

[Third Reprint]

ASSEMBLY, No. 5175

STATE OF NEW JERSEY
220th LEGISLATURE

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Sponsored by:

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District 15 (Hunterdon and Mercer)

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District 31 (Hudson)

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SYNOPSIS

Changes certain General Election deadlines.

CURRENT VERSION OF TEXT

As reported by the Assembly State and Local Government Committee on May 11, 2023, with amendments.



(Sponsorship Updated As Of: 5/25/2023)

1 AN ACT concerning certain General Election deadlines and
2 amending various parts of the statutory law and supplementing
3 Title 19 of the Revised Statutes.

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

7
8 1. R.S.19:13-16 is amended to read as follows:

9 19:13-16. When a person nominated as herein provided by direct
10 petition or State convention for election to public office at the
11 general election shall, at least **[70]** 81 days before the day of the
12 general election, in a writing signed by him and duly acknowledged,
13 notify the officer with whom the original petition or certificate of
14 nomination was filed that he declines the nomination, the
15 nomination shall be void.

16 (cf: P.L.2013, c.172, s.4)

17

18 2. R.S.19:13-19 is amended to read as follows:

19 19:13-19. If the candidate vacating the nomination was
20 nominated directly by petition his successor shall be nominated in
21 the same manner by direct petition, which new petition of
22 nomination must be filed with the Secretary of State or county
23 clerk, as the case may require, not later than **[64]** 75 days before
24 the day of election whereat such candidate is to be voted for.

25 (cf: P.L.2011, c.37, s.3)

26

27 3. R.S.19:13-20 is amended to read as follows:

28 19:13-20. In the event of a vacancy, howsoever caused, among
29 candidates nominated at a primary election for the general election,
30 which vacancy shall occur not later than the **[56th]** 70th day before
31 the general election, or in the event of inability to select a candidate
32 because of a tie vote at such primary, a candidate shall be selected
33 in the following manner:

34 a. (1) In the case of an office to be filled by the voters of the
35 entire State, the candidate shall be selected by the State committee
36 of the political party wherein such vacancy has occurred.

37 (2) In the case of an office to be filled by the voters of a single
38 and entire county, the candidate shall be selected by the county
39 committee in such county of the political party wherein such
40 vacancy has occurred.

41 (3) In the case of an office to be filled by the voters of a portion
42 of the State comprising all or part of two or more counties, the
43 candidate shall be selected by those members of the county

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:

¹Assembly ASL committee amendments adopted February 16, 2023.

²Assembly AAP committee amendments adopted February 23, 2023.

³Assembly ASL committee amendments adopted May 11, 2023.

1 committees of the party wherein the vacancy has occurred who
2 represent those portions of the respective counties which are
3 comprised in the district from which the candidate is to be elected.

4 (4) In the case of an office to be filled by the voters of a portion
5 of a single county, the candidate shall be selected by those members
6 of the county committee of the party wherein the vacancy has
7 occurred who represent those portions of the county which are
8 comprised in the district from which the candidate is to be elected.

9 At any meeting held for the selection of a candidate under this
10 subsection, a majority of the persons eligible to vote thereat shall be
11 required to be present for the conduct of any business, and no
12 person shall be entitled to vote at that meeting who is appointed to
13 the State committee or county committee after the seventh day
14 preceding the date of the meeting.

15 Within 20 days after the meeting of each county committee that
16 is held on the first Tuesday following the primary election at which
17 committee members are elected, the municipal clerk shall certify to
18 the county clerk an official list of the duly elected county
19 committee members and an official list of the municipal committee
20 chairs. The county party chairperson shall have a continuing duty
21 to report to the county clerk any vacancies, resignations, and
22 committee positions filled pursuant to R.S.19:5-2 or 19:5-3. A
23 report of a resignation shall be accompanied by a notarized letter of
24 resignation signed by the resigning committee member or, if the
25 resigning committee member fails to provide such a letter, by a
26 notarized letter stating that the resignation has occurred signed by
27 the chair of the relevant municipal committee who shall also
28 provide a copy thereof to the resigning member. Notice of
29 vacancies in the membership of a county committee that are filled
30 pursuant to R.S.19:5-2 or 19:5-3 shall be accompanied by a
31 certificate of acceptance signed by the newly selected member. The
32 official list of the county committee members and of the municipal
33 committee chairs maintained by the county clerk shall be deemed to
34 be a government record and only those county committee members
35 listed thereon seven days prior to a selection to fill a vacancy and
36 otherwise qualified to vote on the vacancy shall be entitled to vote
37 on filling a vacancy pursuant to this section.

38 In addition, every person appointed to the county committee
39 shall file with the county clerk a certificate of acceptance which
40 shall be preserved by the county clerk as a government record.

41 In the case of a meeting held to select a candidate for other than
42 a Statewide office, the chairperson of the meeting shall be chosen
43 by majority vote of the persons present and entitled to vote thereat.
44 The chairperson so chosen may propose rules to govern the
45 determination of credentials and the procedures under which the
46 meeting shall be conducted, and those rules shall be adopted upon a
47 majority vote of the persons entitled to vote upon the selection. If a
48 majority vote is not obtained for those rules, the delegates shall

1 determine credentials and conduct the business of the meeting under
2 such other rules as may be adopted by a majority vote. All
3 contested votes taken at the selection meeting, as referenced in
4 subsections a. and b. of this section, shall be by secret ballot in a
5 location or manner that protects the anonymity of the person's vote.

6 b. (1) Whenever in accordance with subsection a. of this section
7 members of two or more county committees are empowered to
8 select a candidate to fill a vacancy, it shall be the responsibility of
9 the chairpersons of said county committees, acting jointly not later
10 in any case than the seventh day following the occurrence of the
11 vacancy, to give notice to each of the members of their respective
12 committees, as certified by the county clerk, who are so empowered
13 of the date, time and place of the meeting at which the selection will
14 be made, that meeting to be held at least one day following the date
15 on which the notice is given.

16 (2) Whenever in accordance with the provisions of subsection a.
17 of this section members of a county committee are empowered to
18 select a candidate to fill a vacancy, it shall be the responsibility of
19 the chairperson of such county committee, not later in any case than
20 the seventh day following the occurrence of the vacancy, to give
21 notice to each of the members of the committee, as certified by the
22 county clerk, who are so empowered of the date, time and place of
23 the meeting at which the selection will be made, that meeting to be
24 held at least one day following the date on which the notice is
25 given.

26 (3) A county committee chairperson or chairpersons who call a
27 meeting pursuant to paragraph (1) or (2) of this subsection shall not
28 be entitled to vote upon the selection of a candidate at such meeting
29 unless he or she or they are so entitled pursuant to subsection a.

