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LEGISLATIVE FISCAL ESTIMATE: Yes 6/8/2017
7/13/2017

S2002
INTRODUCED BILL: (sponsors' statement begins on page 21) Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Christie signs bill to move fire districts, rename section of I-295 after fallen trooper." Burlington County Times, August 7, 2017

"Christie OKs moving fire district elections," Burlington County Times, August 8, 2017

"Top court ruling, new legislation raise profile of fire districts across NJ," NJ Spotlight, August 8, 2017

RH/CL

§§22&23 -
C.40A:14-72.1 &
40A:14-72.2
§25 - Note

P.L.2017, CHAPTER 206, *approved August 7, 2017*
Assembly Committee Substitute (*Second Reprint*) for
Assembly, No. 1690

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

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

7
8 1. R.S.19:1-1 is amended to read as follows:
9 19:1-1. As used in this Title:

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

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

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

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

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

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

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

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

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

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

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted June 1, 2017.

²Senate floor amendments adopted June 22, 2017.

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

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

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

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

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

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

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

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

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

28 "Commissioner" means the commissioner of registration in
29 counties.

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

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

34

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

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

1 books for the general election, and once during the calendar week
2 next preceding the week in which the general election is held.

3 b. Such notice shall set forth:

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

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

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

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

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

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

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

42 (2) For the general election:

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

- 1 (b) The place or places at which and hours during which a
2 person may register, the procedure for transfer of registration, and
3 the date on which the books are closed for registration or transfer of
4 registration.
- 5 (c) The several State, county and municipal offices, and where
6 applicable, school board offices and fire district offices to be filled,
7 notice of any school district propositions to be submitted to the
8 people and, except as provided in R.S.19:14-33 of this Title as to
9 publication of notice of any Statewide proposition directed by the
10 Legislature to be submitted to the people, the State, county **[and]** ,
11 municipal, and fire district public questions to be voted upon at
12 such general election.
- 13 (d) The existence of registration and voting aids, including: (i)
14 the availability of registration and voting instructions at places of
15 registration as provided under R.S.19:31-6; and (ii) the accessibility
16 of voter information to the deaf by means of a telecommunications
17 device.
- 18 (e) The availability of assistance to a person unable to vote due
19 to blindness, disability or inability to read or write.
- 20 (f) In the case of the notice published during the calendar week
21 next preceding the week in which the general election is held, that a
22 voter who, prior to the election, shall have moved within the same
23 county without (i) filing, on or before the 21st day preceding the
24 election, a notice of change of residence with the commissioner of
25 registration of the county or the municipal clerk of the municipality
26 in which the voter resides on the day of the election, (ii) returning
27 the confirmation notice sent to the voter by the commissioner of
28 registration of the county, if such a notice has been sent to the voter,
29 or (iii) otherwise notifying the commissioner of registration of the
30 voter's change of address within the county shall be permitted to
31 correct the voter's registration and to vote in the general election by
32 provisional ballot at the polling place of the district in which the
33 voter resides on the day of the election. The notice shall further
34 provide that the voter may contact the county commissioner of
35 registration or municipal clerk to determine the proper polling place
36 location for the voter.
- 37 (3) For a school election:
- 38 (a) The day, time and place thereof,
- 39 (b) The offices, if any, to be filled at the election,
- 40 (c) The substance of any public question to be submitted to the
41 voters thereat,
- 42 (d) That a voter who, prior to the election, shall have moved
43 within the same county without (i) filing, on or before the 21st day
44 preceding the election, a notice of change of residence with the
45 commissioner of registration of the county or the municipal clerk of
46 the municipality in which the voter resides on the day of the
47 election, (ii) returning the confirmation notice sent to the voter by

1 the commissioner of registration of the county, if such a notice has
2 been sent to the voter, or (iii) otherwise notifying the commissioner
3 of registration of the voter's change of address within the county
4 shall be permitted to correct the voter's registration and to vote in
5 the school election by provisional ballot at the polling place of the
6 district in which the voter resides on the day of the election,

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

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

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

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

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

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

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

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

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

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

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

44

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

46 19:14-4. In the center of the ballot immediately below the
47 perforated line shall be printed in bold-faced type the words

1 "Official general election ballot." Below these words and extending
2 across the ballot shall appear the words: "Name of (municipality),
3 ward, school district (if applicable),
4fire district (if applicable),.....
5 election district, date of election, John
6 Doe, county clerk." The blank spaces shall be filled in with the
7 name of the proper municipality, the ward and district numbers and
8 the date of the election. For school and fire district elections, the
9 name of the school district or the name and number of the fire
10 district, and of the municipality or municipalities comprising the
11 district, shall also be indicated thereon. The name of the county
12 clerk shall be a facsimile of his signature. Below the last stated
13 words extending across the ballot and at the extreme left shall be
14 printed the words "Instructions to the voter," and immediately to the
15 right there shall be a bracket embracing the following instructions
16 numbered consecutively:

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

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

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

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

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

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

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

44 Below the above-stated instructions and information and, except
45 when compliance with R.S.19:14-13 as to Statewide propositions
46 otherwise requires, three inches below the perforated line and
47 parallel to it, there shall be printed a six-point diagram rule

1 extending across the ballot to within not less than a half inch to the
2 right and left edges of the paper.
3 (cf: P.L.2011, c.202, s.26)

4

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

6 19:14-8. In the columns of each of the political parties which
7 made nominations at the next preceding primary election to the
8 general election and in the personal choice column, within the space
9 between the two-point hair line rules, there shall be printed the title
10 of each office to be filled at such election, except as hereinafter
11 provided.

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

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

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

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

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

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

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

2 19:14-10. In the column or columns designated as nominations
3 by petition, within the space between the two-point hair line rules,
4 there shall be printed the title of each office for which nominations
5 by petition have been made.

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

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

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

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

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

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

36

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

38 19:14-16. The words to be printed on the perforated coupon
39 shall be printed in twelve-point bold-faced capital letters and the
40 figures in eighteen and twenty-two-point bold-faced type. At the
41 head of the ballot the words "Official General Election Ballot" shall
42 be printed in at least thirty-point bold-faced capital letters. The
43 name of municipality, ward, school district, fire district, election
44 district, and date, as appropriate, shall be printed in twelve-point
45 bold-faced capital letters. For a fire district election, the number of
46 the fire district shall also be printed in twelve-point bold-faced
47 capital letters. The words "Instructions to the voter" shall be

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

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

28

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

30 19:14-22. The official general election sample ballots shall be as
31 nearly as possible facsimiles of the official general election ballot to
32 be voted at such election and shall have printed thereon, after the
33 words which indicate the number of the election district for which
34 such sample ballots are printed, the name of the school district,
35 when appropriate, the number or name and municipality or
36 municipalities of the fire district, when appropriate, the street
37 address or location of the polling place in the election district, and
38 the hours between which the polls shall be open **[, and]** . Such
39 sample ballots shall be printed on paper different in color from the
40 official general election ballot, and have the following words
41 printed in large type at the top: "This ballot cannot be voted. It is a
42 sample copy of the official general election ballot used on election
43 day."

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

45

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

1 9. a. Starting on or before the 45th day before the day an
2 election is held, each county clerk shall forward mail-in ballots by
3 first-class postage or hand delivery to each mail-in voter whose
4 request therefor has been approved. Mail-in ballots that have been
5 approved before the 45th day before an election shall be forwarded
6 or delivered at least 45 days before the day of the election. Hand
7 delivery of a mail-in ballot shall be made by the county clerk or the
8 clerk's designee only to the voter, or the voter's authorized
9 messenger, who must appear in person. No person shall serve as an
10 authorized messenger for more than three qualified voters in an
11 election. Ballots that have not been hand delivered shall be
12 addressed to the voter at the forwarding address given in the
13 application.

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

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

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

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

36

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

38 40A:14-70. a. In any municipality not having a paid or part-
39 paid fire department and force, the governing body, upon
40 application of at least 5% of the registered voters or 20 legal voters,
41 whichever is the greater, shall consider the designation of a fire
42 district. Upon receipt of the application, the governing body shall
43 fix a time and place for a hearing thereon. The municipal clerk
44 shall advertise the notice of the hearing in a newspaper circulating
45 in the county wherein the municipality is located at least once and
46 not less than 10 days prior to the hearing. After the hearing the
47 governing body shall determine the question of designation of a fire

1 district. If the governing body decides that the designation of a fire
2 district is appropriate, it, by ordinance, shall designate a territorial
3 location or locations for use as a fire district or fire districts and, by
4 resolution, provide for the election of a board of fire commissioners
5 for the district or each district, to consist of five persons, residents
6 therein, and specify the date, time and place for the election of the
7 first board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 A vacancy created by any reason set forth in R.S.19:13-18, or in
46 any other manner, shall be filled under the provisions of R.S.19:13-
47 19. In each fire district in which candidates for the office of

1 member of a board of fire commissioners will seek election at the
2 general election, the board of fire commissioners thereof shall
3 certify to the county clerk no later than the day of the holding of the
4 primary election for the general election next occurring a statement
5 designating the public offices to be filled at such election, and the
6 number of such offices to be filled.

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

8
9 11. N.J.S.40A:14-72 is amended to read as follows:

10 40A:14-72. a. An election shall be held annually either on the
11 third Saturday in February or at the time of the general election on
12 the first Tuesday after the first Monday in November in each
13 established fire district for the election of members of the board
14 according to the expiration of terms. The initial election for a
15 newly created fire district may take place on another date as a
16 governing body may specify under N.J.S.40A:14-70, but the annual
17 election thereafter shall be held either on the third Saturday in
18 February or at the time of the general election on the first Tuesday
19 after the first Monday in November.

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

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

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

41 e. The legal voters **【thereat】** at an annual election held on the
42 third Saturday in February shall determine the amount of money to
43 be raised for the ensuing year and determine such other matters as
44 may be required. ²If the amount of money to be raised for the
45 ensuing year exceeds the permissible property tax levy increase as
46 determined pursuant to section 10 of P.L.2007, c.62 (C.40A:4-
47 45.45), a public question shall be submitted to the legal voters to

1 increase the amount to be raised by taxation by more than the
2 allowable adjusted tax levy.²
3 f. ²[The legal voters at an] If a fire district holds its² annual
4 election ²[held]² at the time of the general election ², then the legal
5 voters² shall determine the amount of money to be raised for the
6 ensuing year only ²[if] by² such amount ²that² exceeds the
7 permissible property tax levy increase as determined pursuant to
8 section 10 of P.L.2007, c.62 (C.40A:4-45.45) ²[, and determine
9 such other matters as may be required.] . The legal voters shall
10 determine whether to increase the amount to be raised by taxation
11 by more than the allowable adjusted tax levy for the ensuing year
12 through the submission of a public question. The board of fire
13 commissioners of the fire district shall notify the county or
14 municipal clerk, as appropriate, of the need to conduct a referendum
15 pursuant to this subsection at least 60 days before the date of the
16 referendum. A referendum conducted pursuant to this subsection
17 shall be held on the third Saturday in February of the budget year in
18 which the levy increase would apply.²
19 (cf: P.L.1994, c.181, s.1)

20
21 12. N.J.S.40A:14-73 is amended to read as follows:
22 40A:14-73. a. For an election held at a time other than at the
23 time of the general election, the following requirements shall apply:
24 The ballots shall be written or printed on opaque paper, uniform
25 in size and quality.
26 Each ballot shall have at the top, a coupon, at least one inch wide
27 extending across the ballot above a perforated line. The coupons
28 shall be numbered consecutively. The coupon shall contain the
29 following statements: "To be torn off by the Judge of Election" and
30 "Fold to this line." Below the perforated line shall be printed or
31 written, "Fire district election ballot," then the official designation
32 of the fire district and polling place and date of the election. It shall
33 bear the signature or facsimile signature of the municipal clerk, or
34 the clerk of the board of fire commissioners, as the case may be.
35 The heading shall be set apart from the body of the ballot by a
36 marked-off space. In said space, the voters shall be instructed how
37 to indicate their choice of candidates and the number to be voted
38 upon as follows: "To vote for any person whose name appears on
39 this ballot mark a cross (X), plus (+) or check (✓) in ink or pencil
40 in the place or square at the left of the name of such person."
41 Underneath these instructions shall be directions as to the number
42 of candidates to be voted for and the name of each qualified
43 candidate, without grouping, to be placed according to the
44 alphabetical order of their surnames.
45 The ballot shall be substantially as follows:

1 No.....
2 To be torn off by the Judge of Election.
3 Fold to this line.

4
5 FIRE DISTRICT ELECTION BALLOT
6 Fire District No. 1
7 Township of Webster, Warren County
8 Date.....

