ASSEMBLY, No. 1690



STATE OF NEW JERSEY

219th LEGISLATURE



PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

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District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Requires all school and nonpartisan municipal elections, and permits fire district elections, to be conducted on day of general election in November.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



An Act concerning the conduct of school, nonpartisan municipal, and fire district elections on the day of the general election in November and amending and supplementing various parts of the statutory law.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

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

19:1-1. As used in this Title:

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

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

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

"Municipal election" means an election to be held in and for a single municipality only, at regular intervals, and includes nonpartisan municipal elections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Commissioner" means the commissioner of registration in counties.

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

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

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

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

b. Such notice shall set forth:

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

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

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

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

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

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

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

(2) For the general election:

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

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

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

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

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

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

(3) For a school election:

(a) The day, time and place thereof,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The only kind of a mark to be made on this ballot in voting shall be a cross x, plus + or check **[**?**]** .

(2) To mark a cross x , plus +, check **[**?**]**  or when writing a name on this ballot use only ink or pencil.

(3) To vote for any candidates whose names are printed in any column, mark a cross x , plus + or check **[**?**]**  in the square at the left of the names of such candidates not in excess of the number to be elected to the office.

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

(5) To vote upon any public question printed on this ballot if in favor thereof, mark a cross x , plus + or check **[**?**]**  in the square at the left of the word "Yes," and if opposed thereto, mark a cross x, plus + or check **[**?**]**  in the square at the left of the word "No."

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

(7) To vote for all the electors of any party, mark a cross x , plus + or check **[**?**]**  in ink or pencil in the square at the left of the surnames of the candidates for president and vice-president for whom you desire to vote.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19:14-10. All public questions to be voted upon by the voters of the entire State shall be placed first and shall be printed in the order as certified by the Secretary of State. All public questions to be voted for by the voters of a municipality shall be placed second and shall be printed in the order as determined by the drawing of lots by the county clerk. All public questions to be voted for by the voters of a county shall be placed **[**last**]** third and shall be printed in the order as determined by the drawing of lots by the county clerk. The county clerk shall draw lots in substantially the same manner as the drawing is made for the arrangement of candidates' names upon the ballot. All public questions to be voted for by the voters of a fire district, when appropriate, shall be placed last and shall be printed in the order as determined by the drawing of lots by the board of fire commissioners. As soon as that order is determined, the board shall so notify the clerk of the county in which the fire district is located so it can be included in the ballot for the general election, when appropriate.

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

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

19:14-16. The words to be printed on the perforated coupon shall be printed in twelve-point bold-faced capital letters and the figures in eighteen and twenty-two-point bold-faced type. At the head of the ballot the words "Official General Election Ballot" shall be printed in at least thirty-point bold-faced capital letters. The name of municipality, ward, school district, fire district, election district, and date, as appropriate, shall be printed in twelve-point bold-faced capital letters. The words "Instructions to the voter" shall be printed in twelve-point bold-faced capitals and small letters, while the instructions embraced within the brackets shall be printed in eight-point bold-faced capital and small letters. The column designations shall be printed in eighteen-point bold-faced capital letters and the accompanying instructions shall be printed in eight-point capitals and small letters. The titles of office and accompanying instructions shall be printed in ten-point bold-faced capital and small letters. When there is no nomination made at the primary for an office, the title shall be printed in the space where such title should appear, and the words "No Nomination Made" in type large enough to fill the entire space or spaces shall be printed therein. The names of all candidates shall be printed in ten-point capital letters. The designations following the candidates' names in the nomination by petition column or columns shall be printed in ten-point capitals and small letters, except that where they overrun the space within the column the designations may be abbreviated, and all spaces between the two-point hair line rules not occupied by the titles of office and names of candidates shall be printed in with scroll or filling to guide the voter against wrongly marking the ballot. On the foot of the ballot the words "Public Questions to be Voted Upon" shall be printed in eighteen-point bold-faced capital letters. The accompanying instructions shall be printed in eight-point capital and small letters. The public questions to be voted upon shall be printed in ten-point capital and small letters, and the words "Yes" and "No" shall be printed in twelve-point bold-faced capital letters.

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

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

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

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

9. Section 1 of P.L.1995, c.278 (C.19:60-1) is amended to read as follows:

1. a. Except as otherwise provided in this section, an annual school election shall be held in a type II district on the third Tuesday in April. However, in any school year, the Commissioner of Education shall make any adjustments to the school budget and election calendar which may be necessary to change the annual school election date or any other school budget and election calendar date if that date coincides with a period of religious observance that limits significantly the usual activities of the followers of a particular religion or that would result in significant religious consequences for such followers. The commissioner shall inform local school boards, county clerks and boards of elections of these adjustments no later than the first working day in January of the year in which the adjustments are to occur.

As used in this subsection "a period of religious observance" means any day or portion thereof on which a religious observance imposes a substantial burden on an individual's ability to vote.