30 (4) Whenever in accordance with the provisions of subsection a.
31 of this section the State committee of a political party is empowered
32 to select a candidate to fill a vacancy, it shall be the responsibility
33 of the chairperson of that State committee to give notice to each of
34 the members of the committee of the date, time and place of the
35 meeting at which the selection will be made, that meeting to be held
36 at least one day following the date on which the notice is given.

37 c. Whenever a selection is to be made pursuant to this section
38 to fill a vacancy resulting from inability to select a candidate
39 because of a tie vote at a primary election for the general election,
40 the selection shall be made from among those who have thus
41 received the same number of votes at the primary.

42 d. A selection made pursuant to this section shall be made not
43 later than the **[54th]** 68th day preceding the date of the general
44 election, and a statement of such selection shall be filed with the
45 Secretary of State or the appropriate county clerk, as the case may
46 be, not later than that day, and in the following manner:

1 (1) A selection made by a State committee of a political party
2 shall be certified to the Secretary of State by the State chairperson
3 of the political party.

4 (2) A selection made by a county committee of a political party,
5 or a portion of the members thereof, shall be certified to the county
6 clerk of the county by the county chairperson of such political
7 party; except that when such selection is of a candidate for the
8 Senate or General Assembly or the United States House of
9 Representatives the county chairperson shall certify the selection to
10 the State chairperson of such political party, who shall certify the
11 same to the Secretary of State.

12 (3) A selection made by members of two or more county
13 committees of a political party acting jointly shall be certified by
14 the chairpersons of said committees, acting jointly, to the State
15 chairperson of such political party, who shall certify the same to the
16 Secretary of State.

17 e. A statement filed pursuant to subsection d. of this section
18 shall state the residence and post office address of the person so
19 selected, and shall certify that the person so selected is qualified
20 under the laws of this State to be a candidate for such office, and is
21 a member of the political party filling the vacancy. Accompanying
22 the statement, the person endorsed therein shall file a certificate
23 stating that he or she is qualified under the laws of this State to be a
24 candidate for the office mentioned in the statement, that he or she
25 consents to stand as a candidate at the ensuing general election and
26 that he or she is a member of the political party named in said
27 statement, and further that he or she is not a member of, or
28 identified with, any other political party or any political
29 organization espousing the cause of candidates of any other
30 political party, to which shall be annexed the oath of allegiance
31 prescribed in R.S.41:1-1 duly taken and subscribed by him or her
32 before an officer authorized to take oaths in this State. The person
33 so selected shall be the candidate of the party for such office at the
34 ensuing general election. Each candidate for the office of Governor
35 or the office of member of the Senate or General Assembly filing a
36 certification shall annex thereto a statement signed by the candidate
37 that he or she:

38 (1) has not been convicted of any offense graded by Title 2C of
39 the New Jersey Statutes as a crime of the first, second, third or
40 fourth degree, or any offense in any other jurisdiction which, if
41 committed in this State, would constitute such a crime; or

42 (2) has been so convicted, in which case, the candidate shall
43 disclose on the statement the crime for which convicted, the date
44 and place of the conviction and the penalties imposed for the
45 conviction. Such a candidate may, as an alternative, submit with
46 the statement a copy of an official document that provides such
47 information. If the candidate has been convicted of more than one
48 criminal offense, such information about each conviction shall be

1 provided. Records expunged pursuant to chapter 52 of Title 2C of
2 the New Jersey Statutes shall not be subject to disclosure.
3 (cf: P.L.2011, c.37, s.4)

4
5 ¹**[4.** R.S.19:14-1 is amended to read as follows:

6 19:14-1. Every county clerk shall have ready for the printer on
7 or before the 45th day prior to the primary election a copy of the
8 contents of official ballots as hereinafter required to be printed for
9 use at such election, except that every county clerk shall have ready
10 for the printer on or before the **[50th]** 64th day prior to a federal
11 primary election or any general election in this State a copy of the
12 contents of the official ballots for use in such election. The county
13 clerk shall also on or before that time place another copy of such
14 contents on file in the county clerk's office and keep the same open
15 to public inspection until the sample ballots hereinafter provided to
16 be printed shall have been distributed.

17 Nothing in this section, as amended by P.L.2022, c.70, shall be
18 construed to hinder, limit, or interfere with the ability of a county
19 clerk to comply with the federal "Uniformed and Overseas Citizens
20 Absentee Voting Act" (52 U.S.C. s.20301 et seq.).

21 (cf: P.L.2022, c.70, s.1)¹

22
23 ¹**[5.]** 4.¹ R.S.19:19-1 is amended to read as follows:

24 19:19-1. The board of county canvassers of each county shall
25 meet on the **[thirteenth]** 15th day, after any such election, at 12
26 o'clock noon, at the courthouse of the county, for the purpose of
27 checking the canvass which shall have been made by the county
28 clerk from the statements of the district boards filed in his office as
29 hereinbefore provided. For such purpose the county clerk shall
30 have prepared a compilation in tabulated form of such statements
31 and the combined results shown thereby for the use of the board of
32 canvassers.

33 (cf: P.L.2020, c.71, s.3)

34
35 ¹**[6.]** 5.¹ R.S.19:28-1 is amended to read as follows:

36 19:28-1. When any candidate at any election shall have reason
37 to believe that an error has been made in counting the votes of that
38 election, the candidate may, within a period of ¹**[17]** ³**[7¹]** 3³ days
39 ³**[following such]** after the certification of the results of the³
40 election, apply to a judge of the Superior Court assigned to the
41 county wherein such district or districts are located, for a recount of
42 the votes cast at the election in any district or districts. If a voting
43 machine chosen for audit pursuant to section 1 of P.L.2007, c.349
44 (C.19:61-9) following the general election is selected for a recount
45 under this section, the candidate may request that the votes be
46 recounted within ¹**[13]** 3¹ days of the election.

47 When ten voters at any election shall have reason to believe that
48 an error has been so made in counting the votes upon any public

1 question at any election, such voters may, within a period of ¹[17]
2 ³[7¹] ³ days ³[following such] after the certification of the results
3 of the³ election, apply to a judge of the Superior Court assigned to
4 the county wherein such district or districts are located, for a
5 recount of the votes cast at the election in any district or districts on
6 such public question. If a voting machine chosen for audit pursuant
7 to section 1 of P.L.2007, c.349 (C.19:61-9) following the general
8 election is selected for a recount under this section, the voters may
9 request that the votes be recounted within ¹[13] ³ days of the
10 election.