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

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

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

- 16 [] Rutherford B. Fallon.
- 17 [] William F. Seibel.
- 18 [] James A. Stephens.
- 19 [] Thomas Templeton.

- 20 []
- 21 []

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

- 24 [] Francis R. Loori.
- 25 [] Arthur H. Patterson.
- 26 []

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

30 b. For an election held at the time of the general election, the
31 ballot shall be prepared in accordance with the provisions of Title
32 19 of the Revised Statutes.
33 (cf: P.L.1994, c.77, s.20)

34
35 13. N.J.S.40A:14-74 is amended to read as follows:

36 40A:14-74. **【The】** ²a. For an election held at a time other than
37 at the time of the general election, the municipal clerk or the clerk
38 of the board of fire commissioners, as the case may be, shall cause a
39 further notice of the holding of such election to be published at least
40 once not later than 1 week prior thereto in a newspaper circulating
41 in said fire district.

42 At least 7 days prior to **【the】** such election the municipal clerk or
43 the clerk of the board, as the case may be, shall obtain the registry
44 list for the municipality or municipalities and election districts
45 comprised within such fire district for the preceding general
46 election. No person shall be permitted to vote at the election unless
47 his name appears on the registry list or he shall have become of

1 legal age and is otherwise qualified and shall file an application to
2 vote with the clerk at least 2 days prior thereto.

3 **b.】² For an election held at the time of the general election ²or
4 at a time other than at the time of the general election² , the voter
5 registration procedures set forth in R.S.19:31-1 et seq. shall apply.
6 (cf: P.L.1973, c.25, s.2)**

7

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

9 40A:14-75. **【The】** For an election held at a time other than at
10 the time of the general election, the superintendent of elections of
11 any county having a superintendent of elections or the county board
12 of elections of any county not having a superintendent of elections,
13 may upon application of the board of commissioners of any fire
14 district, loan or rent to said board, one or more voting machines
15 owned by the county, for a period of time which does not conflict
16 with any State, county, municipal or school district election, for the
17 purpose of conducting a fire district election as required by law.
18 The loan or rental of a voting machine or machines for this purpose
19 shall be upon such terms and conditions as may be determined by
20 the board of chosen freeholders of the county.

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

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

25

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

27 40A:14-76. **【Upon】** For an election held at a time other than at
28 the time of the general election, upon petition of 25 or more voters,
29 filed with the clerk of the board at least 20 days prior to the date of
30 any election, after the first election, the board of fire
31 commissioners, by resolution, may divide the fire district into 2 or
32 more polling places.

33 The polls for any election held at a time other than at the time of
34 the general election shall be opened between the hours of 2:00 and
35 9:00 P.M., but the board may designate a later closing hour on the
36 same day. The board shall furnish the necessary books for the
37 entries of the names and addresses of the voters in such election.

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

39

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

41 40A:14-77. **【Before】** For an election held at a time other than at
42 the time of the general election, before the opening of the polls, a
43 public proclamation shall be made by the chairman of the board or
44 the clerk or his or their representative as to the purpose of the
45 voting. Two tellers for each polling place shall be appointed by the
46 chairman or clerk and thereupon the polls shall be opened and the
47 balloting shall continue without recess until the closing of the polls.

1 Immediately after the close of the polls the clerk and tellers shall
2 forthwith canvass the vote and certify the results. The clerk shall
3 publicly announce the results.

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

5

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

7 40A:14-78. a. Any appropriation or other matter to be voted
8 upon at **such** an election held at a time other than at the time of
9 the general election shall be in the form of a question, placed upon
10 the ballot immediately following the names of the candidates for
11 members of the board of fire commissioners, in substantially the
12 following form:

13 YES. (Question to be voted on)

14 NO.

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

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

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

23

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

26 6. **No** ²For an election held at a time other than at the time
27 of the general election, no **No**² fire district budget shall be adopted
28 until a public hearing has been held thereon and taxpayers of the
29 district and all persons having an interest therein shall have been
30 given an opportunity to present objections. **Such** ²For an
31 election held at the time of the general election, no fire district
32 budget that exceeds the property tax levy cap established pursuant
33 to section 10 of P.L.2007, c.62 (C.40A:4-45.45) shall be adopted
34 until a public hearing has been held thereon and taxpayers of the
35 district and all persons having an interest therein shall have been
36 given an opportunity to present objections.²

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

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

42 **The** ²If a hearing is required, the **The**² budget shall be read
43 at the public hearing in full, or it may be read by its title, if:

44 a. At least 1 week prior to the date of the hearing, a complete
45 copy of the approved budget shall have been posted in such public
46 place as notices are usually posted in the district, and is made

1 available to each person requesting a copy during said week and
2 during the public hearing; and,

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

7 After closing the hearing, the fire commissioners may, by a vote
8 of not less than a majority of the full membership, adopt the budget
9 by title without amendments, or may approve amendments as
10 provided in section 7~~].~~ of ~~this act~~ P.L.1979, c.453 (C.40A:14-
11 78.3).

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

13

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

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

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

21 a. Add a new item of operating appropriations in an amount in
22 excess of 1% of the total amount of operating appropriations as
23 stated in the approved budget; or,

24 b. Increase or decrease any item of operating appropriations by
25 more than 10% ~~]; or,]~~ .

26 c. ~~Increase the amount to be raised by taxes by more than~~
27 ~~5%.] (Deleted by amendment, P.L. , c.) (pending before the~~
28 Legislature as this bill)

29 Notice of hearing on any amendment shall be advertised at least
30 3 days before the date set therefor. Such amendment shall be read
31 in full at such hearing and before adoption.

32 (cf: P.L.1979, c.453, s.7)]²

33

34 ²[20.] 19.² Section 9 of P.L.1979, c.453 (C.40A:14-78.5) is
35 amended to read as follows:

36 9. a. If at ²[the annual] an² election held ²on the third
37 Saturday in February² pursuant to N.J.S.40A:14-72 the question of
38 ~~finally adopting the budget] either (1) ²pursuant to subsection e.~~
39 of N.J.S.40A:14-72,² determining the amount of money to be raised
40 for the ensuing year ²[under subsection e. of N.J.S.40A:14-72; or
41 (2) exceeding the property tax levy cap, established pursuant to
42 section 10 of P.L.2007, c.62 (C.40A:4-45.45), under subsection f. of
43 N.J.S.40A:14-72] and , if applicable, whether to exceed the
44 property tax levy cap, established pursuant to section 10 of
45 P.L.2007, c.62 (C.40A:4-45.45); or (2) pursuant to subsection f. of
46 N.J.S.40A:14-72, whether to exceed the property tax levy cap,

1 established pursuant to section 10 of P.L.2007, c.62 (C.40A:4-
 2 45.45),² is voted affirmatively upon by a majority of the legal
 3 voters voting in the election, the budget shall be considered finally
 4 adopted, and the board of fire commissioners shall certify the
 5 amount to be raised by taxation to support the district budget to the
 6 assessor of the municipality, pursuant to N.J.S.40A:14-79.

7 b. If at ²[the annual] an² election ² held on the third Saturday
 8 in February² the question of [finally adopting the budget] either (1)
 9 ²pursuant to subsection e. of N.J.S.40A:14-72,² determining the
 10 amount of money to be raised for the ensuing year ²[under
 11 subsection e. of N.J.S.40A:14-72; or (2) exceeding the property tax
 12 levy cap, established pursuant to section 10 of P.L.2007, c.62
 13 (C.40A:4-45.45), under subsection f. of N.J.S.40A:14-72] and, if
 14 applicable, the question of whether to exceed the property tax levy
 15 cap established pursuant to section 10 of P.L.2007, c.62 (C.40A:4-
 16 45.45); or (2) pursuant to subsection f. of N.J.S.40A:14-72, whether
 17 to exceed the property tax levy cap, established pursuant to section
 18 10 of P.L.2007, c.62 (C.40A:4-45.45),² is voted negatively upon by
 19 a majority of the legal voters voting in the election, the governing
 20 body of the municipality in which the fire district is located shall,
 21 by resolution of a majority of its full membership, within 30 days
 22 after the annual election and after a public hearing for which the
 23 legal voters of the fire district shall be given 5 days' advertised
 24 notice, and at which any interested person shall be heard, fix an
 25 annual budget for the fire district. The amount of each
 26 appropriation section of the budget so fixed shall not exceed the
 27 amount for each as previously voted upon at the annual election,
 28 except the appropriation for debt service which shall be included in
 29 the amount that is required to be paid. The governing body shall
 30 certify the amount to be raised by taxation to support the district
 31 budget as set forth in the final budget, to the assessor of the
 32 municipality, pursuant to N.J.S.40A:14-79.

33 c. Following the final approval of a budget by the board of fire
 34 commissioners or the voters, as applicable, the Director of the
 35 Division of Local Government Services in the Department of
 36 Community Affairs may approve a budget amendment to provide
 37 for the anticipation of revenue from a public or private funding
 38 source which was not known at the time the budget was approved,
 39 and the appropriation thereof, provided the amount of the
 40 appropriation does not exceed the amount of the revenue received.
 41 (cf: P.L.2011, c.153, s.1)

42
 43 ²[21.] 20.² N.J.S.40A:14-84 is amended to read as follows:

44 40A:14-84. a. ¹[The]¹ [legal voters] ¹[board of fire
 45 commissioners of a fire district] For a fire district that holds its
 46 annual election at a time other than at the time of the general

1 election, the legal voters¹, at ¹【the annual】 a regular¹ meeting or at
 2 a special meeting called by the commissioners of the fire district,
 3 may ¹【, by resolution adopted by a】¹ vote 【to】 ¹【of not less than
 4 2/3 of the full membership thereof,】 to¹ raise money for a
 5 firehouse, ¹fire engines,¹ apparatus , ¹【and】 or other¹ appliances
 6 ¹【in connection therewith for fire extinguishing purposes】 for the
 7 extinguishment of fires and acquire lands or buildings or erect
 8 buildings for the housing of such equipment, or other buildings,
 9 including but not limited to, administrative, communications, or
 10 training buildings, or buildings for the maintenance of fire
 11 apparatus¹ , in an amount not exceeding 5 mills on the dollar of the
 12 last assessed valuation of the property in the fire district. The
 13 amount so 【voted for】 ¹【adopted】 voted for¹ shall be included in
 14 the next succeeding annual budget of the fire district under the
 15 section for capital appropriations. ¹Voting shall be open between
 16 the hours of 6:00 P.M. to 9:00 P.M., but the board may designate a
 17 later closing hour on the same day ², and the board shall take any
 18 necessary action to ensure the secrecy and privacy of the casting of
 19 votes^{2, 1}.