An annual school election shall be held simultaneously with the general election on the first Tuesday after the first Monday in November in school districts in which the annual school election has been moved to that date pursuant to subsection a. of section 1 of P.L.2011, c.202 (C.19:60-1.1) **[**or**]**, pursuant to section 1 of P.L.2012, c.78 (C.19:60-1.2), or pursuant to section 14 of P.L. , c.   (C.   ) (pending before the Legislature as this bill). The annual school election in November shall be for the purpose of submitting a proposal to the voters for the approval of additional funds in a type II district without a board of school estimate pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), for the purpose of electing members of the board of education, and for any other purpose authorized by law.

b. All school elections shall be by ballot and, except as otherwise provided by P.L.1995, c.278 (C.19:60-1 et al.), shall be conducted in the manner provided for general elections pursuant to Title 19 of the Revised Statutes. No grouping of candidates or party designation shall appear on any ballot to be used in a school election.

(cf: P.L.2012, c.78, s.5)

10. Section 1 of P.L.2011, c.202 (C.19:60-1.1) is amended to read as follows:

1. a. (1) The question of moving the date of a school district's annual school election to the first Tuesday after the first Monday in November, to be held simultaneously with the general election, shall be submitted to the legal voters of a local or regional school district, other than a Type II district with a board of school estimate, whenever a petition signed by not less than 15% of the number of legally qualified voters who voted in the district at the last preceding general election held for the election of electors for President and Vice-President of the United States is filed with the board of education. The question shall be submitted to the voters of the district at the next general election, provided that at least 60 days have lapsed since the date of the filing of the petition. In the event that the question is not approved by the voters, no petition may be filed to submit the question to the voters within one year after an election shall have been held pursuant to any petition filed pursuant to this subsection.

The date of the annual school election may be moved to the first Tuesday after the first Monday in November without voter approval, upon the adoption of a resolution by the board of education of a local or regional school district, other than a Type II district with a board of school estimate, or the governing body or bodies of the municipality or municipalities constituting the district. Prior to holding a meeting for the adoption of the resolution to move the date of the annual school election, the governing body or bodies of the municipality or municipalities constituting the district shall provide adequate notice of the meeting to the affected board or boards of education.

(2) In the event that the date of a school district's annual school election is moved to the day of the general election, the annual school election in November shall be held for the purpose of submitting a proposal to the voters for approval of additional funds pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), for the purpose of electing members of the board of education, and for any other purpose authorized by law. A vote shall not be required on the district's general fund tax levy for the budget year, other than the general fund tax levy required to support a proposal for additional funds.

(3) In addition to the process set forth in paragraph (1) of this subsection, in the event that all the constituent districts of a limited purpose regional school district approve moving the date of their annual school elections to November, by any of the procedures established pursuant to this subsection, then the annual school election for the limited purpose regional school district shall also be conducted simultaneously with the general election.

(4) In the event that the date of a school district's annual school election is moved to the day of the general election pursuant to this subsection, the board of education and the county board of elections shall enter into an agreement, pursuant to guidelines established by the Secretary of State, under which the board of education shall pay any agreed upon increase in the costs, charges, and expenses that may be associated with holding the school election simultaneously with the general election.

b. **[**(1) In the case of a school district that has moved the date of its annual school election to November pursuant to subsection a. of this section, the question of moving the date of the school district's annual school election to the third Tuesday in April shall be submitted to the legal voters of a local or regional school district, other than a Type II district with a board of school estimate, whenever a petition signed by not less than 15% of the number of legally qualified voters who voted in the district at the last preceding general election held for the election of electors for President and Vice-President of the United States is filed with the board of education. The question shall be submitted to the voters of the district at the next general election, provided that at least 60 days have lapsed since the date of the filing of the petition.

The date of the annual school election may be moved to the third Tuesday in April without voter approval, upon the adoption of a resolution by the board of education of a local or regional school district, other than a Type II district with a board of school estimate, or the governing body or bodies of the municipality or municipalities constituting the district. Prior to holding a meeting for the adoption of the resolution to move the date of the annual school election, the governing body or bodies of the municipality or municipalities constituting the district shall provide adequate notice of the meeting to the affected board or boards of education.

No resolution may be adopted and no petition may be filed pursuant to this subsection until at least four annual school elections have been held in November.

(2) In the event that the date of the annual school election is moved to the third Tuesday in April, a vote shall be held on the district's general fund tax levy for the budget year including any proposal for additional funds pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), the election of members of the board of education, and for any other purpose authorized by law.

(3) In addition to the process set forth in paragraph (1) of this subsection, in the event that all the constituent districts of a limited purpose regional school district approve moving the date of their annual school elections to the third Tuesday in April, by any of the procedures established pursuant to this subsection, then the annual school election for the limited purpose regional school district shall also be conducted on the third Tuesday in April.**]** (Deleted by amendment, P.L. , c. ) (pending before the Legislature as this bill)

c. Notice, in writing, to change the date of a school election from the third Tuesday in April to the first Tuesday in November shall be given to the county clerk no less than 60 days prior to the third Tuesday in April to take effect for that year's election. **[**For a change from the first Tuesday in November to the third Tuesday in April, notice must be given to the county clerk no less than 85 days prior to the third Tuesday in April to take effect for that year's election.**]** Timely notice shall also be given by the board of education or municipal governing body adopting such resolution to any other affected boards of education and municipal governing bodies.