11 (cf: P.L.2018, c.72, s.12)

12

13 ¹[7.] 6.¹ R.S.19:37-1 is amended to read as follows:

14 19:37-1. When the governing body of any municipality or of any
15 county desires to ascertain the sentiment of the legal voters of the
16 municipality or county upon any question or policy pertaining to the
17 government or internal affairs thereof, and there is no other statute
18 by which the sentiment can be ascertained by the submission of
19 such question to a vote of the electors in the municipality or county
20 at any election to be held therein, the governing body may adopt at
21 any regular meeting an ordinance or a resolution requesting the
22 clerk of the county to print upon the official ballots to be used at the
23 next ensuing general election a certain proposition to be formulated
24 and expressed in the ordinance or resolution in concise form. Such
25 request shall be filed with the clerk of the county not later than
26 **[81]** 88 days previous to the election.

27 (cf: P.L.2011, c.37, s.22)

28

29 ¹[8.] 7.¹ Section 2 of P.L.1967, c.101 (C.19:37-1.1) is
30 amended to read as follows:

31 2. Whenever a governing body of a municipality has adopted
32 an ordinance or resolution pursuant to section 19:37-1 of the
33 Revised Statutes, upon the presentation to the governing body of
34 such municipality of a petition signed by 10% or more of the voters
35 registered and qualified to vote at the last general election in such
36 municipality, requesting the governing body of such municipality to
37 ascertain the sentiment of the legal voters of the municipality upon
38 any question or policy pertaining to the government or internal
39 affairs thereof that is reasonably related to any proposition
40 formulated and expressed in such ordinance or resolution, such
41 governing body of the municipality shall thereupon adopt at its next
42 regular meeting following the presentation of such petition a
43 resolution requesting the clerk of the county to print upon the
44 official ballots to be used at the next ensuing general election a
45 certain proposition as formulated and expressed in the petition.
46 Such request shall be filed with the clerk of the county not later
47 than the **[67th]** 74th day previous to the election.

48 (cf: P.L.2011, c.37, s.23)

1 ¹8. R.S.19:37-2 is amended to read as follows:

2 19:37-2. If a copy of the ordinance or resolution certified by the
3 clerk or secretary of the governing body of any such municipality or
4 county is delivered to the county clerk not less than **[65]** 74 days
5 before any such general election, he shall cause it to be printed on
6 each sample ballot and official ballot to be printed for or used in
7 such municipality or county, as the case may be, at the next ensuing
8 general election.¹

9 (cf: P.L.2011, c.37, s.24)

10

11 ¹9. R.S.19:52-6 is amended to read as follows:

12 19:52-6. The district election officers shall, as soon as the count
13 is completed and fully ascertained, as by this subtitle required, lock
14 the counter compartment and it shall so remain for a period of **[15]**
15 ³**[7]** 13³ days, except it be opened by order of a judge of the
16 Superior Court assigned to the county. Within such period and
17 upon written request of any defeated candidate, or in the case where
18 a public question is involved upon petition of any 10 qualified
19 voters of a county or municipality using machines who voted in the
20 election in question, the judge shall, at a cost of \$2.00 per district
21 to the candidate or petitioners, order the machines in question
22 opened and the registering counters rechecked against the election
23 officers' returns. Any candidate or petitioners requesting such
24 recheck, shall deposit with the county clerk, the amount necessary
25 for all the districts requested. The county clerk, if it appears that an
26 error or errors have occurred as a result of which the election is
27 changed or the difference between the negative and affirmative of
28 any public question is altered so as to change the results of the
29 election, shall upon the warrant of such judge of the Superior Court,
30 pay to such candidate or petitioners the cost of such recheck. In
31 the event it shall appear after such recheck that the results of the
32 election remain unchanged, the county clerk shall, upon the warrant
33 of such judge, pay the funds so deposited into the county treasury.
34 Such recheck shall be made under the supervision of the county
35 election officials and in co-operation with the parties at interest or
36 their representatives. When irregular ballots of whatever
37 description have been voted, the district election officers shall
38 return all such ballots in a properly secured package indorsed
39 "irregular ballots" and return and file such package with the
40 municipal clerk at the same time the original statement of the
41 results of the election made by them is filed. Such package shall
42 be preserved for 6 months next succeeding such election, and it
43 shall not be opened or its contents examined during that time
44 except by the order of a judge of a court lawfully empowered to
45 direct the same to be opened and examined. At the end of the 6
46 months, such packages may be opened and the ballots disposed of at
47 the discretion of the official having charge thereof.¹

48 (cf: P.L.1955, c.260, s.1)

1 ¹**[9.] 10.**¹ Section 1 of P.L.2005, c.152 (C.19:53B-21) is
2 amended to read as follows:

3 1. Within 15 calendar days after an election other than a
4 general election or three days after the certification of the results of
5 that election, whichever occurs later, or in the case of a general
6 election on the day of the certification of the results of the general
7 election, the county board of election in each county shall prepare a
8 report which lists by election district, and includes a county wide
9 total by category for, the number of emergency ballots, including
10 any spoiled, void, or invalid emergency ballots, used in the election.
11 The report shall be a government record that is available for public
12 inspection and copying pursuant to the provisions of P.L.1963, c.73
13 (C.47:1A-1 et seq.).
14 (cf: P.L.2005, c.152, s.1)

15
16 ¹**[10.] 11.**¹ Section 2 of P.L.2005, c.152 (C.19:53C-21) is
17 amended to read as follows:

18 2. Within 15 calendar days after an election other than the
19 general election or three days after the certification of the results of
20 that election, whichever occurs later, or in the case of a general
21 election on the day of the certification of the results of the general
22 election, the county board of election in each county shall prepare a
23 report which lists by election district, and includes a county wide
24 total by category for, the number of provisional ballots, including
25 any spoiled, void, or invalid provisional ballots, used in the
26 election. The report shall be a government record that is available
27 for public inspection and copying pursuant to the provisions of
28 P.L.1963, c.73 (C.47:1A-1 et seq.).
29 (cf: P.L.2005, c.152, s.2)

30
31 ¹**[11.] 12.**¹ Section 2 of P.L.1995, c.278 (C.19:60-2) is amended
32 to read as follows:

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

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

45 c. The Commissioner of Education may change in any school
46 year any date authorized for a special school election pursuant to
47 subsection a. of this section if that date coincides with a period of
48 religious observance that limits significantly the usual activities of the

1 followers of a particular religion or that would result in significant
2 religious consequences for such followers or if the date authorized for
3 a special school election falls within 45 days of the ²primary election
4 or the² General Election. The commissioner shall inform local school
5 boards, county clerks, and boards of election of the adjustment no later
6 than the first working day in January of the year in which the
7 adjustments are to occur.

