  
45 of elections of any county not having a superintendent of elections,  
46 may upon application of the board of commissioners of any fire  
47 district, loan or rent to said board, one or more voting machines  
48 owned by the county, for a period of time which does not conflict

S2002 BEACH, TURNER

16

1 with any State, county, municipal or school district election, for the  
2 purpose of conducting a fire district election as required by law.  
3 The loan or rental of a voting machine or machines for this purpose  
4 shall be upon such terms and conditions as may be determined by  
5 the board of chosen freeholders of the county.

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

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

10

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

12 40A:14-76. **【Upon】** For an election held at a time other than at  
13 the time of the general election, upon petition of 25 or more voters,  
14 filed with the clerk of the board at least 20 days prior to the date of  
15 any election, after the first election, the board of fire  
16 commissioners, by resolution, may divide the fire district into 2 or  
17 more polling places.

18 The polls for any election held at a time other than at the time of  
19 the general election shall be opened between the hours of 2:00 and  
20 9:00 P.M., but the board may designate a later closing hour on the  
21 same day. The board shall furnish the necessary books for the  
22 entries of the names and addresses of the voters in such election.

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

24

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

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

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

37

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

39 40A:14-78. a. Any appropriation or other matter to be voted  
40 upon at **【such】** an election held at a time other than at the time of  
41 the general election shall be in the form of a question, placed upon  
42 the ballot immediately following the names of the candidates for  
43 members of the board of fire commissioners, in substantially the  
44 following form:

45 YES. (Question to be voted on)

46 NO.



S2002 BEACH, TURNER

17

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

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

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

9

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

12 6. **【No】** A fire district budget that exceeds the property tax  
13 levy cap established pursuant to section 10 of P.L.2007, c.62  
14 (C.40A:4-45.45) shall not be adopted until a public hearing has  
15 been held thereon and taxpayers of the district and all persons  
16 having an interest therein shall have been given an opportunity to  
17 present objections. Such hearing shall be held not less than 28 days  
18 after approval of the budget.

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

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

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

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

33 After closing the hearing, the fire commissioners may, by a vote  
34 of not less than a majority of the full membership, adopt the budget  
35 by title without amendments, or may approve amendments as  
36 provided in section 7**【.】** of **【this act】** P.L.1979, c.453 (C.40A:14-  
37 78.3).

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

39

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

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

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

S2002 BEACH, TURNER

18

- 1 a. Add a new item of operating appropriations in an amount in  
2 excess of 1% of the total amount of operating appropriations as  
3 stated in the approved budget; or,
- 4 b. Increase or decrease any item of operating appropriations by  
5 more than 10% **【; or,】** .
- 6 c. **【Increase the amount to be raised by taxes by more than**  
7 **5%.】** (Deleted by amendment, P.L. , c. ) (pending before the  
8 Legislature as this bill)
- 9 Notice of hearing on any amendment shall be advertised at least  
10 3 days before the date set therefor. Such amendment shall be read  
11 in full at such hearing and before adoption.  
12 (cf: P.L.1979, c.453, s.7)
- 13
- 14 19. Section 9 of P.L.1979, c.453 (C.40A:14-78.5) is amended to  
15 read as follows:
- 16 9. a. If at the annual election held pursuant to N.J.S.40A:14-72  
17 the question of **【finally adopting the budget】** exceeding the  
18 property tax levy cap established pursuant to section 10 of  
19 P.L.2007, c.62 (C.40A:4-45.45) is voted affirmatively upon by a  
20 majority of the legal voters voting in the election, the budget shall  
21 be considered finally adopted, and the board of fire commissioners  
22 shall certify the amount to be raised by taxation to support the  
23 district budget to the assessor of the municipality, pursuant to  
24 N.J.S.40A:14-79.
- 25 b. If at the annual election the question of **【finally adopting the**  
26 **budget】** exceeding the property tax levy cap established pursuant to  
27 section 10 of P.L.2007, c.62 (C.40A:4-45.45) is voted negatively  
28 upon by a majority of the legal voters voting in the election, the  
29 governing body of the municipality in which the fire district is  
30 located shall, by resolution of a majority of its full membership,  
31 within 30 days after the annual election and after a public hearing  
32 for which the legal voters of the fire district shall be given 5 days'  
33 advertised notice, and at which any interested person shall be heard,  
34 fix an annual budget for the fire district. The amount of each  
35 appropriation section of the budget so fixed shall not exceed the  
36 amount for each as previously voted upon at the annual election,  
37 except the appropriation for debt service which shall be included in  
38 the amount that is required to be paid. The governing body shall  
39 certify the amount to be raised by taxation to support the district  
40 budget as set forth in the final budget, to the assessor of the  
41 municipality, pursuant to N.J.S.40A:14-79.
- 42 c. Following the final approval of a budget by the board of fire  
43 commissioners or the voters, as applicable, the Director of the  
44 Division of Local Government Services in the Department of  
45 Community Affairs may approve a budget amendment to provide  
46 for the anticipation of revenue from a public or private funding  
47 source which was not known at the time the budget was approved,

1 and the appropriation thereof, provided the amount of the  
2 appropriation does not exceed the amount of the revenue received.