(cf: P.L.2013, c.172, s.5)

11. Section 1 of P.L.2012, c.78 (C.19:60-1.2) is amended to read as follows:

1. a. Notwithstanding any other law or regulation to the contrary, a Type II district with a board of school estimate may move the date of the school district's annual school election pursuant to the provisions of section 1 of P.L.2011, c.202 (C.19:60-1.1).

b. Notwithstanding any other law or regulation to the contrary, in the event that the date of the annual school election is moved to the day of the general election in a Type II district with a board of school estimate, the election shall be held for the purpose of electing members of the board of education and for any other purpose authorized by law. The board of school estimate shall not determine the district's general fund tax levy for the budget year, other than the general fund tax levy required to support a proposal for additional funds pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5).

c. **[**Notwithstanding any other law or regulation to the contrary, in a Type II district with a board of school estimate that has moved the date of its annual school election to November and subsequently moves the annual school election to the third Tuesday in April, a vote shall be held for the purpose of electing members of the board of education and for any other purpose authorized by law. The board of school estimate shall determine the district's general fund tax levy for the budget year, including any proposal for additional funds pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5).**]** (Deleted by amendment, P.L. , c. ) (pending before the Legislature as this bill)

(cf: P.L.2012, c.78, s.1)

12. Section 2 of P.L.1995, c.278 (C.19:60-2) is amended to read as follows:

2. a. Except as otherwise provided pursuant to subsection c. of this section, the board of education of a type II district may call a special election of the legal voters of the district on only the **[**fourth Tuesday in January, the second Tuesday in March, the last Tuesday in September, or the second Tuesday in December**]** the first Tuesday after the first Monday in November when in its judgment the interests of the schools require such an election. The board of education shall give the municipal clerk or clerks, as the case may be, and the county board of elections no less than 60 days' notice, in writing, of its intention to hold a special election.

b. No business shall be transacted at any special election except such as shall have been set forth in the notices by which the election was called.

c. The Commissioner of Education may change in any school year any date authorized for a special school election pursuant to subsection a. of this section if that date coincides with a period of religious observance that limits significantly the usual activities of the followers of a particular religion or that would result in significant religious consequences for such followers. The commissioner shall inform local school boards, county clerks, and boards of election of the adjustment no later than the first working day in January of the year in which the adjustments are to occur.

As used in this section "a period of religious observance" means any day or portion thereof on which a religious observance imposes a substantial burden on an individual's ability to vote.

(cf: P.L.2011, c.134, s.48)

13. Section 4 of P.L.1995, c.278 (C.19:60-4) is amended to read as follows:

4. The secretary of each board of education shall, not later than 10 o'clock a.m. of the 18th day preceding the annual April school election or a special school election, make and certify and forward to the clerk of the county in which the school district is located a statement designating the public question to be voted upon by the voters of the district which may be required pursuant to the provisions of P.L.1995, c.278 (C.19:60-1 et al.) or Title 18A of the New Jersey Statutes.

The secretary of each board of education of a school district in which the annual school election has been moved to November pursuant to subsection a. of section 1 of P.L.2011, c.202 (C.19:60-1.1) or section 14 of P.L. , c. (C. ) (pending before the Legislature as this bill), not later than 10 o'clock a.m. of the 60th day preceding the November school election, shall make and certify and forward to the clerk of the county in which the school district is located a statement designating any public question to be voted upon by the voters of the district which may be required pursuant to the provisions of P.L.1995, c.278 (C.19:60-1 et al.) or Title 18A of the New Jersey Statutes.

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

14. (New section) a. Notwithstanding the provisions of any law, rule, or regulation to the contrary, in any school district in which, on the effective date of this act, P.L. , c. (pending before the Legislature as this bill), the annual school election has not been moved to the date of the general election on the first Tuesday after the first Monday in November pursuant to subsection a. of section 1 of P.L.2011, c.202 (C.19:60-1.1) or pursuant to section 1 of P.L.2012, c.78 (C.19:60-1.2), the board of education of the local or regional school district, or the governing body or bodies of the municipality or municipalities constituting the district, shall cause the annual school election to be moved to the date of the general election in accordance with the provisions of this section.

b. (1) Within 12 months following the effective date of this act, the date of the annual school election shall be moved to the first Tuesday after the first Monday in November without voter approval, upon the adoption of a resolution by the board of education of a local or regional school district, including a Type II district with a board of school estimate, or the governing body or bodies of the municipality or municipalities constituting the district. Prior to holding a meeting for the adoption of the resolution to move the date of the annual school election, the governing body or bodies of the municipality or municipalities constituting the district shall provide adequate notice of the meeting to the affected board or boards of education.

(2) Once the date of a school district's annual school election is moved to the date of the general election, the annual school election in November shall be held for the purpose of submitting a proposal to the voters for approval of additional funds pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), for the purpose of electing members of the board of education, and for any other purpose authorized by law. A vote shall not be required on the district's general fund tax levy for the budget year, other than the general fund tax levy required to support a proposal for additional funds.