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

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

12

13 ¹~~12.~~ 13.¹ Section 4 of P.L.1995, c.278 (C.19:60-4) is amended
14 to read as follows:

15 4. The secretary of each board of education shall, not later than 10
16 o'clock a.m. of the ²~~18th~~ 60th² day preceding the annual April
17 school election or a special school election, make and certify and
18 forward to the clerk of the county in which the school district is
19 located a statement designating the public question to be voted upon
20 by the voters of the district which may be required pursuant to the
21 provisions of P.L.1995, c.278 (C.19:60-1 et al.) or Title 18A of the
22 New Jersey Statutes.

23 The secretary of each board of education of a school district in
24 which the annual school election has been moved to November
25 pursuant to subsection a. of section 1 of P.L.2011, c.202 (C.19:60-1.1),
26 not later than 10 o'clock a.m. of the ~~60th~~ 74th day preceding the
27 November school election, shall make and certify and forward to the
28 clerk of the county in which the school district is located a statement
29 designating any public question to be voted upon by the voters of the
30 district which may be required pursuant to the provisions of P.L.1995,
31 c.278 (C.19:60-1 et al.) or Title 18A of the New Jersey Statutes.

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

33

34 ¹~~13.~~ 14.¹ Section 7 of P.L.1995, c.278 (C.19:60-7) is amended
35 to read as follows:

36 7. Each candidate to be voted upon at a school election shall be
37 nominated directly by petition, and the procedures for such
38 nomination shall, to the extent not inconsistent with the provisions
39 of P.L.1995, c.278 (C.19:60-1 et al.), conform to the procedure for
40 nominating candidates by direct petition under chapter 13 of Title
41 19 of the Revised Statutes. Notwithstanding the provisions of
42 R.S.19:13-5, however, a petition of nomination for such office shall
43 be signed by at least 10 persons, one of whom may be the
44 candidate, and filed with the secretary of the board of education on
45 or before four p.m. of the 50th day preceding the date of the April
46 school election, or with the county clerk on or before four p.m. of
47 the last Monday in July preceding the November school election, as
48 applicable. The signatures need not all appear upon a single petition

1 and any number of petitions may be filed on behalf of any candidate
2 or on behalf of two or more candidates filing a joint petition. A
3 petition for one or more candidates may include a designation in not
4 more than three words that conveys the principles which the
5 candidate or candidates therein named represent, but such
6 designation shall not contain the name, or a derivative thereof, as a
7 noun or an adjective of any political party entitled to participate in a
8 primary election. The petitions of a candidate for member of a
9 board of education shall also include a functioning e-mail address
10 for the candidate.

11 Any candidate may withdraw as a candidate in a school election
12 by filing a notice in writing, signed by the candidate, of such
13 withdrawal with the secretary of the board of education before the
14 44th day before the date of the April election or with the county
15 clerk on the ~~70th~~ 81st day before the date of the November
16 election, as applicable, and thereupon the name of that candidate
17 shall be withdrawn by the secretary of the board of education and
18 shall not be printed on the ballot.

19 A vacancy created by a declination of nomination or withdrawal
20 by, or death of, a nominee, or in any other manner, shall be filled
21 under the provisions of R.S.19:13-19.

22 Whenever written objection to a petition of nomination
23 hereunder shall have been made and timely filed with the secretary
24 of the board of education or with the county clerk, as may be
25 appropriate, the board of education shall file its determination of the
26 objection on or before the 44th day preceding the April school
27 election or the county clerk shall file the clerk's determination of
28 the objection on or before the 10th day after the last day for the
29 filing of petitions for candidates seeking election as a member of a
30 board of education at the November school election, as applicable.
31 The last day upon which a candidate may file with the Superior
32 Court a verified complaint setting forth any invasion or threatened
33 invasion of the candidate's rights under the candidate's petition of
34 nomination shall be the 46th day before the April election or the
35 12th day after the last day for the filing of petitions for candidates
36 seeking election as a member of a board of education at the
37 November election, as applicable. The last day upon which a
38 candidate whose petition of nomination or any affidavit thereto is
39 defective may amend such petition or affidavit shall be the 44th day
40 before the April election or the 10th day after the last day for the
41 filing of petitions for candidates seeking election as a member of a
42 board of education at the November election, as applicable.

43 In each school district in which candidates for the office of
44 member of a board of education will seek election at the November
45 school election, the school business administrator thereof shall
46 certify to the county clerk no later than the day of the holding of the
47 primary election for the general election next occurring a statement

1 designating the public offices to be filled at such election, and the
2 number of such offices to be filled.

3 (cf: P.L.2018, c.66, s.3)

4

5 ¹~~14.~~ ^{15.} Section 1 of P.L.2007, c.349 (C.19:61-9) is amended
6 to read as follows:

7 1. a. Notwithstanding any law, rule or regulation to the
8 contrary, the Attorney General shall appoint each year an
9 independent, professional audit team. It shall oversee, in each
10 county, random hand-to-eye counts of the voter-verifiable paper
11 records that are to be conducted by appropriate county election
12 officials. Audits shall be conducted for each election held for
13 federal or State office, including the offices of Governor,
14 Lieutenant Governor and member of the Legislature, and for county
15 and municipal offices selected by the Attorney General. In each
16 county, the audit shall be conducted in at least two percent of the
17 election districts in which each audited election appears on the
18 ballot. County and municipal elections held in fewer than 100
19 election districts are exempt from this requirement. Election
20 districts that are randomly selected for auditing for either the
21 Congressional or State legislative elections in alternating years may
22 be used to audit any other election that appears on the ballot in such
23 districts. Ballot batches, as provided for in subsection c. of this
24 section, shall also be audited subject to the provisions of this
25 section. In the case of a general election, audits shall begin ¹~~13~~
26 ³~~3~~ ¹ 13³ days after the election and shall be completed prior to the
27 certification of the results of that election. Extensions may be
28 provided by the Secretary of State if necessary.

29 b. The membership and composition of the audit team shall be
30 at the discretion of the Attorney General but shall be not less than
31 four, and at least one member shall have verifiable expertise in the
32 field of statistics and another member shall have verifiable expertise
33 in the field of auditing. No member of the audit team shall include
34 any person who:

35 (1) is serving in any position on any political campaign
36 committee of any candidate for political office in the elections that
37 are subject to the manual audit;

38 (2) is an employee of, or reports to, the Attorney General; or

39 (3) is serving as an officer or an employee of any entity that
40 designs, manufactures, or services a voting system used in the State.