20 【Any such special meeting shall be called on 10 days' notice by
 21 the board of fire commissioners, to be posted in five public places
 22 in the district, setting forth the time, place and object of the meeting
 23 and the legal voters shall determine the amount of money to be
 24 raised.】 ¹Any such special meeting shall be called on 10 days'
 25 notice by the board of fire commissioners, to be posted in five
 26 public places in the district, setting forth the time, place and object
 27 of the meeting and the legal voters shall determine the amount of
 28 money to be raised.¹

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

41 (2) (a)¹ Prior to such meeting, the resolution, or a summary
 42 thereof, shall be published together with notice of the time and
 43 place of the meeting, the opportunity of the public to be heard at the
 44 meeting, and the availability of copies of the resolution to the
 45 members of the general public of the fire district from the date
 46 following such publication up to and including the date of the

1 meeting. If a summary is published, the summary shall contain a
2 clear and concise statement prepared by the clerk of the board of
3 fire commissioners setting forth the purpose of the resolution and
4 the amount to be raised by the additional levy being authorized.

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

12 ¹~~[(3)]~~ (c)¹ If the resolution is to be adopted at a special meeting,
13 the clerk shall, at least 21 days prior to the date of the meeting, post
14 the information required to be published pursuant to this subsection
15 in five public places in the fire district, and shall advertise this
16 information in a newspaper, published in the fire district, if any,
17 otherwise in a newspaper circulating in the district. The clerk shall,
18 not more than 20 days and at least 10 days prior to the date of the
19 meeting, again advertise this information in that newspaper.

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

23 ¹~~[(2)]~~ (b)¹ Copies of a resolution shall be made available to the
24 members of the general public of the fire district who shall request
25 such copies from the date following publication of the resolution up
26 to and including the date of the meeting.

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

28

29 ²~~[22.]~~ 21.² N.J.S.40A:14-85 is amended to read as follows:

30 40A:14-85. The board of commissioners of a fire district may
31 purchase ¹a firehouse,¹ fire engines, apparatus ^{1,}¹ or other
32 appliances for the extinguishment of fires and acquire lands or
33 buildings or erect buildings for the housing of such equipment, ¹or
34 other buildings, including but not limited to, administrative,
35 communications, or training buildings, or buildings for the
36 maintenance of fire apparatus,¹ at a cost not exceeding \$60,000.00
37 or 2% of the assessed valuation of the taxable property in the
38 district, whichever amount is larger ~~], the~~ **].** ~~The money~~ **[to]** ~~may~~
39 be raised by a bond issue, or through the creation of any other debt
40 or liability, including, but not limited to, through a lease-purchase
41 agreement. Any such bond issue, debt, or liability shall be
42 authorized by a resolution of the commissioners specifying the
43 amount and the purpose thereof. The resolution shall be inoperative
44 unless and until it shall have been submitted to and approved by the
45 legal voters within said fire district at the annual election held for

1 the election of commissioners and appropriation of money for fire
2 extinguishing purposes, or at a special election for such purpose.

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

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

16

17 ²[23.] 22.² (New section) a. Except as provided in subsection
18 b. of this section, the board of fire commissioners of a fire district
19 may by resolution move the time of the annual election for the fire
20 district to the time of the general election on the first Tuesday after
21 the first Monday in November. If the time of the annual election
22 for a fire district is moved to the time of the general election, the
23 fire district election shall be held for the purposes of electing
24 members of the board of fire commissioners and for voting on any
25 appropriation or other matter according to the provisions of
26 N.J.S.40A:14-70 et seq. The procedures for holding a fire district
27 election at the time of the general election shall be in accordance
28 with the procedures provided for the general election under Title 19
29 of the Revised Statues, except as otherwise provided pursuant to
30 N.J.S.40A:14-70 et seq.

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

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

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

45 (a) If the county board of election determines that an annual
46 election may be conducted pursuant to paragraph (1) of this
47 subsection, the board shall transmit a certification to the board of

1 fire commissioners and the governing body of the municipality
2 within which the district is located.

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

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

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

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

1 time a resident of the district shall be elected for the unexpired
2 term.

3
4 ²**[24.] 23.**² The Department of Community Affairs, in
5 consultation with the Division of Elections in the Department of
6 State, as appropriate, shall adopt rules and regulations pursuant to
7 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
8 et seq.), to effectuate the purposes of this act, P.L. , c. (C.)
9 (pending before the Legislature as this bill).

10

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

13 8. The fire district budget shall be adopted, by a vote of a
14 majority of the full membership of the fire commissioners, not later
15 than 25 days prior to the **[annual election]** third Saturday in
16 February. The adopted budget shall be advertised after adoption.
17 The advertisement shall contain a copy of the budget and shall be
18 published at least once in a newspaper circulating in the fire district
19 at least 7 days prior to the **[annual election]** third Saturday in
20 February.²

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

22

23 25. This act shall take effect on ²**[the first day of the year next**
24 **following the date of enactment]** January 1, 2019.²

25

26

27

28

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

ASSEMBLY, No. 1690

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman TROY SINGLETON

District 7 (Burlington)

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman R. BRUCE LAND

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Co-Sponsored by:

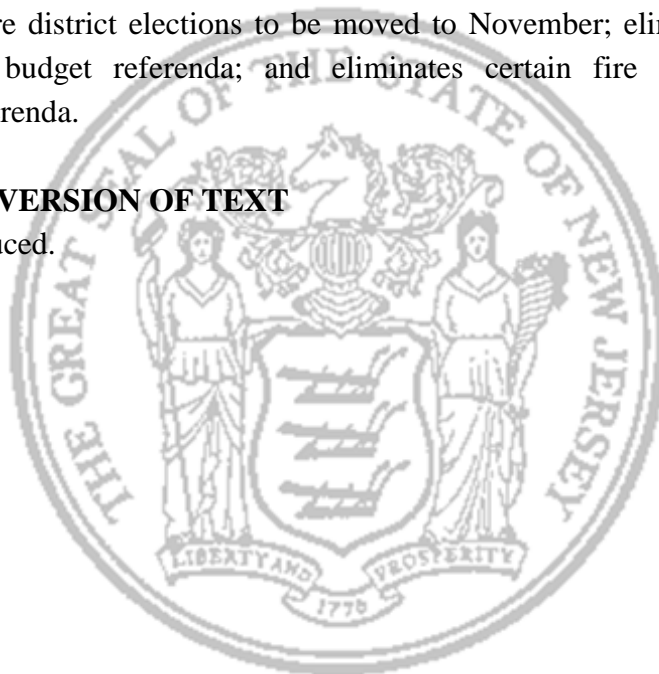
Assemblymen Eustace, McGuckin and Wolfe

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: 12/16/2016)

A1690 DANCER, SINGLETON

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

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

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7

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

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

5 (2) To mark a cross x, plus +, check ✓ or when writing a
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

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

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

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

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

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

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

33

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

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

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

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

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

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

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

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

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

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

23 19:14-16. The words to be printed on the perforated coupon
24 shall be printed in twelve-point bold-faced capital letters and the
25 figures in eighteen and twenty-two-point bold-faced type. At the
26 head of the ballot the words "Official General Election Ballot" shall
27 be printed in at least thirty-point bold-faced capital letters. The
28 name of municipality, ward, school district, fire district, election
29 district, and date, as appropriate, shall be printed in twelve-point
30 bold-faced capital letters. For a fire district election, the number of
31 the fire district shall also be printed in twelve-point bold-faced
32 capital letters. The words "Instructions to the voter" shall be
33 printed in twelve-point bold-faced capitals and small letters, while
34 the instructions embraced within the brackets shall be printed in
35 eight-point bold-faced capital and small letters. The column
36 designations shall be printed in eighteen-point bold-faced capital
37 letters and the accompanying instructions shall be printed in eight-
38 point capitals and small letters. The titles of office and
39 accompanying instructions shall be printed in ten-point bold-faced
40 capital and small letters. When there is no nomination made at the
41 primary for an office, the title shall be printed in the space where
42 such title should appear, and the words "No Nomination Made" in
43 type large enough to fill the entire space or spaces shall be printed
44 therein. The names of all candidates shall be printed in ten-point
45 capital letters. The designations following the candidates' names in
46 the nomination by petition column or columns shall be printed in
47 ten-point capitals and small letters, except that where they overrun
48 the space within the column the designations may be abbreviated,

1 and all spaces between the two-point hair line rules not occupied by
2 the titles of office and names of candidates shall be printed in with
3 scroll or filling to guide the voter against wrongly marking the
4 ballot. On the foot of the ballot the words "Public Questions to be
5 Voted Upon" shall be printed in eighteen-point bold-faced capital
6 letters. The accompanying instructions shall be printed in eight-
7 point capital and small letters. The public questions to be voted
8 upon shall be printed in ten-point capital and small letters, and the
9 words "Yes" and "No" shall be printed in twelve-point bold-faced
10 capital letters.

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

12

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

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

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

28

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

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

47 b. The district or each district shall be assigned a number and
48 the commissioners thereof and their successors shall be a body

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

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

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

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

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

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

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

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

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

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

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

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

27
28 9. N.J.S.40A:14-71 is amended to read as follows:

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

45 Any form of a petition of nomination which is provided to
46 candidates by the Secretary of State, the county clerk, or the
47 municipal clerk shall contain the following notice: "Notice: All
48 candidates are required by law to comply with the provisions of

1 'The New Jersey Campaign Contributions and Expenditures
2 Reporting Act,' P.L.1973, c.83 (C.19:44A-1 et seq.). For further
3 information please call (insert telephone number of the Election
4 Law Enforcement Commission)."

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

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

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

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

19

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

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

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

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

47 d. Fire districts located in the same municipality may combine
48 the publication of their notices of election. For the purpose of this

1 section, "notices of election" shall include the notices required to be
2 published under section **【7 of P.L.1953, c.211 (C.19:57-7)】** 6 of
3 P.L.2009, c.79 (C.19:63-6).

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

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

10

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

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

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

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

35 The ballot shall be substantially as follows:

36 No.....
37 To be torn off by the Judge of Election.
38 Fold to this line.

39

40 FIRE DISTRICT ELECTION BALLOT

41 Fire District No. 1

42 Township of Webster, Warren County

43 Date.....

44 Polling District No. 1 John Henry Doe,

45 Unexcelled Fire House. Clerk.

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

A1690 DANCER, SINGLETON

15

- 1 For membership to Board of Fire Commissioners--
2 Full Term. Vote for Two.
3 [] Rutherford B. Fallon.
4 [] William F. Seibel.
5 [] James A. Stephens.
6 [] Thomas Templeton.
7 []
8 []
9 For membership to Board of Fire Commissioners--
10 Unexpired One-Year Term. Vote for One.
11 [] Francis R. Loori.
12 [] Arthur H. Patterson.
13 []

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

17 b. For an election held at the time of the general election, the
18 ballot shall be prepared in accordance with the provisions of Title
19 19 of the Revised Statutes.
20 (cf: P.L.1994, c.77, s.20)

21
22 12. N.J.S.40A:14-74 is amended to read as follows:
23 40A:14-74. **【The】** a. For an election held at a time other than at
24 the time of the general election, the municipal clerk or the clerk of
25 the board of fire commissioners, as the case may be, shall cause a
26 further notice of the holding of such election to be published at least
27 once not later than 1 week prior thereto in a newspaper circulating
28 in said fire district.