(3) In addition to the process set forth in paragraph (1) of this subsection, all the constituent districts of a limited purpose regional school district shall approve moving the date of their annual school elections to November, by any of the procedures established pursuant to this subsection, and the annual school election for the limited purpose regional school district shall also be conducted simultaneously with the general election.

(4) Once the date of a school district's annual school election is moved to the day of the general election pursuant to this subsection, the board of education and the county board of elections shall enter into an agreement, pursuant to guidelines established by the Secretary of State, under which the board of education shall pay any agreed upon increase in the costs, charges, and expenses that may be associated with holding the school election simultaneously with the general election.

c. Notice, in writing, to change the date of a school election from the third Tuesday in April to the first Tuesday after the first Monday in November shall be given to the county clerk no less than 60 days prior to the third Tuesday in April to take effect for that year's election. Timely notice shall also be given by the board of

education or municipal governing body adopting such resolution to any other affected boards of education and municipal governing bodies.

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

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

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

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

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

c. (Deleted by amendment, P.L.2011, c.37).

(cf: P.L.2015, c.84, s.3)

16. Section 2 of P.L.1981, c.379 (C.40:45-6) is amended to read as follows:

2. This act shall govern all municipalities having adopted a plan or form of government, or a charter, which provides for the election of municipal officers at regular municipal elections held on the second Tuesday in May, or having chosen to hold such elections on the day of the general election in November pursuant to subsection a. of section 1 of P.L.2009, c.196 (C.40:45-7.1), or pursuant to section 21 of P.L. , c. (C. ) (pending before the Legislature as this bill), including municipalities holding regular municipal elections under the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.), under the "commission form of government law" (R.S.40:70-1 et seq.), under the "municipal manager form of government law" N.J.S.40A:63-8, under the "village form of government" (R.S.40:157-16 et seq.), or under any plan or form of government, or charter, hereafter authorized which provides for the holding of regular municipal elections at that time. This act shall govern these municipalities only with respect to the time, manner and method of election of municipal officers. The officers to be elected, and their number, the length of their terms of office, and their powers and responsibilities shall be determined by the laws authorizing the plan or form of government, or charter, which the municipalities have adopted.

(cf: P.L.2009, c.196, s.3)

17. Section 3 of P.L.1981, c.379 (C.40:45-7) is amended to read as follows:

3. Except as may otherwise be provided by law for initial elections conducted in a municipality following its adoption of a plan or form of government, or a charter or an amendment thereto, regular municipal elections shall be held in each municipality governed by this act on the second Tuesday in May, or the day of the general election in November if chosen by the municipality pursuant to subsection a. of section 1 of P.L.2009, c.196 (C.40:45-7.1), or pursuant to section 21 of P.L. , c. (C. ) (pending before the Legislature as this bill), in the years in which municipal officers are to be elected. The municipal election shall be held at the same place or places and conducted in the same manner, so far as possible, as the general election. The election officers shall be those provided for conducting the general election.

Notwithstanding the provisions of this section, the Secretary of State may change in any year the date provided for a regular municipal election if the date coincides with a period of religious observance that limits significantly the usual activities of the followers of a particular religion or that would result in significant religious consequences for such followers. The secretary shall inform the municipal clerks, county clerks and boards of election of the adjustment no later than the first working day in January of the year in which the adjustments are to occur.

As used in this section "a period of religious observance" means any day or portion thereof on which a religious observance imposes a substantial burden on an individual's ability to vote.

(cf: P.L.2009, c.196, s.4)

18. Section 1 of P.L.2009, c.196 (C.40:45-7.1) is amended to read as follows:

1. a. Any municipality governed by the provisions of the "Uniform Nonpartisan Elections Law," P.L.1981, c.379 (C.40:45-5 et seq.) may, by ordinance, choose to hold regular municipal elections on the day of the general election, the Tuesday after the first Monday in November.

b. Once a municipality has chosen to change the day of the regular municipal election to the day of the general election in November, it shall not be permitted to change the day of the election back to the second Tuesday in May **[**until: (1) at least 10 years have passed since the adoption of the ordinance changing the date of the municipal election to the day of the general election; and (2) a new ordinance providing for regular municipal elections to occur on the second Tuesday in May is adopted by the municipality's governing body**]**.

c. The term of any person in office on the date of the adoption of such an ordinance shall be extended until the beginning of the term of the person elected to that office on the day of the general election in November.

(cf: P.L.2009, c.196, s.1)

19. Section 2 of P.L.2009, c.196 (C.40:45-7.2) is amended to read as follows:

2. Whenever a municipality has passed an ordinance pursuant to subsection a. of section 1 of P.L.2009, c.196 (C.40:45-7.1) or pursuant to section 21 of P.L. , c. (C. ) (pending before the Legislature as this bill), the clerk of the county in which the municipality is located shall arrange the ballot for each subsequent general election to:

a. include those candidates for election to public office in the municipality that has adopted a form of government that provides for the holding of a regular municipal election on the second Tuesday in May but will be holding that election at the general election in November;

b. ensure that there is a clear separation between each candidate described in subsection a. of this section, each candidate for another public office who has been nominated for that office by a political party in the immediately preceding primary election and each candidate nominated directly by petition, so that there is no discernable alignment between candidates otherwise elected at a regular municipal election, candidates nominated by a political party for any other public office and candidates nominated directly by petition; and

c. follow such provisions of the "Uniform Nonpartisan Elections Law," P.L.1981, c.379 (C.40:45-5 et seq.) as the clerk may deem feasible.