41 c. The independent audit team shall oversee, supervise, and
42 require county election officials to conduct an audit of the results of
43 an election in accordance with the following procedures:

44 (1) Any procedure designed, adopted, and implemented by the
45 audit team shall be implemented to ensure with at least 99%
46 statistical power that for each federal, gubernatorial or other
47 Statewide election held in the State, a 100% manual recount of the
48 voter-verifiable paper records would not alter the electoral outcome

1 reported by the audit. For each election held for State office, other
2 than Governor and Lieutenant Governor, and for county and
3 municipal elections held in 100 or more election districts, any
4 procedure designed, adopted, and implemented by the audit team
5 shall be implemented to ensure with at least 90% statistical power
6 that a 100% manual recount of the voter-verifiable paper records
7 would not alter the electoral outcome reported by the audit. Such
8 procedures designed, adopted, and implemented by the audit team
9 to achieve statistical power shall be based upon scientifically
10 reasonable assumptions, with respect to each audited election,
11 including but not limited to: the possibility that within any election
12 district up to 20% of the total votes cast may have been counted for
13 a candidate or ballot position other than the one intended by the
14 voters; and that the number of votes cast per election district will
15 vary. Such procedures and assumptions shall be published prior to
16 any given election, and the public shall have the opportunity to
17 comment thereon.

18 (2) Any procedure designed, adopted, and implemented by the
19 audit team for each county and municipal election held in fewer
20 than 100 election districts, but more than a single election district,
21 shall be conducted in at least two election districts.

22 (3) Within a reasonable period of time after the final vote count
23 after an election, the Attorney General, with the audit team, shall
24 determine and then announce publicly the election districts in the
25 State in which audits shall be conducted, and within 24 hours of
26 that announcement, the audit shall be commenced.

27 (4) With respect to votes cast at the election district on the date
28 of an election other than by emergency or provisional ballot, the
29 independent audit team shall oversee and supervise a hand-to-eye
30 count of the voter-verifiable paper records and compare those
31 records with the count of such votes announced by the county
32 boards of elections.

33 (5) With respect to the votes cast other than at the election
34 district on the date of the election, or any other votes counted
35 electronically by the county board of elections on or after the date
36 of the election, including votes cast by military service voters and
37 overseas federal election voters, the independent audit team shall
38 oversee and supervise a count by hand of the voter-verifiable paper
39 records as follows. To maintain voter privacy, prior to each
40 election, the audit team shall direct the appropriate county election
41 official to divide the ballots into batches, hereinafter referred to as
42 audit units. Each audit unit shall contain approximately the average
43 number of ballots cast in the election districts within the county, or
44 fewer, but shall not be associated with any particular election
45 district. As the ballots comprising each audit unit are counted
46 electronically, each audit unit shall be assigned a unique
47 identification number. Immediately after counting the ballots
48 comprising each audit unit, a cumulative summary vote tally report

1 bearing the audit unit's unique identification number and containing
2 the sum of the vote totals of the audit unit and all previously
3 counted audit units in the election shall be printed and affixed to the
4 audit unit. The reports shall be subject to the same secure chain of
5 custody as the ballots comprising the audit units and shall be used
6 by the audit team to determine the electronic vote tally for each
7 audit unit. The audit team shall first compare the vote tallies in the
8 final cumulative report to the official results announced by the
9 county and resolve any discrepancies, and then include all the audit
10 units from each county in the random selection process and if
11 selected, cause them to be audited in the same manner provided
12 herein for election districts, except that the hand-to-eye count shall
13 be compared to the electronic vote tally derived from the
14 cumulative reports.

15 (6) The selection of the election districts, audit units, and county
16 and municipal elections to be audited shall be made by the Attorney
17 General on a random basis by lot, at a public meeting, using a
18 uniform distribution in which all election districts in which an
19 election is held, and county and municipal elections have an equal
20 chance of being selected, in accordance with such procedures as the
21 Attorney General, upon the recommendation of a majority of the
22 audit team, deems appropriate. Selection of election districts or
23 audit units for county and municipal elections held in less than 100
24 election districts may be made randomly using a non-uniform
25 distribution to be determined by the Attorney General, upon the
26 recommendation of a majority of the audit team. Such procedures
27 shall be published prior to use in any given election, and the public
28 shall have the opportunity to comment thereon. Notwithstanding
29 the requirements set forth in this paragraph, the audit team shall
30 have the authority to cause audits to be conducted of any election
31 district or audit unit which has not been randomly selected for
32 auditing in which a majority of the audit team determines from the
33 un-audited election results, past election results, or other data that
34 the votes are likely to have been miscounted. The Attorney General
35 shall allow members of the public, including but not limited to
36 those permitted to observe recounts, to observe the audits.

37 (7) As soon as practicable after the completion of an audit
38 conducted pursuant to this section, the Attorney General shall
39 announce publicly and publish the results of the audit and shall
40 include in the announcement a comparison of the results of the
41 election in the districts, as determined by the independent audit
42 team performing the audit, and the final vote count in the districts
43 as announced by the county boards of elections, including a list, by
44 election district and audit unit, of any discrepancies between the
45 initial vote count and any subsequent manual counts of the voter-
46 verifiable paper record; explanations for such discrepancies, if any;
47 and tallies of all overvotes, undervotes or their equivalents, blank
48 ballots, spoiled ballots, and cancellations recorded on the voter-

1 verifiable paper record. If the audit under this section results in a
2 change in the number of votes counted for any candidate, the
3 revised vote totals shall be incorporated in the official result from
4 the relevant election districts or audit units.

5 (8) No county shall certify the results of any election that is
6 subject to an audit performed pursuant to this section prior to the
7 completion of the audit and the announcement and publication of
8 the results thereof as required by paragraph (7) of this subsection.
9 The audit and publication of the results thereof shall be completed
10 prior to the time the State shall make a final determination with
11 respect to any controversy or contest concerning the appointment of
12 its electors for President or Vice President of the United States prior
13 to the deadline established in section 6 of Pub.L.80-644 (3
14 U.S.C.s.6).