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

37 b. For an election held at the time of the general election, the
38 voter registration procedures set forth in R.S.19:31-1 et seq. shall
39 apply.
40 (cf: P.L.1973, c.25, s.2)

41
42 13. N.J.S.40A:14-75 is amended to read as follows:
43 40A:14-75. **【The】** For an election held at a time other than at
44 the time of the general election, the superintendent of elections of
45 any county having a superintendent of elections or the county board
46 of elections of any county not having a superintendent of elections,
47 may upon application of the board of commissioners of any fire
48 district, loan or rent to said board, one or more voting machines

1 owned by the county, for a period of time which does not conflict
2 with any State, county, municipal or school district election, for the
3 purpose of conducting a fire district election as required by law.
4 The loan or rental of a voting machine or machines for this purpose
5 shall be upon such terms and conditions as may be determined by
6 the board of chosen freeholders of the county.

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

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

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

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

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

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

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

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

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

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

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

46 YES. (Question to be voted on)

47 NO.

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:

- 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 be
47 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 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 Statutes. 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 Statutes. 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 Statutes.

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.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1690

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2016

The Assembly Judiciary Committee reports favorably Assembly Bill No. 1690.

This bill would establish procedures for moving the date of a fire district's annual election to the day of the general election in November. Under the bill, the date of the annual fire district election may be moved to November upon the adoption of a resolution by the board of fire commissioners of a fire district. Under current law, annual fire district elections are held on the third Saturday in February. Permitting annual fire district elections to be held at the time of the general election would help increase voter participation in fire district elections.

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

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

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

The bill would also eliminate currently required voter referenda for certain capital purchases, which are funded by increased property tax levies permitted under the two percent property tax

levy cap law. The board of commissioners of a fire district would be able to raise the funds for these purchases by a resolution adopted by at least a 2/3 majority vote. The resolution would have to be advertised and subject to a public hearing, similar to a process followed by municipalities and counties for certain capital expenditures.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1690

STATE OF NEW JERSEY

DATED: JANUARY 30, 2017

The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 1690.

This Assembly Committee Substitute establishes procedures for moving the date of a fire district's annual election to the day of the general election in November. Under the substitute, the date of the annual fire district election may be moved to November upon the adoption of a resolution by the board of fire commissioners of a fire district. Under current law, annual fire district elections are held on the third Saturday in February.

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

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

The substitute eliminates voter referenda required under current law for fire district budgets, except for proposals to raise revenue above the statutory two percent property tax levy cap, for fire districts that move the annual election to the time of the general election.

The substitute also eliminates currently required voter referenda for certain capital purchases, which are funded by increased property tax levies permitted under the two percent property tax levy cap law.

The board of commissioners of a fire district would be able to raise the funds for these purchases by a resolution adopted by at least a 2/3 majority vote. The resolution would have to be advertised and subject to a public hearing, similar to a process followed by municipalities and counties for certain capital expenditures. The substitute also explicitly requires voter approval for certain capital expenditures made through any mechanism of financing, including through lease-purchase agreements.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that the substitute will have an indeterminate impact on fire district finances. According to the 2016 Abstracts of Ratables, there are 183 fire districts in New Jersey.

Moving the date of the fire district election from February to November may result in a reduction in expenditures and it is likely these costs will be absorbed into the cost of the general election. Counties may incur additional costs associated with the redrawing of election district boundaries and the production of election district maps.

The OLS cannot predict how the elimination of voter referenda for the approval of fire district budgets and certain fire district capital purchases will affect local finances. Allowing fire districts, with voter approval, to make certain capital purchases, without issuing bonds, will allow for savings on debt issuance costs.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 1690 (ACS)**

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 1, 2017

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 1690 (ACS), with committee amendments.

As amended, this bill would establish procedures for moving the date of a fire district's annual election to the day of the general election in November. Under the bill, the date of the annual fire district election may be moved to November upon the adoption of a resolution by the board of fire commissioners of a fire district. Under current law, annual fire district elections are held on the third Saturday in February.

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

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

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

The bill would also eliminate currently required voter referenda for certain capital purchases, which are funded by increased property tax levies permitted under the two percent property tax levy cap law. The board of commissioners of a fire district would be able to raise the funds for these purchases by a resolution adopted by at least a 2/3 majority vote. The resolution would have to be advertised and subject to a public hearing, similar to a process followed by municipalities and counties for certain capital expenditures. The bill also explicitly requires voter approval for certain capital expenditures made through any mechanism of financing, including through lease-purchase agreements.

As amended and reported, this bill is identical to the Senate Committee Substitute for Senate Bill Nos. 660 (SCS) and 2002, as also reported by the committee.

COMMITTEE AMENDMENTS:

The amendments allow the boards of fire commissioners of only those fire districts holding annual elections at the time of the general election to vote on capital purchases under the two percent property tax levy cap law.

FISCAL IMPACT:

The Office of Legislative Services (OLS) expects the bill would have an indeterminate impact on local finances. Moving fire district elections from February to November would result in an indeterminate decrease in fire district expenditures. There are no readily available data on the cost of fire district elections because these costs are not specifically identified in annual budgets submitted by fire districts to the Division of Local Government Services. Many, if not all, of the costs of holding a fire district election in February would be absorbed into the cost of holding the general election in November.

Some fire districts have election district boundaries that are not coterminous with the boundaries of election districts used of regular general elections. The bill requires the county board of elections to ensure that election districts are appropriately apportioned to enable an annual fire district to be held as part of the general election. A county may incur new costs associated with the redrawing of election district boundaries and the production of new election district maps. The bill allows a fire district to revise or readjust the boundary lines of a fire district to make its boundaries coterminous with other election district boundaries. The alteration of fire district boundary lines may result in the shift of property tax ratables between fire districts. Accordingly, a fire district may be required to increase property rates to adjust for ratable losses.

The OLS has no basis for evaluating how the elimination of voter referenda for the approval of fire district budgets and certain fire district capital purchases will affect local finances. Fire districts are

currently subject to the two percent property tax levy cap. Fire district budgetary decisions that determine annual changes in the fire district property tax levy are affected by multiple factors, such as the provision of labor contracts, costs of goods and services, levels of local non-property tax revenues, and debt service requirements. Although the bill allows a board of fire commissioners to approve an increase in the property tax levy for capital purchases in addition to fire extinguishing purposes the limit on the additional amount to be levied, 5 mills on the dollar of the last assessed valuation of property in the fire district, remains unchanged. Information published in the 2016 Abstracts of Ratables indicates there are 186 fire districts in New Jersey with a total property tax levy of approximately \$247 million.

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR

[First Reprint]
ASSEMBLY, No. 1690

with Senate Floor Amendments
(Proposed by Senator BEACH)

ADOPTED: JUNE 22, 2017

These floor amendments: (1) modify the date of a fire district election for the budget; (2) align registration procedures for fire district elections with Title 19 of the Revised Statutes; (3) remove section 19 of the bill, which eliminated the requirement that a public hearing be held when an amendment to a fire district budget increases the amount to be raised by taxes by more than five percent; (4) require the board of fire commissioners take any necessary action to ensure the secrecy and privacy of the casting of votes in fire district elections being held at a time other than at the time of the general election; (5) require any proposed consolidation or subdivision of a fire district to be approved by the Local Finance Board pursuant to applicable law; (6) require a fire district that has adjusted its boundaries to notify the Director of Local Government Services in the Department of Community Affairs; (7) clarify that a municipal ordinance must be adopted before fire district boundaries are adjusted; and (8) clarify certain wording and make technical changes.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 1690
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: JANUARY 27, 2017

SUMMARY

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

Type of Impact: Indeterminate impact on local finances.

Agencies Affected: Counties and fire districts

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Local Finances	Indeterminate Fiscal Impact – See comments below		

- The Office of Legislative Services (OLS) concludes that the enactment of Assembly Bill No. 1690 will have an indeterminate impact on fire district finances. According to the 2016 Abstracts of Ratables, there are 183 fire districts in New Jersey.
- Moving the date of the fire district election from February to November may result in a reduction in expenditures and it is likely these costs will be absorbed into the cost of the general election. Counties may incur additional costs associated with the redrawing of election district boundaries and the production of election district maps.
- The OLS cannot predict how the elimination of voter referenda for the approval of fire district budgets and certain fire district capital purchases will affect local finances. Allowing fire districts, with voter approval, to make certain capital purchases, without issuing bonds, will allow for savings on debt issuance costs.

BILL DESCRIPTION

Assembly Bill No. 1690 of 2016 establishes procedures for moving the date of a fire district’s annual election from the third Saturday in February (the date required under current law) to the day of the general election in November. Under the bill, the date of the annual fire district election may be moved to November upon the adoption of a resolution by the board of fire commissioners of a fire district. The bill requires an annual fire district election held in

November to be conducted in accordance with the procedures provided for the general election in Title 19 of the Revised Statutes. In addition, candidates for members of a board of fire commissioners to be voted for at such elections would be nominated through the direct nomination by petition process set forth in Title 19 of the Revised Statutes.

If a fire district's annual election is moved to November, the terms of the fire commissioners then in office would be extended until the first Tuesday in December of the years in which their terms would expire, and the new fire commissioners would take office at that time. Before a fire district election may be moved to November, the county board of election in each county within which a fire district is located would have to ensure that election districts are appropriately apportioned to enable the annual fire district election to be held as part of the general election. If the election for the first board of fire commissioners is held at the time of the general election, subsequent general elections for the fire district would also be conducted at the time of the general election, and in accordance with the procedures provided for the general election in Title 19 of the Revised Statutes.

The bill eliminates voter referenda required under current law for the approval of fire district budgets, except for proposals to raise revenue above the statutory two percent property tax levy cap. The bill also eliminates voter referenda currently required for certain capital purchases funded through increases in the property tax levy and permitted under the two percent property tax levy cap law. The bill allows a board of fire commissioners to adopt a resolution, by not less than a two-thirds majority vote, authorizing funds to be raised for these capital purchases. The resolution would have to be advertised and subject to a public hearing, similar to the process followed by municipalities and counties for certain capital expenditures.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the enactment of Assembly Bill No. 1690 would have an indeterminate impact on local finances. Moving fire district elections would result in an indeterminate decrease in local expenditures. There are no readily available data on the cost of fire district elections because these costs are not specifically identified on annual budgets submitted by fire districts submitted to the Division of Local Government Services. The Division of Elections in the Department of State has informally indicated that fire district elections are not very expensive. Under current law, fire district elections are managed by each district's board of fire commissioners. Fire districts are not required to use sample ballots and voting machines, or print poll books (the book a voter signs before they step into the voting booth). The most significant election cost incurred by fire districts is for the printing of mail-in ballots, but these ballots are provided only when requested by individual voters. A board of fire commissioners may choose to use voting machines by renting from the county board of elections, but these costs vary from county to county. The Division of Elections noted that many, if not all, of the costs of holding a fire district election in February would be absorbed into the cost of holding the general election in November.