(cf: P.L.2009, c.196, s.2)

20. Section 11 of P.L.1981, c.379 (C.40:45-15) is amended to read as follows:

11. In the case of a regular municipal election occurring on the second Tuesday in May, the municipal clerk shall cause the ballots to be printed and authenticated by the clerk's signature. Upon the ballots shall be printed the title of each office to be filled. Under each of the titles of office shall be printed the names of the candidates for each office with a square to the left of each name. Below the names of the candidates for each office the words "vote for (insert number of positions to be filled at the election)." The ballot shall be printed upon plain, substantial white paper, and shall be substantially in the following form:

"Municipal election of (insert name of municipality), county of (insert name of county), held (insert the date of the election). To vote for any person make a cross ( x ) or plus (+) or a check ( X ) mark in the square preceding the name. Vote for only as many persons as there are officers to be elected. If you wrongly mark the ballot, tear or deface it and return it to election officer and obtain a new ballot."

Blank spaces equal to the number of offices to be filled shall be left below the printed names of the candidates for each office to be voted, wherein the voter may write the name or names of any person or persons for whom he may wish to vote.

The municipal clerk shall deliver ballots to the election officials at each polling place equal in number to 110% of the number of registered voters in each election district, except that where voting machines are used ballots shall be furnished as otherwise provided by law.

In the case of a regular municipal election occurring on the day of the general election in November pursuant to subsection a. of section 1 of P.L.2009, c.196 (C.40:45-7.1) or pursuant to section 21 of P.L. , c. (C. ) (pending before the Legislature as this bill), ballots shall be printed and delivered as otherwise provided by law.

(cf: P.L.2009, c.196, s.6)

21. (New section) a. Any municipality governed by the provisions of the "Uniform Nonpartisan Elections Law," P.L.1981, c.379 (C.40:45-5 et seq.) which, on the effective date of this act, P.L. , c. (pending before the Legislature as this bill), has not chosen to hold regular municipal elections on the day of the general

election on the first Tuesday after the first Monday in November pursuant to subsection a. of section 1 of P.L.2009, c.196 (C.40:45-7.1), shall cause the municipal election to be moved to the day of the general election pursuant to this section.

b. Within 12 months following the effective date of this act, a municipality holding regular municipal elections on the second Tuesday in May shall adopt an ordinance to change the day of the regular municipal election to the day of the general election in November. The municipality shall not be permitted to change the day of the election back to the second Tuesday in May.

c. The term of any person in office on the date of the adoption of such an ordinance shall be extended until the beginning of the term of the person elected to that office on the day of the general election in November.

22. Section 17-1 of P.L.1950, c.210 (C.40:69A-150) is amended to read as follows:

17-1. Regular municipal elections shall be held in each municipality on the second Tuesday in May, or on the day of the general election in November if chosen by the municipality pursuant to subsection a. of section 1 of P.L.2009, c.196 (C.40:45-7.1), or pursuant to section 21 of P.L. , c. (C. ) (pending before the Legislature as this bill), in the years in which municipal officers are to be elected, where the election of such officers is not provided to be at the general election. Regular municipal elections shall be conducted pursuant to the "Uniform Nonpartisan Elections Law," P.L.1981, c.379 (C.40:45-5 et seq.).

(cf: P.L.2009, c.196, s.9)

23. R.S.40:75-2 is amended to read as follows:

40:75-2. On the second Tuesday in May in every fourth year thereafter there shall be elected at a regular municipal election held pursuant to the "Uniform Nonpartisan Elections Law," P.L.1981, c.379 (C.40:45-5 et seq.), the number of persons as hereinbefore provided as commissioners to serve for the term of 4 years and until their successors shall have been elected and duly qualified. The term of office of all succeeding commissioners shall commence at twelve o'clock noon on the third Tuesday of May next ensuing their election.

If the election is held on the day of the general election in November pursuant to subsection a. of section 1 of P.L.2009, c.196 (C.40:45-7.1) or pursuant to section 21 of P.L. , c.   (C.   ) (pending before the Legislature as this bill), the term of office of commissioners elected shall commence at twelve o'clock noon on January 1 next following their election.

(cf: P.L.2009, c.196, s.11)

24. R.S.40:81-5 is amended to read as follows:

40:81-5. Except as otherwise provided by referendum of the voters, on the second Tuesday of May of the fourth year following such first election and on the second Tuesday of May of every fourth year thereafter, there shall be elected the number of electors hereinbefore prescribed of like qualifications to serve as members of the municipal council for the term of 4 years and until their successors shall have been elected and duly qualified or unless their places become vacant. The term of office of councilmen subsequently elected shall commence on July 1 next ensuing their election at 12 o'clock noon. Elections shall be conducted pursuant to the "Uniform Nonpartisan Elections Law," P.L.1981, c.379 (C.40:45-5 et al.).