15 (9) If the Attorney General, based on a recommendation of a
16 majority of the professional audit team, determines that any of the
17 hand-to-eye counts conducted under this section show cause for
18 concern about the accuracy of the results of any election in the
19 State, or in a county or a municipality, or with respect to a
20 particular election, the independent audit team shall oversee,
21 supervise, and cause to be conducted hand-to-eye counts under this
22 section in such additional election districts or audit units as the
23 Attorney General considers appropriate to resolve any such
24 concerns. The Attorney General shall issue previous to any election
25 the criteria to be employed to determine whether the hand-to-eye
26 counts show concern about the accuracy of the election results in
27 order to trigger further hand-to-eye counts. Such criteria shall be
28 published prior to use in any given election, and the public shall
29 have the opportunity to comment thereon. Notwithstanding the
30 requirements previously set forth in this paragraph, additional hand-
31 to-eye counts shall be conducted if in the initial audit conducted
32 pursuant to the procedures set forth in this subsection, any
33 discrepancy or discrepancies attributable to the electronic counting
34 system would alter the vote share of any candidate or ballot position
35 by one tenth of one percent or more of the hand counted votes in the
36 sample. Under such circumstances, the audit of the election shall
37 be expanded using the same number of election districts and when
38 possible, audit units, as the initial audit and shall be conducted
39 under the same procedures used to conduct the initial audit,
40 provided, however, that if the initial audit comprises more than one
41 half the total number of election districts and audit units in the
42 election, the expanded audit shall be a full hand-to-eye count of the
43 remaining un-audited election districts and audit units. Further
44 hand-to-eye counts shall be conducted if any discrepancy or
45 discrepancies attributable to the electronic counting system detected
46 by the initial or subsequent expanded audit indicates a substantial
47 possibility that a complete hand-to-eye recount would alter the
48 outcome of the audited election.

1 (10) If the voter-verifiable paper records in any machine are
2 found to be unusable for an audit for any reason whatsoever,
3 another machine used in the same election shall be selected at
4 random by the audit team to replace the original machine in the
5 audit sample. All such selections shall be made randomly in the
6 presence of those observing the audit using a method approved by
7 the Attorney General. An investigation to determine the reason the
8 voter-verifiable paper records were compromised and unusable
9 shall begin immediately, and the results of the investigation shall be
10 made public upon completion.

11 d. Nothing in this section shall be construed to prevent a
12 candidate or other applicant from requesting a recount pursuant to
13 R.S.19:28-1 et seq. or any other law. In the event that such a
14 recount is held in any election district that has been audited
15 pursuant to this section, the official result from such election
16 district shall be applied to the recount in lieu of conducting a
17 subsequent hand count of the audited election district unless a court,
18 at the request of a candidate or other applicant who requested the
19 recount, so orders.

20 (cf: P.L.2007, c.349, s.1)

21

22 ¹~~15.~~ 16.¹ Section 17 of P.L.2009, c.79 (C.19:63-17) is amended
23 to read as follows:

24 17. a. The county board of elections shall, promptly after
25 receiving each mail-in ballot, remove the inner envelope containing
26 the ballot from the outer envelope and shall compare the signature and
27 the information contained on the flap of the inner envelope with the
28 signature and information contained in the respective requests for
29 mail-in ballots and the signature and information contained in the
30 Statewide voter registration system. In addition, as to mail-in ballots
31 issued less than seven days prior to an election, the county board of
32 elections shall also check to establish that the mail-in voter did not
33 vote in person. The county board shall reject such a ballot if it is not
34 satisfied, pursuant to a comparison with the Statewide voter
35 registration system, that the voter is legally entitled to vote and that the
36 ballot conforms with the requirements of this act. The county board of
37 elections shall conduct the determination of qualification of each voter
38 in accordance with the requirements of the Certificate of Mail-in Voter
39 pursuant to section 13 of P.L.2009, c.79 (C.19:63-13).

40 In the case of a mail-in ballot to be voted at a primary election for
41 the general election, the ballot shall be rejected if the mail-in voter has
42 indicated in the certificate the voter's intention to vote in a primary
43 election of any political party in which the voter is not entitled to vote
44 according to the Statewide voter registration system, and if it shall
45 appear from the record that the voter is not entitled to vote in a primary
46 election of the political party which has been so indicated.

47 Any mail-in ballot which is received by a county board of elections
48 shall be rejected if the inner envelope is unsealed or if either the inner

1 or outer envelope has a seal that has been tampered with. Mail-in
2 ballots shall not be rejected due to any defect arising out of or relating
3 to the preparation or mailing of the ballot or envelope that was not
4 reasonably caused by the voters, such as a torn envelope and missing
5 or insufficient glue to allow the ballot to be sealed.

6 Disputes about the qualifications of a mail-in voter to vote or about
7 whether or not or how any mail-in ballot shall be counted in such
8 election shall be referred to the Superior Court for determination, as
9 provided under section 4 of P.L.2020, c.70 (C.19:63-17.1).

10 After such investigation, the county board of elections shall detach
11 or separate the certificate from the inner envelope containing the mail-
12 in ballot, unless it has been rejected by it or by the Superior Court,
13 marking the envelope so as to identify the election district in which the
14 ballot contained therein is to be voted as indicated by the voter's home
15 address appearing on the certificate attached to or accompanying the
16 inner envelope and, in the case of ballots to be voted at a primary
17 election for a general election, so as to identify the political party in
18 the primary election of which it is to be voted.

19 The location at which a county board of elections determines
20 whether a mail-in ballot shall be accepted or rejected shall be
21 considered an election district for the purposes of appointment of
22 challengers.

23 b. The county board of elections shall, promptly after receiving
24 each mail-in ballot, undertake the following procedures and
25 requirements concerning the acceptance or rejection of each mail-in
26 ballot:

27 (1) within 24 hours after the decision has been made to reject a
28 voter's mail-in or provisional ballot on the basis of a missing signature
29 or discrepant signature, issue a "Cure Letter" by mail or email to the
30 voter whose ballot was rejected, which shall inform the voter of that
31 fact and provide the reasoning for rejection, and attempt to contact the
32 voter by telephone, if a telephone number is available. The cure letter
33 shall include a "Cure Form" and the form shall include the voter's
34 name and instruct the voter on how to cure the alleged or actual
35 deficiency. Cure forms shall not be referred to as affidavits or
36 certifications and shall not be required to be sworn;

37 (2) when the alleged or actual deficiency involves the signature of
38 the voter, instruct the voter that they may cure the deficiency by
39 completing the cure form and returning it to the county board of
40 elections in person, by fax, or by email, not later than 48 hours prior to
41 the final certification of the results of the election other than the
42 general election, or in the case of a general election ²[not later than 96
43 hours prior to the final certification of the results of] within 11 days
44 after² the general election, or by returning it to the county board of
45 elections by mail, and that the completed cure form must be received
46 by the county board of elections not later than 48 hours prior to the
47 final certification of the results of the election other than the general
48 election, or in the case of a general election ²[not later than 96 hours