The OLS notes that some fire districts have election district boundaries that are not coterminous with the boundaries of election districts used for regular general elections. The bill

requires the county board of election to ensure that election districts are appropriately apportioned to enable an annual fire district election to be held as part of the general election. Accordingly, a county may incur new costs associated with the redrawing of election district boundaries and the production of new election district maps. It is unclear whether a county board of election may charge a fire district for these services.

The OLS cannot predict how the elimination of voter referenda for the approval of fire district budgets and certain fire district capital purchases will affect local finances. Fire districts are currently subject to the two percent property tax levy cap established by P.L.2007, c.63. The OLS notes that fire district budgetary decisions that determine annual changes in the fire district property tax levy are affected by multiple factors, such as the provisions of labor contracts, costs of goods and services, levels of local non-property tax revenues, and debt service requirements. Although the bill allows a board of fire commissioners to approve an increase in the property tax levy for certain capital purchases for fire extinguishing purposes, the limit on the additional amount to be levied, 5 mills on the dollar of the last assessed valuation of property in the fire district, remains unchanged. Information published in the 2016 Abstracts of Ratables indicates that there are 183 fire districts in New Jersey with a total property tax levy of approximately \$240 million.

Section: Local Government

*Analyst: Scott A. Brodsky
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1690
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: FEBRUARY 21, 2017

SUMMARY

- Synopsis:** Allows fire district elections to be moved to November; eliminates certain fire district budget referenda; and eliminates certain fire district capital purchase referenda.
- Type of Impact:** Indeterminate impact on local finances.
- Agencies Affected:** Counties and fire districts

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Local Revenue	Indeterminate Fiscal Impact – See comments below		

- The Office of Legislative Services (OLS) concludes that the enactment of the Assembly Committee Substitute for Assembly Bill No. 1690 will have an indeterminate impact on fire district finances. According to the 2016 Abstracts of Ratables, there are 186 fire districts in New Jersey.
- Moving the date of the fire district election from February to November may result in a reduction in expenditures and it is likely these costs will be absorbed into the cost of the general election. Counties may incur additional costs associated with the redrawing of election district boundaries and the production of election maps.
- The OLS cannot predict how the elimination of voter referenda for the approval of fire district budgets and certain fire district capital purchases will affect local finances. Allowing fire districts, with voter approval, to make certain capital purchases, without issuing bonds, will allow for savings on debt issuance costs.

BILL DESCRIPTION

The Assembly Committee Substitute for Assembly Bill No. 1690 of 2016 establishes procedures for moving the date of a fire district’s annual election to the date of the general election in November. Under the substitute, the date of the annual fire district election may be

moved to November upon the adoption of a resolution by the board of fire commissioners of a fire district. Under current law, annual fire district elections are held on the third Saturday in February. An annual fire district election held in November would be conducted in accordance with Title 19 of the Revised Statutes.

If the fire district's annual election is moved to November, the terms of the fire commissioners then in office would be extended until the first Tuesday in December of the years in which their terms expire, and the new fire commissioners would take office at that time. Before a fire district election may be moved to November, the county board of election in each county within which a fire district is located would have to ensure that election districts are appropriately apportioned to enable annual fire district elections to be held as part of the general election. If the election for the first board of fire commissioners is held at the time of the general election, subsequent annual elections for the fire district would also be conducted at the time of the general election, and in accordance with the procedures for the general election in Title 19 of the Revised Statutes.

The substitute eliminates voter referenda required under current law for fire district budgets, except for proposals to raise revenue above the statutory two percent property tax levy cap, for fire districts that move the annual election to the time of general election. The substitute also eliminates currently required voter referenda for certain capita purchases, which are funded by increased property tax levies permitted under the two percent property tax levy cap law. The substitute allows the board of fire commissioners to raise funds for these purchases by a resolution adopted by at least a 2/3 majority vote. The resolution would have to be advertised and be subject to a public hearing, similar to a process followed by municipalities and counties for certain capital expenditures. The substitute also explicitly requires voter approval for certain capital expenditures made through any mechanism of financing, including through lease-purchase agreements.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the enactment of the Assembly Committee Substitute for Assembly Bill No. 1690 would have an indeterminate impact on local finances. Moving fire district elections would result in an indeterminate decrease in local expenditures. There are no readily available data on the cost of fire district elections because these costs are not specifically identified on annual budgets submitted by fire districts to the Division of Local Government Services. The Division of Elections in the Department of State has informally indicated that fire district elections are not very expensive. Under current law, fire district elections are managed by each district's board of fire commissioners. Fire districts are not required to use sample ballots and voting machines, or print poll books (the book a voter signs before they step into the voting booth). The most significant election cost incurred by fire districts is for the printing of mail-in ballots, but these ballots are provided only when requested by individual voters. A board of fire commissioners may choose to use voting machines by renting from the county board of elections, but these costs vary from county to county. The Division of Elections noted that

many, if not all, of the costs of holding a fire district election in February would be absorbed into the cost of holding the general election in November.

The OLS notes that some fire districts have election district boundaries that are not coterminous with the boundaries of election districts used for regular general elections. The substitute requires the county board of election to ensure that election districts are appropriately apportioned to enable an annual fire district election to be held as part of the general election. Accordingly, a county may incur new costs associated with the redrawing of election district boundaries and the production of new election district maps. It is unclear whether a county board of election may charge a fire district for these services.

The OLS cannot predict how the elimination of voter referenda for the approval of fire district budgets and certain fire district capital purchases will affect local finances. Fire districts are currently subject to the two percent property tax levy cap established by P.L.2007, c.63. The OLS notes that fire district budgetary decisions that determine annual changes in the fire district property tax levy are affected by multiple factors, such as the provisions of labor contracts, costs of goods and services, levels of local non-property tax revenues, and debt service requirements. Although the substitute allows a board of fire commissioners to approve an increase in the property tax levy for certain capital purchases for fire extinguishing purposes, the limit on the additional amount to be levied, 5 mills on the dollar of the last assessed valuation of property in the fire district, remains unchanged. Information published in the 2016 Abstracts of Ratables indicates that there are 186 fire districts in New Jersey with a total property tax levy of approximately \$247 million.

Section: Local Government

*Analyst: Scott A. Brodsky
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE
 [Second Reprint]
 ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1690
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: JULY 13, 2017

SUMMARY

- Synopsis:** Allows fire district elections to be moved to November; eliminates certain fire district budget referenda; and eliminates certain fire district capital purchase referenda.
- Type of Impact:** Indeterminate annual impact on local finances.
- Agencies Affected:** Counties, municipalities, and fire districts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Local Finances	Indeterminate Impact – See comments below		

- The Office of Legislative Services (OLS) concludes that the enactment of this bill will have an indeterminate annual impact on fire district finances. According to the 2016 Abstracts of Ratables, there are 186 fire districts in New Jersey.
- Moving the date of the fire district election from February to November may result in a reduction in fire district expenditures for elections and it is likely election costs will be absorbed into the cost of a general election. Counties may incur additional costs associated with the redrawing of any election boundaries and the production of election district maps.
- The OLS has no basis for evaluating whether the elimination of voter referenda for the approval of budgets and certain capital purchases for fire districts that opt to move their elections to November, will affect local finances.
- Allowing all fire districts to make certain capital purchases with voter approval without issuing bonds will allow for savings on debt issuance costs.



BILL DESCRIPTION

The Second Reprint of the Assembly Committee Substitute for Assembly Bill No. 1690 of 2016 allows a fire district's board of fire commissioners to move the date of the fire district's annual election from the third Saturday in February to the date of the general election. Any such decision would be permanent. November fire district elections would be conducted in accordance with general election procedures established in Title 19 of the Revised Statutes.

Before a fire district election may be moved to November, however, the county board of elections in each county within which a fire district is located would have to ensure that election districts are appropriately apportioned to enable fire district elections to be held as part of the general election. However, the municipality would have to adopt an ordinance authorizing the board of fire commissioners to revise the boundaries of a fire district. The consolidation or subdivision of a fire district would have to be authorized by either the Division of Local Government Services in the Department of Community Affairs or the Local Finance Board, as applicable.

A fire district that moves its election to November would no longer be required to conduct a referendum for the adoption of its annual budget. A referendum would only be required if a proposed budget increases the amount to be raised by taxation above the statutory two-percent property tax levy cap. The referendum would then be held on the third Saturday in February of the budget year in which the levy increase would be applicable.

For a fire district that moves its election to November the bill also eliminates currently required voter referenda for certain capital purchases which are funded by increased property tax levies permitted under the two-percent property tax levy cap law. Instead, the board of fire commissioners may raise funds for these purchases by a resolution adopted by at least a 2/3 majority vote. The resolution would have to be advertised and subject to a public hearing, similar to a process followed by municipalities and counties for certain capital expenditures.

For all fire districts the bill also broadens the scope of financing instruments that may be used to pay for certain capital expenditures from bonds to any mechanism of financing, including lease-purchase agreements. As with the issuance of bonds under current law, any debt or liability, irrespective of the mechanism of financing used, would be subject to voter approval.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the enactment of this bill would have an indeterminate annual impact on local finances. Moving fire district elections from February to November would result in an indeterminate decrease in fire district election expenditures. There are no readily available data on the cost of fire district elections because these costs are not specifically identified in annual budgets submitted by fire districts to the Division of Local Government Services in the Department of Community Affairs. Under current law, fire districts are managed by each district's board of fire commissioners. Fire districts are not required to use sample ballots and

voting machines, or print poll books (the books voters sign before they step into the voting booth). The most significant election cost incurred by fire districts is for the printing of mail-in ballots, but these ballots are provided only when requested by individual voters. A board of fire commissioners may choose to use voting machines by renting them from the county board of elections, but these costs vary from county to county. The Division of Elections in the Department of State noted that many, if not all, of the costs of holding a fire district election in February would be absorbed into the cost of holding the general election in November.

The OLS notes that some fire districts have election district boundaries that are not coterminous with the boundaries of election districts used for regular general elections. The bill requires the county board of elections to ensure that election districts are appropriately apportioned to enable an annual fire district election to be held as part of the general election. Accordingly, a county may incur new costs associated with the redrawing of election district boundaries and the production of new election district maps. The bill allows a board of fire commissioners to revise the boundary lines of a fire district in order to make its boundaries coterminous with other election district boundaries. The alteration of fire district boundary lines may result in the shift of property tax ratables between fire districts. Accordingly, a fire district may be required to alter property tax rates to adjust for ratable changes.

The OLS has no basis for evaluating whether the elimination of voter referenda for the approval of fire district budgets and certain fire district capital purchases will affect local finances. Fire districts are currently subject to the two-percent property tax levy cap established by P.L.2007, c.63. The OLS notes that fire district budgetary decisions that determine annual changes in the fire district property tax levy are affected by multiple factors, such as provisions in labor contracts, costs of goods and services, levels of local non-property tax revenues, and debt service requirements. A fire district that moves the date of its annual election to November and then chooses to increase the property tax levy above the two-percent property tax levy cap would incur additional costs associated with conducting a cap referendum in February.