If the election is held on the day of the general election in November pursuant to subsection a. of section 1 of P.L.2009, c.196 (C.40:45-7.1) or pursuant to section 21 of P.L. , c.   (C.   ) (pending before the Legislature as this bill), the term of office of councilmen elected shall commence at 12 o'clock noon on January 1 next following their election.

(cf: P.L.2009, c.196, s.12)

25. R.S.40:84-11 is amended to read as follows:

40:84-11. In cases provided for in this article the municipal election to be held in accordance with the "Uniform Nonpartisan Elections Law," P.L. 1981, c.379 (C. 40:45-5 et seq.) shall be held on the second Tuesday in May or on the day of the general election in November if chosen by the municipality pursuant to subsection a. of section 1 of P.L.2009, c.196 (C.40:45-7.1), or pursuant to section 21 of P.L. , c. (C. ) (pending before the Legislature as this bill), in each year, and the number of persons to be elected at municipal elections shall be equal to the number of vacancies which are then to be filled, and the terms of office of the persons so elected shall be 3 years and until their successors are elected and qualified.

(cf: P.L.2009, c.196, s.14)

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

40A:14-71. **[**Candidates**]** a. For an election of the first board held pursuant to N.J.S.40A:14-70, and for annual elections held on the third Saturday in February, candidates for membership on the board shall be nominated by verified petitions and the procedures set forth in this subsection shall apply. Any such petition shall be in writing, addressed to the municipal clerk or the clerk of the board, as the case may be, stating that the signers thereof are qualified voters and residents in the district and requesting that the name of the candidate be placed on the official ballot. The petition shall state the residence of the candidate and certify his qualification for membership. The candidate's consent to his nomination shall be annexed to the petition and shall constitute his agreement to serve in the event of his election. The petition shall contain the name of only one candidate, but several petitions may nominate the same person. Each petition shall be signed by not less than 10 qualified voters and shall be filed at least 29 days before the date of the election.

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

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

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

b. For an election held on the date of the general election on the first Tuesday after the first Monday in November pursuant to the provisions of section 36 of P.L. , c. (C. ) (pending before the Legislature as this bill), candidates for membership on the board shall be nominated by petition for direct nomination pursuant to the procedures set forth in R.S.19:13-1 et seq. If such nomination is vacated for any of the reasons set forth in R.S.19:13-18, the vacancy may be filled pursuant to the provisions of R.S.19:13-19.

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

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

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

**[**The**]** b. Except for elections held on the first Tuesday after the first Monday in November pursuant to the provisions of section 36 of P.L. , c. (C. ) (pending before the Legislature as this bill), the place of the election shall be determined by the board and a notice thereof **[**, and of the closing date for the filing with the clerk of the board of petitions of nomination for membership on the board,**]** shall be published at least once in a newspaper circulating in the district, at least six weeks prior to the date fixed for the election. Fire districts located in the same municipality may combine the publication of their notices of election. For the purpose of this section, "notices of election" shall include the notices required to be published under section **[**7 of P.L.1953, c.211 (C.19:57-7)**]** 6 of P.L.2009, c.79 (C.19:63-6).

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

d. The legal voters at an annual election held at the time of the general election on the first Tuesday after the first Monday in November pursuant to the provisions of section 36 of P.L. , c.       (C.      ) (pending before the Legislature as this bill) shall determine the amount of money to be raised for the ensuing year only if such amount exceeds the permissible property tax levy increase as determined pursuant to sections 9 through 12 of P.L.2007, c.62 (C.40A:4-45.44 et seq.), and determine such other matters as may be required.

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

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

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

**[**Each**]** For a fire district election of the first board held pursuant to N.J.S.40A:14-70, and for annual elections held on the third Saturday in February, each ballot shall have at the top, a coupon, at least one inch wide extending across the ballot above a perforated line. The coupons shall be numbered consecutively. The coupon shall contain the following statements: "To be torn off by the Judge of Election" and "Fold to this line." Below the perforated line shall be printed or written, "Fire district election ballot," then the official designation of the fire district and polling place and date of the election. It shall bear the signature or facsimile signature of the municipal clerk, or the clerk of the board of fire commissioners, as the case may be. The heading shall be set apart from the body of the ballot by a marked-off space. In said space, the voters shall be instructed how to indicate their choice of candidates and the number to be voted upon as follows: "To vote for any person whose name appears on this ballot mark a cross (X), plus (+) or check () in ink or pencil in the place or square at the left of the name of such person." Underneath these instructions shall be directions as to the number of candidates to be voted for and the name of each qualified candidate, without grouping, to be placed according to the alphabetical order of their surnames.

The ballot shall be substantially as follows:

No............

To be torn off by the Judge of Election.

Fold to this line.

.................................................................

FIRE DISTRICT ELECTION BALLOT

Fire District No. 1

Township of Webster, Warren County

Date.............

Polling District No. 1 John Henry Doe,

Unexcelled Fire House. Clerk.

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

For membership to Board of Fire Commissioners--

Full Term. Vote for Two.

[ ] Rutherford B. Fallon.