1 prior to the final certification of the results of within 11 days after²
2 the general election;

3 (3) include, with the cure letter, when sent by mail, a pre-printed
4 cure form and a postage-paid return envelope addressed to the county
5 board of elections which the voter may use to return the cure form; and

6 (4) inform voters that they shall not be required to submit any form
7 of hard-copy identification document or copy thereof in order to cure a
8 signature deficiency, but may do so by declaring that they submitted
9 their provisional ballot or mail-in ballot, and verifying their identity by
10 either: (a) providing a valid New Jersey driver's license number or
11 Motor Vehicle Commission non-driver identification number; or (b) if
12 the voter does not have a valid New Jersey driver's license number or
13 Motor Vehicle Commission non-driver identification number, then by
14 providing the last four digits of their Social Security Number; or (c) if
15 the voter does not have the identification in (a) or (b), then attaching a
16 legible copy of a New Jersey State-accepted form of identification,
17 including either a sample ballot which lists the voter's name and
18 address, an official federal, State, county, or municipal document
19 which lists the voter's name and address, or a utility bill, telephone bill,
20 or tax or rent receipt which lists the voter's name and address; and (d)
21 signing and dating the cure form prior to returning it.

22 c. If a voter returns a completed cure form in a timely manner
23 and the information provided verifies the voter's identity, pursuant to
24 this section, their otherwise valid mail-in or provisional ballot shall be
25 counted in the final election results irrespective of any signature
26 deficiency previously identified and, under those circumstances, the
27 cure form may not be verified or authenticated using signature
28 matching.

29 d. In accordance with this section, variations in voter signatures
30 caused by the substitution of initials for the first name, middle name,
31 or both, shall not be grounds for the county board of elections to
32 determine that the signatures are non-conforming or do not match.

33 e. In cases of rejected ballots, the county board of elections shall
34 retain the voter's outer envelope, inner envelope, self-certification
35 certificate, and mail-in ballot in a bundle unique to each voter for a
36 period of two years in accordance with section 24 of P.L.2009, c.79
37 (C.19:63-24).

38 f. County boards of elections shall be required to meet at least
39 once each week during the three-week period preceding each election
40 to conduct the ballot processing and curing provisions specified in this
41 section, and shall meet more frequently as may be required by the
42 Secretary of State to ensure the timely processing of ballots.

43 The Secretary of State shall prepare educational materials
44 regarding this section that all employed county boards of elections
45 employees handling ballots shall read and have available for review.
46 The materials shall provide clear information regarding the standards
47 for acceptance and rejection of mail-in ballots and the safe-keeping of
48 all materials in the case of rejection. The materials shall serve an

1 educational purpose for the county board of elections and shall not
2 replace, supersede, or void the authority of the county board or a judge
3 of the Superior Court to accept or reject a mail-in ballot.
4 (cf: P.L.2020, c.71, s.12)

5
6 ¹~~16.~~ 17.¹ Section 4 of P.L.1981, c.379 (C.40:45-8) is amended
7 to read as follows:

8 4. On or before the ~~64th~~ 75th day prior to a regular
9 municipal election, the names of candidates for all elective offices
10 shall be filed with the municipal clerk, in the following manner and
11 form and subject to the following conditions:

12 a. The petition of nomination shall consist of individual
13 certificates, equal in number to at least 1%, but in no event less than
14 25, of the registered voters of the municipality or the ward, as the
15 case may be, and shall read substantially as follows:

16 "I, the undersigned, a registered voter of the municipality of
17, residing at certify that I do
18 hereby join in a petition of the nomination of
19 whose residence is at for the office
20 of mayor (or councilman-at-large, or ward councilman of the
21 ward, or commissioner, or village trustee, as the case may
22 be) to be voted for at the election to be held in the municipality on
23 the, 20....., and I further certify that I know this candidate
24 to be a registered voter, for the period required by law, of the
25 municipality (and the ward, in the case of ward councilman) and a
26 person of good moral character, and qualified, in my judgment, to
27 perform the duties of the office, and I further certify that I have not
28 signed more petitions or certificates of nomination than there are
29 places to be filled for the above office.

30 Signed"

31 The petition of nomination shall also include a functioning e-
32 mail address for the candidate.

33 Any such petition of nomination which is provided to candidates
34 by the municipal clerk shall contain the following notice: "Notice:
35 All candidates are required by law to comply with the provisions of
36 the 'New Jersey Campaign Contributions and Expenditures
37 Reporting Act.' For further information, please call (insert phone
38 number of the Election Law Enforcement Commission)."

39 b. Each petition signature shall be on a separate sheet of paper
40 and shall bear the name and address of the petitioner. The
41 candidate for office and his campaign manager shall make an oath
42 before an officer competent to administer oaths that the statements
43 made therein are true, and that each signature to the papers
44 appended thereto is the genuine signature of the person whose name
45 it purports to be, to their best knowledge and belief. The oath,
46 signed by the candidate, shall constitute his acceptance of
47 nomination and shall be annexed to the petition, together with the
48 oath of his campaign manager, at the time the petition is submitted.

1 c. The municipal clerk shall immediately provide the Election
2 Law Enforcement Commission with official certification of the
3 filing or withdrawal of a petition of nomination.

4 d. A candidate shall be permitted to sign or circulate, or both
5 sign and circulate, the petition required to nominate that candidate
6 for elective public office in any municipality holding regular
7 municipal elections.

8 (cf: P.L.2018, c.66, s.4)

9
10 ³18. Section 5 of P.L.1981, c.379 (C.40:45-9) is amended to
11 read as follows:

12 5. a. The municipal clerk shall furnish, upon request, a
13 reasonable number of forms of individual certificates of
14 nomination.

15 b. Each certificate shall contain the name of one candidate, and
16 no more. Each signer must not, at the time of signing the
17 certificate, have signed more certificates for candidates for that
18 office than there are places to be filled for the office. Where ward
19 councilmen are to be elected, no petitioner shall sign more than one
20 certificate for ward council, and the candidate named in the petition
21 shall reside in the same ward as the signer. All certificates not
22 complying substantially with this act shall be rejected.

23 c. When a petition of nomination is presented for filing to the
24 municipal clerk, he shall examine it and ascertain whether or not it
25 conforms to the provisions of this act and, where applicable, the
26 provisions of the general election laws. If it does not conform, he
27 shall retain the petition and notify the person nominated of the
28 defect, by written notice delivered to him personally or by certified
29 mail to his place of residence stated in the petition.