Although the bill allows a board of fire commissioners to approve an increase in the property tax levy for capital purchases in addition to fire extinguishing purposes (such as the purchase of fire engines and the construction of administrative, communications, or training buildings) the limit on the additional amount to be levied, 5 mills on the dollar of the last assessed valuation of property in the fire district, remains unchanged. Information published in the 2016 Abstracts of Ratables indicates that there are 186 fire districts in New Jersey with a total property tax levy of approximately \$247 million.

Section: Local Government

*Analyst: Scott A. Brodsky
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 660

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator SHIRLEY K. TURNER

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.



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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

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.

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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

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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

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

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

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

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

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

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

33

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

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

39 Such titles of office shall be arranged in the following order:
40 electors of President and Vice-President of the United States;
41 member of the United States Senate; Governor and Lieutenant
42 Governor; member of the House of Representatives; member of the
43 State Senate; members of the General Assembly; county executive,
44 in counties that have adopted the county executive plan of the
45 "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et
46 seq.); sheriff; county clerk; surrogate; register of deeds and
47 mortgages; county supervisor; members of the board of chosen
48 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 19:14-10. 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 shall
43 be printed in twelve-point bold-faced capital letters and the figures
44 in eighteen and twenty-two-point bold-faced type. At the head of
45 the ballot the words "Official General Election Ballot" shall be
46 printed in at least thirty-point bold-faced capital letters. The name
47 of municipality, ward, school district, fire district, election district,
48 and date, as appropriate, shall be printed in twelve-point bold-faced

1 capital letters. The words "Instructions to the voter" shall be printed
2 in twelve-point bold-faced capitals and small letters, while the
3 instructions embraced within the brackets shall be printed in eight-
4 point bold-faced capital and small letters. The column designations
5 shall be printed in eighteen-point bold-faced capital letters and the
6 accompanying instructions shall be printed in eight-point capitals
7 and small letters. The titles of office and accompanying instructions
8 shall be printed in ten-point bold-faced capital and small letters.
9 When there is no nomination made at the primary for an office, the
10 title shall be printed in the space where such title should appear, and
11 the words "No Nomination Made" in type large enough to fill the
12 entire space or spaces shall be printed therein. The names of all
13 candidates shall be printed in ten-point capital letters. The
14 designations following the candidates' names in the nomination by
15 petition column or columns shall be printed in ten-point capitals and
16 small letters, except that where they overrun the space within the
17 column the designations may be abbreviated, and all spaces
18 between the two-point hair line rules not occupied by the titles of
19 office and names of candidates shall be printed in with scroll or
20 filling to guide the voter against wrongly marking the ballot. On the
21 foot of the ballot the words "Public Questions to be Voted Upon"
22 shall be printed in eighteen-point bold-faced capital letters. The
23 accompanying instructions shall be printed in eight-point capital
24 and small letters. The public questions to be voted upon shall be
25 printed in ten-point capital and small letters, and the words "Yes"
26 and "No" shall be printed in twelve-point bold-faced capital letters.
27 (cf: P.L.2011, c.202, s.29)

28

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

30 19:14-22. The official general election sample ballots shall be as
31 nearly as possible facsimiles of the official general election ballot to
32 be voted at such election and shall have printed thereon, after the
33 words which indicate the number of the election district for which
34 such sample ballots are printed, the name of the school district,
35 when appropriate, the name and municipality or municipalities of
36 the fire district, when appropriate, the street address or location of
37 the polling place in the election district, the hours between which
38 the polls shall be open, and shall be printed on paper different in
39 color from the official general election ballot, and have the
40 following words printed in large type at the top: "This ballot cannot
41 be voted. It is a sample copy of the official general election ballot
42 used on election day."

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

44

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

46 40A:14-70. a. In any municipality not having a paid or part-
47 paid fire department and force, the governing body, upon
48 application of at least 5% of the registered voters or 20 legal voters,

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

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

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

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

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

8 The ballot shall be substantially as follows:

9 No.....

10 To be torn off by the Judge of Election.

11 Fold to this line.

12

13 FIRE DISTRICT ELECTION BALLOT

14 Fire District No. 1

15 Township of Webster, Warren County

16 Date.....

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

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

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

24 [] Rutherford B. Fallon.

25 [] William F. Seibel.

26 [] James A. Stephens.

27 [] Thomas Templeton.

28 []

29 []

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

32 [] Francis R. Loori.

33 [] Arthur H. Patterson.

34 []

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

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

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

42

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

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

1 the case may be, shall cause a further notice of the holding of such
2 election to be published at least once not later than 1 week prior
3 thereto in a newspaper circulating in said fire district.

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

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

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

18

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

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

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

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

39

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

41 40A:14-76. **Upon** For a fire district election held at a time
42 other than at the time of the general election on the first Tuesday
43 after the first Monday in November pursuant to section 24 of
44 P.L. _____, c. _____ (C. _____) (pending before the Legislature as this bill),
45 upon petition of 25 or more voters, filed with the clerk of the board
46 at least 20 days prior to the date of any election, after the first
47 election, the board of fire commissioners, by resolution, may divide
48 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 Legislature
11 as this bill), no fire district budget that exceeds the permissible
12 property tax levy cap as established in sections 9 through 12 of
13 P.L.2007, c.62 (C.40A:4-45.44 et seq.) shall be adopted until a
14 public hearing has been held thereon and taxpayers of the district
15 and all persons having an interest therein shall have been given an
16 opportunity to present objections. Such hearing shall be held not
17 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 as
19 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
2 appropriation section of the budget so fixed shall not exceed the
3 amount for each as previously voted upon at the annual election,
4 except the appropriation for debt service which shall be included in
5 the amount that is required to be paid. The governing body shall
6 certify the amount to be raised by taxation to support the district
7 budget as set forth in the final budget, to the assessor of the
8 municipality, 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 this
20 bill), the Director of the Division of Elections in the Department of
21 State, in consultation with the Department of Community Affairs,
22 shall study the feasibility of consolidating fire districts and of
23 integrating election districts with fire districts for potential cost-
24 saving measures and shall, after notice and an opportunity for
25 public comment, submit a report to the Governor and Legislature, in
26 accordance with section 2 of P.L.1991, c.164 (C.52:14-19.1) with
27 findings and any recommendations to provide for greater savings.

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

35
36 28. This act shall take effect immediately.

37

38

39

STATEMENT

40

41 This bill establishes procedures for moving the date of a fire
42 district's annual election to the day of the general election in
43 November and eliminates a vote on fire district budgets for fire
44 districts that have moved elections to the day of the general
45 election, except for proposals to raise revenue above the levy cap in
46 accordance with the levy cap law provisions of N.J.S.A.40A:4-
47 45.44 et seq. Consistent with current law, any money to be raised by
48 a bond issue would still require voter approval.

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

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

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

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

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

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

42 Following the hearing, the governing body or governing bodies
43 of each municipality are required to vote on a resolution to
44 consolidate the fire districts. Upon passage of the resolution, the
45 assets and debts of the fire districts to be consolidated are to be
46 reapportioned pursuant to the consolidation plan. The consolidation
47 is to become operative after the next fire district election following
48 the final adoption of the consolidation plan by at least 29 days,

1 during which new commissioners for the consolidated district are to
2 be elected.

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

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE, No. 660

STATE OF NEW JERSEY

DATED: MARCH 14, 2016

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably a Senate Committee Substitute for Senate Bill No. 660.

This bill establishes procedures for moving the date of a fire district's annual election to the day of the general election in November and eliminates a vote on fire district budgets for fire districts that have moved elections to the day of the general election, except for proposals to raise revenue above the levy cap in accordance with the levy cap law provisions of N.J.S.A.40A:4-45.44 et seq. Consistent with current law, any money to be raised by a bond issue would still require voter approval.

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

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

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

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

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

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

Following the hearing, the governing body or governing bodies of each municipality are required to vote on a resolution to consolidate the fire districts. Upon passage of the resolution, the assets and debts of the fire districts to be consolidated are to be reapportioned pursuant to the consolidation plan. The consolidation is to become operative after the next fire district election following the final adoption of the consolidation plan by at least 29 days, during which new commissioners for the consolidated district are to be elected.

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

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 660 SCS and 2002**

STATE OF NEW JERSEY

DATED: JUNE 1, 2017

The Senate Budget and Appropriations Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 660 SCS and 2002.

This substitute bill would establish procedures for moving the date of a fire district's annual election to the day of the general election in November. Under the substitute, the date of the annual fire district election may be moved to November upon the adoption of a resolution by the board of fire commissioners of a fire district. Under current law, annual fire district elections are held on the third Saturday in February.

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

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

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

The substitute would also eliminate currently required voter referenda for certain capital purchases, which are funded by increased property tax levies permitted under the two percent property tax levy

cap law for only those fire districts holding annual elections at the time of the general election. The board of commissioners of a fire district would be able to raise the funds for these purchases by a resolution adopted by at least a 2/3 majority vote. The resolution would have to be advertised and subject to a public hearing, similar to a process followed by municipalities and counties for certain capital expenditures. The substitute also explicitly requires voter approval for certain capital expenditures made through any mechanism of financing, including through lease-purchase agreements.

As reported, this substitute is identical to Assembly Bill No. 1690 ACS, as amended and reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) expects the substitute would have an indeterminate impact on local finances. Moving fire district elections from February to November would result in an indeterminate decrease in fire district expenditures. There are no readily available data on the cost of fire district elections because these costs are not specifically identified in annual budgets submitted by fire districts to the Division of Local Government Services. Many, if not all, of the costs of holding a fire district election in February would be absorbed into the cost of holding the general election in November.

Some fire districts have election district boundaries that are not coterminous with the boundaries of election districts used of regular general elections. The substitute requires the county board of elections to ensure that election districts are appropriately apportioned to enable an annual fire district to be held as part of the general election. A county may incur new costs associated with the redrawing of election district boundaries and the production of new election district maps. The substitute allows a fire district to revise or readjust the boundary lines of a fire district to make its boundaries coterminous with other election district boundaries. The alteration of fire district boundary lines may result in the shift of property tax ratables between fire districts. Accordingly, a fire district may be required to increase property rates to adjust for ratable losses.

The OLS has no basis for evaluating how the elimination of voter referenda for the approval of fire district budgets and certain fire district capital purchases will affect local finances. Fire districts are currently subject to the two percent property tax levy cap. Fire district budgetary decisions that determine annual changes in the fire district property tax levy are affected by multiple factors, such as the provision of labor contracts, costs of goods and services, levels of local non-property tax revenues, and debt service requirements. Although the substitute allows a board of fire commissioners to approve an increase in the property tax levy for capital purchases in addition to fire extinguishing purposes the limit on the additional amount to be levied, 5 mills on the dollar of the last assessed valuation of property in the

fire district, remains unchanged. Information published in the 2016 Abstracts of Ratables indicates there are 186 fire districts in New Jersey with a total property tax levy of approximately \$247 million.