[ ] William F. Seibel.

[ ] James A. Stephens.

[ ] Thomas Templeton.

[ ]

[ ]

For membership to Board of Fire Commissioners--

Unexpired One-Year Term. Vote for One.

[ ] Francis R. Loori.

[ ] Arthur H. Patterson.

[ ]

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

For a fire district election held on the date of the general election on the first Tuesday after the first Monday in November, the ballot shall be prepared in accordance with the provisions of Title 19 of the Revised Statutes.

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

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

40A:14-74. **[**The**]** For a fire district election of the first board held pursuant to N.J.S.40A:14-70, and for annual elections held on the third Saturday in February, the municipal clerk or the clerk of the board of fire commissioners, as the case may be, shall cause a further notice of the holding of such election to be published at least once not later than 1 week prior thereto in a newspaper circulating in said fire district.

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

For a fire district election held on the date of the general election on the first Tuesday after the first Monday in November pursuant to section 36 of P.L. , c. (C. ) (pending before the Legislature as this bill), the voter registration procedures provided pursuant to R.S.19:31-1 et seq. shall apply.

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

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

40A:14-75. **[**The**]** For a fire district election of the first board held pursuant to N.J.S.40A:14-70, and for annual elections held on the third Saturday in February, the superintendent of elections of any county having a superintendent of elections or the county board of elections of any county not having a superintendent of elections, may upon application of the board of commissioners of any fire district, loan or rent to said board, one or more voting machines owned by the county, for a period of time which does not conflict with any State, county, municipal or school district election, for the purpose of conducting a fire district election as required by law. The loan or rental of a voting machine or machines for this purpose shall be upon such terms and conditions as may be determined by the board of chosen freeholders of the county.

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

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

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

40A:14-76. Upon petition of 25 or more voters, filed with the clerk of the board at least 20 days prior to the date of any annual election held on the third Saturday in February, after the first election, the board of fire commissioners, by resolution, may divide the fire district into 2 or more polling places.

The polls for any election of the first board held pursuant to N.J.S.40A:14-70, and for annual elections held on the third Saturday in February, shall be opened between the hours of 2:00 and 9:00 P.M., but the board may designate a later closing hour on

the same day. The board shall furnish the necessary books for the entries of the names and addresses of the voters.(cf: N.J.S.40A:14-76)

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

40A:14-77. Before the opening of the polls for an election of the first board held pursuant to N.J.S.40A:14-70, and for annual elections held on the third Saturday in February, a public proclamation shall be made by the chairman of the board or the clerk or his or their representative as to the purpose of the voting. Two tellers for each polling place shall be appointed by the chairman or clerk and thereupon the polls shall be opened and the balloting shall continue without recess until the closing of the polls. Immediately after the close of the polls the clerk and tellers shall forthwith canvass the vote and certify the results. The clerk shall publicly announce the results.

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

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

40A:14-78. Any appropriation or other matter to be voted upon at such election shall be in the form of a question, placed upon the ballot immediately following the names of the candidates for members of the board of fire commissioners, in substantially the following form:

YES. (Question to be voted on)

NO.

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

Notwithstanding the provisions of this section to the contrary, any matter to be voted upon at an election held at the time of the general election on the first Tuesday after the first Monday in November pursuant to section 36 of P.L. , c. (C. ) (pending before the Legislature as this bill) shall be in the form of a question placed upon the ballot in accordance with the requirements of Title 19 of the Revised Statutes.

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

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

8. The fire district budget shall be adopted, by a vote of a majority of the full membership of the fire commissioners, not later than 25 days prior to the annual election held on the third Saturday in February, or on the date of the general election on the first Tuesday after the first Monday in November pursuant to section 36 of P.L. , c. (C. ) (pending before the Legislature as this bill), when applicable. The adopted budget shall be advertised after adoption. The advertisement shall contain a copy of the budget and shall be published at least once in a newspaper circulating in the fire district at least 7 days prior to the annual election in February or November, as the case may be.

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

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

9. a. If at the annual election held **[**pursuant to N.J.S.40A:14-72**]** on the third Saturday in February the question of finally adopting the budget pursuant to subsection c. of N.J.S.40A:14-72, or if at the annual election held on the first Tuesday after the first Monday in November the question of finally adopting a budget that exceeds the permissible property tax levy increase pursuant subsection d. of N.J.S.40A:14-72, is voted affirmatively upon by a majority of the legal voters voting in the election, the budget shall be considered finally adopted, and the board of fire commissioners shall certify the amount to be raised by taxation to support the district budget to the assessor of the municipality, pursuant to N.J.S.40A:14-79.

b. If at the annual election the question of finally adopting the budget pursuant to subsection c. of N.J.S.40A:14-72, or of finally adopting a budget that exceeds the permissible property tax levy increase pursuant to subsection d. of N.J.S.40A:14-72, is voted negatively upon by a majority of the legal voters voting in the election, the governing body of the municipality in which the fire district is located shall, by resolution of a majority of its full membership, within 30 days after the annual election and after a public hearing for which the legal voters of the fire district shall be given 5 days' advertised notice, and at which any interested person shall be heard, fix an annual budget for the fire district. The amount of each appropriation section of the budget so fixed shall not exceed the amount for each as previously voted upon at the annual election, except the appropriation for debt service which shall be included in the amount that is required to be paid. The governing body shall certify the amount to be raised by taxation to support the district budget as set forth in the final budget, to the assessor of the municipality, pursuant to N.J.S.40A:14-79.

c. Following the approval of a budget by the voters, or by the board of fire commissioners, as applicable, the Director of the Division of Local Government Services in the Department of Community Affairs may approve a budget amendment to provide for the anticipation of revenue from a public or private funding source which was not known at the time the budget was approved, and the appropriation thereof, provided the amount of the appropriation does not exceed the amount of the revenue received.