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

4

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

6 40A:14-84. a. The **【legal voters】** board of fire commissioners  
7 of a fire district, at the annual meeting or at a special meeting called  
8 by the commissioners of the fire district, may . by resolution  
9 adopted by a vote 【to】 of not less than 2/3 of the full membership  
10 thereof, raise money for a firehouse, apparatus , and appliances in  
11 connection therewith for fire extinguishing purposes, in an amount  
12 not exceeding 5 mills on the dollar of the last assessed valuation of  
13 the property in the fire district. The amount so **【voted for】** adopted  
14 shall be included in the next succeeding annual budget of the fire  
15 district under the section for capital appropriations.

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

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

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

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

46 c. (1) All interested persons shall be given an opportunity to  
47 be heard at a meeting subject to the provisions of this section.

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

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

6  
7       21. N.J.S.40A:14-85 is amended to read as follows:

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

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

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

34  
35       22. (New section) a. Except as provided in subsection b. of  
36 this section, the board of fire commissioners of a fire district may  
37 by resolution move the time of the annual election for the fire  
38 district to the time of the general election on the first Tuesday after  
39 the first Monday in November. If the time of the annual election  
40 for a fire district is moved to the time of the general election, the  
41 fire district election shall be held for the purposes of electing  
42 members of the board of fire commissioners and for voting on any  
43 appropriation or other matter according to the provisions of  
44 N.J.S.40A:14-70 et seq. The procedures for holding a fire district  
45 election at the time of the general election shall be in accordance  
46 with the procedures provided for the general election under Title 19  
47 of the Revised Statues, except as otherwise provided pursuant to  
48 N.J.S.40A:14-70 et seq.

1         b. An annual election shall not be moved to the first Tuesday  
 2 after the first Monday in November, to be held simultaneously with  
 3 the general election, pursuant to subsection a. of this section, unless  
 4 the county board of election has certified that the election may be  
 5 conducted in accordance with the requirements of section 1 of  
 6 P.L.1976, c.83 (C.19:4-10). The county board of election for a  
 7 county within which a fire district is located shall determine, within  
 8 30 days of the effective date of P.L.       , c.       (C.       ) (pending  
 9 before the Legislature as this bill), whether an annual election may  
 10 be so conducted. If the county board of election determines that an  
 11 annual election may be so conducted, the board shall transmit a  
 12 certification to the board of fire commissioners and the governing  
 13 body of the municipality within which the district is located. If the  
 14 county board of election determines that an annual election may not  
 15 be so conducted, the board shall revise or readjust the boundary  
 16 lines of any election districts, including by means of consolidating  
 17 or subdividing districts, as may be necessary to comply with section  
 18 1 of P.L.1976, c.83 (C.19:4-10) within three months of the effective  
 19 date of P.L.       , c.       (C.       ) (pending before the Legislature as this  
 20 bill), except as may be otherwise required by section 6 of P.L.1976,  
 21 c.83 (C.19:4-15). Upon the completion of such revision or  
 22 readjustment of election district boundary lines, the county board of  
 23 election shall transmit a certification to the board of fire  
 24 commissioners and the governing body of the municipality within  
 25 which the district is located.

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

37  
 38         23. This act shall take effect on the first day of the year next  
 39 following the date of enactment.

40  
 41  
 42                         STATEMENT  
 43

44         This bill would establish procedures for moving the date of a fire  
 45 district’s annual election to the day of the general election in  
 46 November. Under the bill, the date of the annual fire district  
 47 election may be moved to November upon the adoption of a  
 48 resolution by the board of fire commissioners of a fire district.

1 Under current law, annual fire district elections are held on the third  
2 Saturday in February. Permitting annual fire district elections to be  
3 held at the time of the general election would help increase voter  
4 participation in fire district elections.

5 Under the bill, an annual fire district election held in November  
6 would be conducted in accordance with the procedures provided for  
7 the general election in Title 19 of the Revised Statues. In addition,  
8 candidates for members of a board of fire commissioners to be  
9 voted for at such elections would be nominated through the direct  
10 nomination by petition process set forth in Title 19 of the Revised  
11 Statues. If the fire district's annual election is moved to November,  
12 the terms of the fire commissioners then in office would be  
13 extended until the first Tuesday in December of the years in which  
14 their terms expire, and the new fire commissioners would take  
15 office at that time. Before a fire district election may be moved to  
16 November, the county board of election in each county within  
17 which a fire district is located would have to ensure that election  
18 districts are appropriately apportioned to enable annual fire district  
19 elections to be held as part of the general election.

20 If the election for the first board of fire commissioners is held at  
21 the time of the general election, subsequent annual elections for the  
22 fire district would also be conducted at the time of the general  
23 election, and in accordance with the procedures provided for the  
24 general election in Title 19 of the Revised Statues.

25 The bill would also eliminate voter referenda required under  
26 current law for fire district budgets, except for proposals to raise  
27 revenue above the statutory two percent property tax levy cap.

28 The bill would also eliminate currently required voter referenda  
29 for certain capital purchases, which are funded by increased  
30 property tax levies permitted under the two percent property tax  
31 levy cap law. The board of commissioners of a fire district would  
32 be able to raise the funds for these purchases by a resolution  
33 adopted by at least a 2/3 majority vote. The resolution would have  
34 to be advertised and subject to a public hearing, similar to a process  
35 followed by municipalities and counties for certain capital  
36 expenditures.