STATEMENT TO

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 660 SCS and 2002**

with Senate Floor Amendments
(Proposed by Senator BEACH)

ADOPTED: JUNE 22, 2017

These floor amendments: (1) modify the date of a fire district election for the budget; (2) align registration procedures for fire district elections with Title 19 of the Revised Statutes; (3) remove section 19 of the bill, which eliminated the requirement that a public hearing be held when an amendment to a fire district budget increases the amount to be raised by taxes by more than five percent; (4) require the board of fire commissioners take any necessary action to ensure the secrecy and privacy of the casting of votes in fire district elections being held at a time other than at the time of the general election; (5) require any proposed consolidation or subdivision of a fire district to be approved by the Local Finance Board pursuant to applicable law; (6) require a fire district that has adjusted its boundaries to notify the Director of Local Government Services in the Department of Community Affairs; (7) clarify that a municipal ordinance must be adopted before fire district boundaries are adjusted; and (8) clarify certain wording and make technical changes.

LEGISLATIVE FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 660 SCS and 2002
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: JUNE 8, 2017

SUMMARY

- Synopsis:** Allows fire district elections to be moved to November; eliminates certain fire district budget referenda, and eliminates certain fire district capital purchase referenda.
- Type of Impact:** Indeterminate impact on local finances.
- Agencies Affected:** Counties and fire districts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Local Finances	Indeterminate Impact – See comments below		

- The Office of Legislative Services (OLS) concludes that the enactment of the Senate Committee Substitute for Senate Bill Nos. 660 (SCS) and 2002 will have an indeterminate impact on fire district finances. According to the 2016 Abstracts of Ratables, there are 186 fire districts in New Jersey.
- Moving the date of the fire district election from February to November may result in a reduction in fire district expenditures for elections and it is likely election costs will be absorbed into the cost of a general election. Counties may incur additional costs associated with the redrawing of election district boundaries and the production of election district maps.
- The OLS has no basis for evaluating whether the elimination of voter referenda for the approval of fire district budgets and certain fire district capital purchases will affect local finances. Allowing fire districts to make certain capital purchases with voter approval without issuing bonds will allow for savings on debt issuance costs.

BILL DESCRIPTION

The Senate Committee Substitute for Senate Bill Nos. 660 (SCS) and 2002 establishes procedures for moving the date of a fire district's annual election from the third Saturday in February to the date of the general election. Under the committee substitute, the date of the annual fire district election may be moved to November upon the adoption of a resolution by the board of fire commissioners of a fire district. An annual fire district election held in November would be conducted in accordance with the procedures provided for the general election in accordance with Title 19 of the Revised Statutes.

If a fire district's annual election is moved to November, the terms of the fire commissioners then in office would be extended until the first Tuesday in December of the years in which their terms expire, and the new fire commissioners would take office at that time. Before a fire district election may be moved to November, the county board of election in each county within which a fire district is located would have to ensure that election districts are appropriately apportioned to enable fire district elections to be held as part of the general election. If the election for the first board of fire commissioners is held at the time of the general election, subsequent annual elections for the fire district would also be conducted at the time of the general election, and in accordance with the procedures provided for the general election in Title 19 of the Revised Statutes.

Under the committee substitute, a fire district that moves its election to November would no longer be required to conduct a referendum for the adoption of its annual budget. A referendum would only be required if a proposed budget increases the amount to be raised by taxation above the statutory two percent property tax levy cap. The committee substitute also eliminates currently required voter referenda for certain capital purchases, which are funded by increased property tax levies permitted under the two percent property tax levy cap law. The substitute allows the board of fire commissioners to raise funds for these purchases by a resolution adopted by at least a 2/3 majority vote. The resolution would have to be advertised and subject to a public hearing, similar to a process followed by municipalities and counties for certain capital expenditures. The committee substitute also explicitly requires voter approval for certain capital expenditures made through any mechanism of financing, including lease-purchase agreements.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the enactment of the Senate Committee Substitute for Senate Bill Nos. 660 (SCS) and 2002 would have an indeterminate impact on local finances. Moving fire district elections from February to November would result in an indeterminate decrease in fire district election expenditures. There are no readily available data on the cost of fire district elections because these costs are not specifically identified in annual budgets submitted by fire districts to the Division of Local Government Services. Under current law, fire districts are managed by each district's board of fire commissioners. Fire districts are not required to use sample ballots and voting machines, or print poll books (the book a voter signs before they step

into the voting booth). The most significant election cost incurred by fire districts is for the printing of mail-in ballots, but these ballots are provided only when requested by individual voters. A board of fire commissioners may choose to use voting machines by renting them from the county board of elections, but these costs vary from county to county. The Division of Elections noted that many, if not all, of the costs of holding a fire district election in February would be absorbed into the cost of holding the general election in November.

The OLS notes the some fire districts have election district boundaries that are not coterminous with the boundaries of election districts used for regular general elections. The substitute requires the county board of elections to ensure that election districts are appropriately apportioned to enable an annual fire district election to be held as part of the general election. Accordingly, a county may incur new costs associated with the redrawing of election district boundaries and the production of new election district maps. The committee substitute allows a board of fire commissioners to revise or readjust the boundary lines of a fire district in order to make its boundaries coterminous with other election district boundaries. The alteration of fire district boundary lines may result in the shift of property tax ratables between fire districts. Accordingly, a fire district may be required to increase property rates to adjust for ratable losses.

The OLS has no basis for evaluating whether the elimination of voter referenda for the approval of fire district budgets and certain fire district capital purchases will affect local finances. Fire districts are currently subject to the two percent property tax levy cap established by P.L.2007, c.63. The OLS notes that fire district budgetary decisions that determine annual changes in the fire district property tax levy are affected by multiple factors, such as the provision of labor contracts, costs of goods and services, levels of local non-property tax revenues, and debt service requirements. Although the substitute allows a board of fire commissioners to approve an increase in the property tax levy for capital purchases in addition to fire extinguishing purposes (such as the purchase of fire engines and the construction of administrative, communications, or training buildings) the limit on the additional amount to be levied, 5 mills on the dollar of the last assessed valuation of property in the fire district, remains unchanged. Information published in the 2016 Abstracts of Ratables indicates that there are 186 fire districts in New Jersey with a total property tax levy of approximately \$247 million.

Section: Local Government

*Analyst: Scott A. Brodsky
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE
 [First Reprint]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 660 and 2002
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: JULY 13, 2017

SUMMARY

- Synopsis:** Allows fire district elections to be moved to November; eliminates certain fire district budget referenda; and eliminates certain fire district capital purchase referenda.
- Type of Impact:** Indeterminate annual impact on local finances.
- Agencies Affected:** Counties, municipalities, and fire districts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Local Finances	Indeterminate Impact – See comments below		

- The Office of Legislative Services (OLS) concludes that the enactment of this bill will have an indeterminate annual impact on fire district finances. According to the 2016 Abstracts of Ratables, there are 186 fire districts in New Jersey.
- Moving the date of the fire district election from February to November may result in a reduction in fire district expenditures for elections and it is likely election costs will be absorbed into the cost of a general election. Counties may incur additional costs associated with the redrawing of any election boundaries and the production of election district maps.
- The OLS has no basis for evaluating whether the elimination of voter referenda for the approval of budgets and certain capital purchases for fire districts that opt to move their elections to November, will affect local finances.
- Allowing all fire districts to make certain capital purchases with voter approval without issuing bonds will allow for savings on debt issuance costs.

BILL DESCRIPTION

This bill allows a fire district's board of fire commissioners to move the date of the fire district's annual election from the third Saturday in February to the date of the general election. Any such decision would be permanent. November fire district elections would be conducted in accordance with general election procedures established in Title 19 of the Revised Statutes.

Before a fire district election may be moved to November, however, the county board of elections in each county within which a fire district is located would have to ensure that election districts are appropriately apportioned to enable fire district elections to be held as part of the general election. However, the municipality would have to adopt an ordinance authorizing the board of fire commissioners to revise the boundaries of a fire district. The consolidation or subdivision of a fire district would have to be authorized by either the Division of Local Government Services in the Department of Community Affairs or the Local Finance Board, as applicable.

A fire district that moves its election to November would no longer be required to conduct a referendum for the adoption of its annual budget. A referendum would only be required if a proposed budget increases the amount to be raised by taxation above the statutory two-percent property tax levy cap. The referendum would then be held on the third Saturday in February of the budget year in which the levy increase would be applicable.

For a fire district that moves its election to November the bill also eliminates currently required voter referenda for certain capital purchases which are funded by increased property tax levies permitted under the two-percent property tax levy cap law. Instead, the board of fire commissioners may raise funds for these purchases by a resolution adopted by at least a 2/3 majority vote. The resolution would have to be advertised and subject to a public hearing, similar to a process followed by municipalities and counties for certain capital expenditures.

For all fire districts the bill also broadens the scope of financing instruments that may be used to pay for certain capital expenditures from bonds to any mechanism of financing, including lease-purchase agreements. As with the issuance of bonds under current law, any debt or liability, irrespective of the mechanism of financing used, would be subject to voter approval.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the enactment of this bill would have an indeterminate annual impact on local finances. Moving fire district elections from February to November would result in an indeterminate decrease in fire district election expenditures. There are no readily available data on the cost of fire district elections because these costs are not specifically identified in annual budgets submitted by fire districts to the Division of Local Government Services in the Department of Community Affairs. Under current law, fire districts are managed by each district's board of fire commissioners. Fire districts are not required to use sample ballots and voting machines, or print poll books (the books voters sign before they step into the voting booth). The most significant election cost incurred by fire districts is for the printing of mail-in

ballots, but these ballots are provided only when requested by individual voters. A board of fire commissioners may choose to use voting machines by renting them from the county board of elections, but these costs vary from county to county. The Division of Elections in the Department of State noted that many, if not all, of the costs of holding a fire district election in February would be absorbed into the cost of holding the general election in November.

The OLS notes that some fire districts have election district boundaries that are not coterminous with the boundaries of election districts used for regular general elections. The bill requires the county board of elections to ensure that election districts are appropriately apportioned to enable an annual fire district election to be held as part of the general election. Accordingly, a county may incur new costs associated with the redrawing of election district boundaries and the production of new election district maps. The bill allows a board of fire commissioners to revise the boundary lines of a fire district in order to make its boundaries coterminous with other election district boundaries. The alteration of fire district boundary lines may result in the shift of property tax ratables between fire districts. Accordingly, a fire district may be required to alter property tax rates to adjust for ratable changes.

The OLS has no basis for evaluating whether the elimination of voter referenda for the approval of fire district budgets and certain fire district capital purchases will affect local finances. Fire districts are currently subject to the two-percent property tax levy cap established by P.L.2007, c.63. The OLS notes that fire district budgetary decisions that determine annual changes in the fire district property tax levy are affected by multiple factors, such as provisions in labor contracts, costs of goods and services, levels of local non-property tax revenues, and debt service requirements. A fire district that moves the date of its annual election to November and then chooses to increase the property tax levy above the two-percent property tax levy cap would incur additional costs associated with conducting a cap referendum in February.

Although the bill allows a board of fire commissioners to approve an increase in the property tax levy for capital purchases in addition to fire extinguishing purposes (such as the purchase of fire engines and the construction of administrative, communications, or training buildings) the limit on the additional amount to be levied, 5 mills on the dollar of the last assessed valuation of property in the fire district, remains unchanged. Information published in the 2016 Abstracts of Ratables indicates that there are 186 fire districts in New Jersey with a total property tax levy of approximately \$247 million.

Section: Local Government
Analyst: Scott A. Brodsky
Senior Fiscal Analyst
Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

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

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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:

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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),
36fire 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:

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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

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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.

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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

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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

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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

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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--

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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

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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.

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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:

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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 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.

