

**SENATE, No. 308**

**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

**SYNOPSIS**

Requires municipal clerk to post municipal documents online.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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1 AN ACT requiring municipal documents to be posted online and  
2 amending Title 40A of the New Jersey Statutes.

3

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

6

7 1. N.J.S.40A:9-133 is amended to read as follows:

8 40A:9-133. a. In every municipality there shall be a municipal  
9 clerk appointed for a three-year term by the governing body of the  
10 municipality. The requirement that every municipality shall have a  
11 municipal clerk may be fulfilled by the sharing of a municipal clerk  
12 with another municipality or municipalities under a shared service  
13 agreement entered into pursuant to the provisions of P.L.2007, c.63  
14 (C.40A:65-1 et seq.), and such shared service agreement shall be  
15 subject to the provisions of section 4 of P.L.2007, c.63(C.40A:65-4)  
16 and, in the case of a shared service agreement between pilot  
17 municipalities, section 3 of P.L.2013, c.166 (C.40A:65-4.2).  
18 Commencing January 1 following the third anniversary of the  
19 effective date of P.L.1997, c.279 (C.40A:9-133.9 et al.), no person  
20 shall be appointed or reappointed as a municipal clerk unless that  
21 person holds a registered municipal clerk certificate issued pursuant  
22 to section 3 or section 4 of P.L.1985, c.174 (C.40A:9-133.3 or  
23 C.40A:9-133.4).

24 b. For the purposes of tenure, the term of a municipal clerk  
25 shall be deemed to have begun as of the actual date upon which a  
26 person serving as municipal clerk is appointed. In the event of a  
27 vacancy in the office of municipal clerk, an appointment shall be  
28 made for a new term and not for the unexpired term. A  
29 reappointment of an incumbent municipal clerk made within 60  
30 days following the expiration of the prior term shall not be  
31 considered to be a new appointment and the effective date of the  
32 reappointment shall date back to the date of expiration of the initial  
33 term of appointment.

34 c. Within 90 days of the occurrence of a vacancy in the office  
35 of municipal clerk by reason of the departure of a registered  
36 municipal clerk, the governing body may appoint a person who does  
37 not hold a registered municipal clerk certificate to serve as acting  
38 municipal clerk for a period not to exceed one year and  
39 commencing on the date of the vacancy. Any person so appointed  
40 may, with the approval of the Director of the Division of Local  
41 Government Services in the Department of Community Affairs, be  
42 reappointed as acting municipal clerk for a maximum of two  
43 subsequent one-year terms following the termination of the  
44 temporary appointment. No local unit shall fill the position of  
45 acting municipal clerk for more than three consecutive years. Time

**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 served as acting municipal clerk may be credited toward the  
2 experience authorized as a substitute for the college education  
3 requirement pursuant to section 2 of P.L.1985, c.174 (C.40A:9-  
4 133.2). Time served as acting municipal clerk may not be credited  
5 as time served as municipal clerk for the purpose of acquiring  
6 tenure pursuant to section 7 of P.L.1985, c.174 (C.40A:9-133.7).

7 d. (Deleted by amendment, P.L.1997, c.279).

8 e. The municipal clerk shall:

9 (1) act as secretary of the municipal corporation and custodian  
10 of the municipal seal and of all minutes, books, deeds, bonds,  
11 contracts, and archival records of the municipal corporation. The  
12 governing body may, however, provide by ordinance that any other  
13 specific officer shall have custody of any specific other class of  
14 record;

15 (2) act as secretary to the governing body, prepare meeting  
16 agendas at the discretion of the governing body, be present at all  
17 meetings of the governing body, keep a journal of the proceedings  
18 of every meeting, retain the original copies of all ordinances and  
19 resolutions, and record the minutes of every meeting;

20 (3) serve as the chief administrative officer in all elections held  
21 in the municipality, subject to the requirements of Title 19 of the  
22 Revised Statutes;

23 (4) serve as chief registrar of voters in the municipality, subject  
24 to the requirements of Title 19 of the Revised Statutes;

25 (5) serve as the administrative officer responsible for the  
26 acceptance of applications for licenses and permits and the issuance  
27 of licenses and permits, except where statute or municipal  
28 ordinance has delegated that responsibility to some other municipal  
29 officer;

30 (6) serve as coordinator and records manager responsible for  
31 implementing local archives and records retention programs as  
32 mandated pursuant to Title 47 of the Revised Statutes;

33 (7) perform such other duties as are now or hereafter imposed  
34 by statute, regulation or by municipal ordinance or regulation.

35 f. If a governing body fails or refuses to comply with  
36 subsection a., b. or c. of this section, the director may order the  
37 governing body to comply by a date certain which shall afford the  
38 governing body a reasonable time within which to comply.

39 g. Unless otherwise prohibited by federal or State law, rule, or  
40 regulation, the municipal clerk shall post or make available on the  
41 municipality's Internet website all municipal documents, forms,  
42 renewal documents, license applications, and license certificates. A  
43 municipality that incurs costs in implementing the requirements of  
44 P.L. , c. (C. ) (pending before the Legislature as this bill)  
45 may annually certify those costs and apply to the Department of the  
46 Treasury for reimbursement of those costs. The Department of the  
47 Treasury shall disburse annually to each municipality that submits  
48 an application pursuant to this subsection the amount necessary to

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1 reimburse the municipality for the costs incurred by the  
2 municipality to implement the requirements of P.L. ,c. (C. )  
3 (pending before the Legislature as this bill). The department,  
4 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410  
5 (C.52:14B-1 et seq.), shall adopt rules and regulations establishing  
6 procedures for the submission of applications and the disbursement  
7 of funds as necessary to implement this subsection.  
8 (cf: P.L.2013, c.166, s.7)

9  
10 2. This act shall take effect immediately.

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13 STATEMENT

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15 This bill would require a municipal clerk to post all municipal  
16 documents on the municipality’s Internet website. Specifically, the  
17 bill would require that the municipal clerk, unless otherwise  
18 prohibited by federal or State law, rule, or regulation, post all  
19 municipal documents, forms, renewal documents, license  
20 applications, and license certificates on the municipality’s Internet  
21 website. The bill also provides for State reimbursement through the  
22 Department of the Treasury for costs incurred by a municipality to  
23 comply with the requirements of the bill.