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

36. (New section) a. The question of moving the date of a fire district’s annual election to the first Tuesday after the first Monday in November, to be held simultaneously with the general election, shall be submitted to the legal voters of a fire district 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 shall be submitted to the voters of the district at the next annual fire district election, provided that at least 60 days have lapsed since the date of the filing of the petition. In the event that the question is not approved by the voters, no petition may be filed to submit the question to the voters again within one year after an election shall have been held pursuant to any petition filed pursuant to this subsection.

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

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

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

b. In the event that the date of a fire district's annual election is moved to the day of the general election on the first Tuesday after the first Monday in November, the fire district election shall be held for the purposes of electing members of the board, voting on any appropriation that exceeds the property tax levy increase, or other matter in accordance with the provisions of P.L.1971, c.197 (C.40A:14-70 et seq.). The procedures for holding a fire district election in November shall be in accordance with the procedures provided for the general election under Title 19 of the Revised Statutes.

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

c. Notwithstanding the provisions of this section to the contrary, the date of a fire district’s annual election may not be moved to the day of the general election on the first Tuesday after the first Monday in November by voter approval or by the adoption of a resolution by the board of fire commissioners of a fire district unless the boundaries of the fire district are coterminous with the boundaries of local election districts. The governing body of a municipality, or the governing bodies of two or more municipalities, as the case may be, shall redraw or otherwise consolidate the fire districts pursuant to a consolidation plan prepared in accordance with P.L.2015, c.279 (C.40A:14-90.1 et al.) to create a fire district that is coterminous with the boundaries of local election districts prior to any vote to move the fire district’s annual election to the day of the general election pursuant to this section.

37. This act shall take effect immediately.

STATEMENT

This bill requires all school and nonpartisan municipal elections, and permits fire district elections, to be conducted on the day of general election, which is always held on the first Tuesday after the first Monday in November. The provisions would apply to annual and special elections conducted by these governing bodies.

Under current law, school districts conducting their annual elections in April, and nonpartisan municipalities conducting their annual elections in May, are permitted to move their elections to November. A school district’s voters may file a petition to place the question of moving the election on the ballot for voter approval. Alternatively, the board of education or the governing body or bodies of the municipality or municipalities constituting the district may approve a resolution to do so. A nonpartisan municipality may move to a November election if the governing body of the municipality adopts an ordinance to do so. For both school districts and nonpartisan municipalities, the November election date may be moved back to April or May, respectively, by the same procedure, but municipalities must wait 10 years to do so.

This bill would eliminate the ability of school districts and nonpartisan municipalities that have moved their elections to November to move their elections back to April or May. The bill would also require school districts and nonpartisan municipalities that have not moved their elections to November under current law to do so within 12 months of the bill’s effective date. Under the bill, these school districts and nonpartisan municipalities would accomplish the move through a resolution or ordinance, as the case may be, without the option of voter approval. As is the case for school districts that currently conduct their elections in November, once the school district moves its election to November the school district’s budget would be submitted to the voters only if it includes a proposal for additional funds exceeding the adjusted tax levy for the district.

The bill also allows fire districts that conduct their elections in February to move their election to the date of the general election in November. The move may be accomplished through a question placed on the ballot by petition of the voters. The election may also be moved to November without voter approval upon the adoption of a resolution by the board of fire commissioners of a fire district. If the election is moved to November, the term of the members serving would be extended until the new members have been elected. The annual fire district elections in November would be held for the purposes of electing members of the board, for voting on any appropriation only if it exceeds the permissible property tax levy increase, and other matters pursuant to law. Once moved to November, the fire district election would not be moved back to February.

Under the bill, because the geographic boundaries of fire districts are not always the same as those of local election districts, moving the fire district election to November is permissive and contingent upon the redrawing or consolidation of a fire district or districts. Specifically, the bill provides that the date of a fire district’s annual election may not be moved to the day of the general election unless the boundaries of the fire district are coterminous with the boundaries of local election districts. The bill directs the governing body of a municipality, or the governing bodies of two or more municipalities, as the case may be, to redraw or otherwise consolidate the fire districts pursuant to a consolidation plan prepared in accordance with current law, to create a fire district that is coterminous with the boundaries of local election districts prior to any vote to move the fire district’s annual election to the day of the general election.

Finally, the bill amends various provisions of law concerning certain election notices and the contents, layout, and mailing requirements of ballots to include references to all elections that would be conducted in November as provided in the bill.