Governor Christie Takes Action On Pending Legislation

Monday, August 7, 2017

Tags: [Bill Action](#)

Trenton, NJ - Governor Chris Christie today announced that he has taken action on the following pending legislation:

BILL SIGNINGS:

S-169/A-4329 (Bateman/McKeon, Zwicker) - Allows certain emergency squad volunteers holding municipal elective office to vote on emergency squad concerns

S-452/A-838 (Sacco, Greenstein/Jimenez, Moriarty) - Requires waiver of dealer obligation regarding necessary repairs impacting vehicle inspection to include description of known defects

S-678/A-4967 (Rice/Watson, Tucker, Caputo) - Requires local government units to certify compliance with certain federal hiring requirements when filing annual budgets

S-726/A-4460 (Cruz-Perez, Oroho/Jones, Mosquera, Downey, Johnson) – Extends full protection of Law Against Discrimination to persons having liability for service in Armed Forces of United States; guarantees equal employment opportunity in State contracting to all veterans

S-996wGR/A-1378 (Rice, Van Drew, Turner/Muoio, Benson, Pintor Marin, Quijano, Schaer) – Requires report on status of lead-safe program in DCA

S-1219/A-936 (Holzapfel, Allen/Wolfe, McGuckin, Oliver, Giblin, Wimberly) - Requires reporting of suspected abuse of institutionalized elderly to police and that facility employees receive notice of reporting requirement annually; designated as "Peggy's Law"

S-1359/A-4096 (A.R. Bucco, Stack/A.M. Bucco, Vainieri Huttie, McKnight, Mazzeo) - Guarantees full and equal access to all housing to disabled persons who retain their retired service or guide dog as a pet, and who also obtain a new service or guide dog

S-1497/A-3225 (A.R. Bucco, Pennacchio/Dancer, Clifton, Munoz, A.M. Bucco) - Designates Killed in Action flag as an official State flag; mandates it be displayed at certain public buildings

SCS for S-1640, 1642, 1013/AS AS ACS for A-3152, 3154, 2426 (Van Drew, Holzapfel, Singer, Turner/Andrzejczak, McGuckin, Land, Wolfe, Vainieri Huttie, Taliaferro, Benson) - Establishes requirements concerning necessary care of dogs, domestic companion animals, and service animals, and for tethering of dogs

S-1660/A-770 (Van Drew, Cruz-Perez/Andrzejczak, Land, Houghtaling, DeAngelo, Johnson) - Provides for voluntary contributions by taxpayers on gross income tax returns for maintenance of certain State memorials honoring war veterans

S-1731/A-2368 (Gordon, Allen/Vainieri Huttie) - Permits municipality to establish civil penalty for smoking in public places

S-1739/A-2167 (Turner, Diegnan/Johnson, Vainieri Huttie, Wimberly) - Establishes sexual assault training requirements for law enforcement officers

S-1750/A-2729 (Madden, Cruz-Perez/A.M. Bucco, DeAngelo, Space, Mosquera, Wisniewski, DeCroce, Mukherji, Jones) - Establishes special motorcycle license plates for veterans

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More Information

[Letter Regarding S3074 \[pdf 45kB\]](#)

S-1808/A-3342 (Van Drew, Diegnan/Karabinchak) - Designates striped bass as NJ State Saltwater Fish; redesignates brook trout as NJ Freshwater Fish

S-2153/A-3520 (Gordon/Eustace, Sumter, Wimberly, Vainieri Huttie, Johnson) – Requires NJTA to study impact of constructing rail stations at certain park and ride facilities

S-2369/A-4152 (Whelan, Van Drew, Connors/Andrzejczak, Mazzeo, Land, Burzichelli) - Limits application of DEP shellfish habitat rules for certain dredging activities

S-2457/A-3999 (Van Drew, Oroho/Houghtaling, Andrzejczak, Mazzeo, Space, Downey) - Enables collection of voluntary contributions for Jersey Fresh Program through gross income tax returns

S-2578/A-4239 (Cunningham, Pou, Gordon/Sumter, Jasey, Benson, Muoio, Downey, Mukherji) - Revises New Jersey College Loans to Assist State Students Loan Program to require applicants first exhaust federal student loans, require income verification, and limit total student loan amounts

S-2884/A-4484 (Whelan, Greenstein/Eustace, Quijano, Chiaravalloti, Caride) - Declares that deed restrictions or agreements that prevent raising or constructing of a structure to certain flood elevation standards are unenforceable

S-2892/A-5042 (Sweeney/Giblin) - Exempts certain real estate brokers, broker-salespersons and salespersons from continuing education requirement

S-3074/A-4586 (Lesniak, Turner/Johnson, Oliver, Holley, Chiaravalloti) - Establishes gubernatorial veto power over Waterfront Commission of New York Harbor's meeting minutes; expands gubernatorial oversight powers over commission

S-3244/A-4854 (Sweeney, Allen/Singleton, Burzichelli, Taliaferro) - Designates portion of Interstate Highway Route 295 in West Deptford Township as "State Trooper Sean E. Cullen Memorial Highway"

A-445/S-1661 (Mazzeo, Pinkin, DeAngelo, Chiaravalloti/Van Drew, A.R. Bucco) - Provides for voluntary contributions by taxpayers on gross income tax returns for the NJ World War II Veterans' Memorial Fund

A-1185/S-2771 (Mosquera, Holley, Moriarty, Quijano/Cruz-Perez, Van Drew) - Requires State Comptroller to report findings of audit compliance reviews

A-1199/S-1326 (Mosquera, Moriarty, Lagana, Zwicker, Downey/Turner, Oroho) - Permits a victim or witness of any age to testify by closed circuit television under certain circumstances in prosecutions for domestic violence, sexual assault, and certain other crimes

ACS for A-1690/SCS SCS for S-660, 2002 (Dancer, Singleton, Andrzejczak, Land, Benson, Moriarty, Houghtaling/Turner, Beach, Van Drew) - Allows fire district elections to be moved to November; eliminates certain fire district budget referenda; and eliminates certain fire district capital purchase referenda

A-1953/S-2448 (Coughlin, Lagana, Muoio, Benson, Houghtaling, Danielsen, Mukherji/Vitale, Whelan) - Allows installment payments for senior and disabled property taxpayers to repay overpayments of homestead credits and homestead property tax reimbursements

A-1955/SCS for S-1795 (Jones, Lampitt, Phoebus, Space/A.R. Bucco, Oroho) - Provides for voluntary discharge of personal representatives overseeing administration of estates by application to the Surrogate's Court

A-2176/S-156 (Taliaferro, Eustace, Benson, Mazzeo, Chiaravalloti/Madden, Ruiz) - Criminalizes possession and sale of alpha-pyrrolidinopentophenone (alpha-PVP), commonly known as "flakka" or "flocka"

A-3056/SCS for S-2360, 3030 (Taliaferro, Dancer, Houghtaling, Space, Andrzejczak, Webber/Allen, Greenstein, Bateman, Smith, Wimberly) – Requires DEP to establish voluntary guidelines for K-12 schools and institutions of higher education to reduce, recover, and recycle food waste; extends "Food Bank Good Samaritan Act" immunity protections to public and nonpublic schools.

A-3058/S-2366 (Space, Taliaferro, Dancer, Houghtaling, Andrzejczak/Oroho, Ruiz) - Establishes Farm to School Coordinating Council

A-3381 (McKnight, Holley, Vainieri Huttie, Houghtaling, Chiaravalloti, Quijano, Gordon) – Authorizes municipal volunteer programs for free removal of snow from certain residential properties occupied by seniors or disabled persons.

A-3386/S-2711 (Schaer, Vainieri Huttie, Chiaravalloti, Caride, Mukherji, Wimberly/Vitale, Rice) - Provides protections for children under the age of 18 with developmental disabilities and individuals with developmental disabilities ages 18-21 receiving services from Division of Children's System of Care

A-3437/S-1076 (DeAngelo, Gusciora, Land, Andrzejczak/Turner) - Designates "Garden State" as State Slogan

A-3896/S-2790 (Sumter, Mukherji, Pintor Marin/Scutari, Turner) - Concerns sale of certain tires

A-3908/S-3021 (Mazzeo, DeAngelo, Mukherji, Houghtaling, Quijano/Whelan, T. Kean) - Establishes 9/11 Memorial Registry

A-3911/S-2863 (Wisniewski, Vainieri Huttie, Mukherji/Cardinale, Pennacchio) - Provides that motor vehicle registration expires on registrant's numerical calendar day of birth

A-4164/S-2588 (Houghtaling, Downey, Holley, Muoio, Webber/Van Drew, Cruz-Perez) - Requires State Auditor to annually report on unspent State account balances

A-4206/S-2676 (Karabinchak, Prieto, Webber, Holley/Diegnan, A.R. Bucco) - Requires candidates for election to school board to file with their nominating petitions specific affirmation that they have not been convicted of crimes that would disqualify them from office

A-4230/S-3141 (Conaway, O'Scanlon, Mukherji, Pintor Marin/Codey) - Requires health insurance carriers; SHBP, and SEHBP to inform covered persons about organ and tissue donation

ACS for A-4432/SCS for S-2841 (Schaer, Lampitt, Benson, Singleton, Chiaravalloti, Wimberly/Cunningham) - Provides increased tax credit amounts under Grow New Jersey Assistance Program for certain businesses that have collaborative research relationships with colleges or universities

A-4542/S-2986 (Mazzeo, Johnson, Land, Andrzejczak, DeCroce/Van Drew) - Designates portion of State Highway Route 55 as "State Trooper Frankie L. Williams Memorial Highway"

A-4580/S-2989 (Taliaferro, Burzichelli, Quijano, Houghtaling/Lesniak, Oroho) - Appropriates \$2,900,000 from "2009 Farmland Preservation Fund" for grants to certain nonprofit organizations for farmland preservation purposes

A-4581/S-2987 (Houghtaling, Andrzejczak, Singleton, Downey/Cruz-Perez, Oroho) - Appropriates \$22,385,743 to State Agriculture Development Committee for farmland preservation purposes

A-4582/S-2990 (Andrzejczak, Mazzeo, Taliaferro, Zwicker, Houghtaling/Whelan, Van Drew) - Appropriates \$32.5 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants

A-4584/S-2988 (Zwicker, Taliaferro, Burzichelli, Houghtaling/Sweeney) - Appropriates \$7,500,000 from constitutionally dedicated CBT revenues for planning incentive grants to municipalities for farmland preservation purposes

A-4630/S-1938 (Jones/Cruz-Perez) - Repeals law regulating charges assessed by a miller for grinding grain

A-4673/S-3095 (Houghtaling, Downey/Van Drew) - Concerns assessment of buildings or structures on real property located in certain counties following material depreciation thereof

A-4713/S-3235 (Burzichelli, Prieto, Gusciora, DeAngelo, Benson/Kyrillos, Whelan) - Designates building where NJEDA is located in memory of Caren Franzini to commemorate her outstanding service to State

A-4895/S-3056 (Egan, Sumter, Pinkin/Cunningham) - Eliminates UI exemption for interns employed by hospitals

BILL VETOED:

S-2214/A-3847 (Turner, Cunningham/Lampitt, Mukherji, Johnson, Eustace) - CONDITIONAL - Requires institutions of higher education and proprietary degree-granting institutions to improve transparency of tuition and fees

###

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