30 d. Where the nominating petition, or any affidavit or affidavits
31 thereto is found defective, the candidate named therein may file
32 such amendment or amendments as may be necessary to eliminate
33 the defect, whether of matters of substance or form, and when so
34 amended the effect shall be as if the petition had been originally
35 filed in the amended form. After the last day for the filing of the
36 original petition, no amendment may be made for the purpose of
37 adding the name of any person who did not sign the original
38 petition, nor shall any amendment be made at any time for the
39 purpose of changing the name of the candidate or the office for
40 which he was to be nominated. No amendment to a nominating
41 petition shall be made and filed less than **[61]** 72 days before the
42 election.³

43 (cf: P.L.2011, c.37, s.33)

44
45 ¹**[17.]** ³**[18.1]** 19.³ Section 13 of P.L.1981, c.379 (C.40:45-17)
46 is amended to read as follows:

47 13. At the regular municipal election in any municipality which
48 has adopted this act, the candidates receiving the greatest number of

1 votes cast shall be elected to the respective offices. Except as
2 otherwise provided by law, the term of office of any officer elected
3 pursuant to this act shall begin on July 1 next following election. If
4 a regular municipal election is held on the day of the general
5 election in November pursuant to subsection a. of section 1 of
6 P.L.2009, c.196 (C.40:45-7.1), the term of office of any officer
7 elected shall begin on January ~~1~~ 15 next following election.
8 (cf: P.L.2009, c.196, s.7)

9
10 ~~1~~¹~~18.~~ ~~3~~¹~~19.~~ ~~20.~~³ Section 1 of P.L.1956, c.176 (C.40:45A-1) is
11 amended to read as follows:

12 1. a. Notwithstanding any other provision of law, the governing
13 body of a municipality in which any of the members of the
14 governing body are elected for terms commencing January 1 may,
15 by resolution, fix the date and time of its annual organization or
16 reorganization meeting at 12 o'clock noon on January ~~1~~¹, or at
17 some other hour on any day during the first week in January.

18 b. The governing body of a municipality in which any of the
19 members of the governing body are elected for terms commencing
20 January 15 may, by resolution, fix the date and time of its annual
21 organization or reorganization meeting at 12 o'clock noon on
22 January 15, or at some other hour on any day during ~~1~~¹the second
23 week or thereafter in January] a seven-day period beginning on
24 January 15¹ .

25 (cf: P.L.2000, c.126, s.12)

26
27 ~~1~~¹~~19.~~ ~~3~~¹~~20.~~ ~~21.~~³ Section 192 of P.L.1950, c.210 (C.40:69A-
28 192) is amended to read as follows:

29 17-43. a. Any ordinance to be voted on by the voters in
30 accordance with section 17-36 or section 17-42 of this act
31 (C.40:69A-185 or C.40:69A-191) shall be submitted at the next
32 general or regular municipal election occurring not less than 40
33 days after the final date for withdrawal of the petition as provided
34 for in section 17-42 of this act (C.40:69A-191), provided that if no
35 such election is to be held within 90 days the council shall provide
36 for a special election to be held not less than 40 nor more than 60
37 days from the final date for withdrawal of the petition as provided
38 for in section 17-42 (C.40:69A-191) of this act.

39 b. In the case of an initiated petition signed by not less than 10%
40 nor more than 15% of the legal voters, the ordinance shall be
41 submitted at the next general or regular municipal election
42 occurring not less than 40 days after the final date of withdrawal of
43 the petition as provided for in section 17-42 (C.40:69A-191) of this
44 act.

45 c. In any instance where a referendum election is to be held as
46 a result of an ordinance of the council which by its terms or by law
47 cannot become effective in the municipality unless submitted to the
48 voters, or which by its terms authorizes a referendum in the

1 municipality concerning the subject matter thereof, the time for
2 submission of the question to the voters shall be at the next general
3 or regular municipal election occurring not less than 40 days from
4 the date of final passage and approval of the ordinance. Referenda
5 held on ordinances adopted pursuant to sections 7 through 11 of
6 P.L.1981, c.465 (C.40:69A-25.1 through 40:69A-25.5) shall be
7 governed by this subsection, except that if the referendum is held
8 pursuant to those sections as the result of the report of a charter
9 study commission, the time for submission of the question shall be
10 calculated from the date of that report.

11 d. Nothing in this section shall be interpreted to waive the
12 requirement for the ballot question to be submitted to the county
13 clerk 74 days prior to the general election as required by section
14 '[21] 22' of P.L. , c. (C.)(pending before the Legislature as
15 this bill).

16 (cf: P.L.1991, c.430, s.5)

17

18 ¹[20.] ³[21.1] ^{22.3} N.J.S.40A:14-72 is amended to read as
19 follows:

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

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

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

46 d. Fire districts located in the same municipality may combine
47 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 6 of P.L.2009, c.79 (C.19:63-6).

3 e. The legal voters at an annual election held on the third
4 Saturday in February shall determine the amount of money to be
5 raised for the ensuing year and determine such other matters as may
6 be required. If the amount of money to be raised for the ensuing
7 year exceeds the permissible property tax levy increase as
8 determined pursuant to section 10 of P.L.2007, c.62 (C.40A:4-
9 45.45), a public question shall be submitted to the legal voters to
10 increase the amount to be raised by taxation by more than the
11 allowable adjusted tax levy.

12 f. If a fire district holds its annual election at the time of the
13 general election, then the legal voters shall determine the amount of
14 money to be raised for the ensuing year only by such amount that
15 exceeds the permissible property tax levy increase as determined
16 pursuant to section 10 of P.L.2007, c.62 (C.40A:4-45.45). The
17 legal voters shall determine whether to increase the amount to be
18 raised by taxation by more than the allowable adjusted tax levy for
19 the ensuing year through the submission of a public question. The
20 board of fire commissioners of the fire district shall notify the
21 county or municipal clerk, as appropriate, of the need to conduct a
22 referendum pursuant to this subsection at least 60 days before the
23 date of the referendum. A referendum conducted pursuant to this
24 subsection shall be held on the third Saturday in February of the
25 budget year in which the levy increase would apply.

26 g. No fire district election shall be held between the period of
27 45 days prior to the primary or general election to the certification
28 of the results of the primary or general election.

29 (cf: P.L.2017, c.206, s.11)

30

31 ¹[21.] ³[22.¹] ³23.³ (New section) Any question to be submitted
32 to the voters pursuant to section 192 of P.L.1950, c.210 (C.40:69A-
33 192) shall be submitted to the county clerk not later than the 74th
34 day preceding the election.

35

36 ¹[22.] ³[23.¹] ³24.³ This act shall take effect immediately.