

[Fifth Reprint]

ASSEMBLY, No. 5175

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED FEBRUARY 9, 2023

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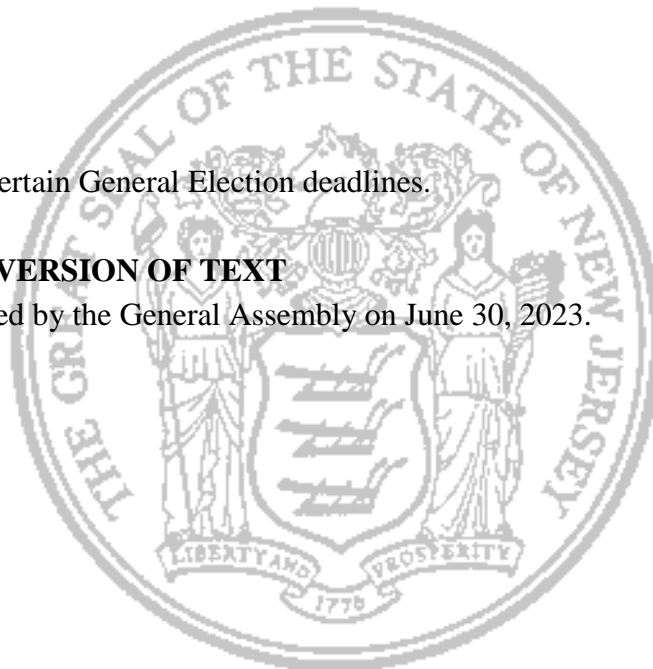
Senator Pou and Assemblywoman Reynolds-Jackson

SYNOPSIS

Changes certain General Election deadlines.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 30, 2023.



(Sponsorship Updated As Of: 6/30/2023)

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.

⁴Senate SSG committee amendments adopted June 12, 2023.

⁵Assembly floor amendments adopted June 30, 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. ⁴**[If a**
43 voting machine chosen for audit pursuant to section 1 of P.L.2007,
44 c.349 (C.19:61-9) following the general election is selected for a
45 recount under this section, the candidate may request that the votes
46 be recounted within]⁴ ¹**[13]** ⁴**[3¹** days of the election.]⁴

1 When ten voters at any election shall have reason to believe that
2 an error has been so made in counting the votes upon any public
3 question at any election, such voters may, within a period of ¹**[17]**
4 ³**[7¹]** ³**3** days ³**[following such]** after the certification of the results
5 of the³ election, apply to a judge of the Superior Court assigned to
6 the county wherein such district or districts are located, for a
7 recount of the votes cast at the election in any district or districts on
8 such public question. ⁴**[If a voting machine chosen for audit**
9 pursuant to section 1 of P.L.2007, c.349 (C.19:61-9) following the
10 general election is selected for a recount under this section, the
11 voters may request that the votes be recounted within]⁴ ¹**[13]**
12 ⁴**[3¹ days of the election.]**⁴
13 (cf: P.L.2018, c.72, s.12)
14

15 ¹**[7.] 6.**¹ R.S.19:37-1 is amended to read as follows:

16 19:37-1. When the governing body of any municipality or of any
17 county desires to ascertain the sentiment of the legal voters of the
18 municipality or county upon any question or policy pertaining to the
19 government or internal affairs thereof, and there is no other statute
20 by which the sentiment can be ascertained by the submission of
21 such question to a vote of the electors in the municipality or county
22 at any election to be held therein, the governing body may adopt at
23 any regular meeting an ordinance or a resolution requesting the
24 clerk of the county to print upon the official ballots to be used at the
25 next ensuing general election a certain proposition to be formulated
26 and expressed in the ordinance or resolution in concise form. Such
27 request shall be filed with the clerk of the county not later than
28 **[81]** 88 days previous to the election.
29 (cf: P.L.2011, c.37, s.22)
30

31 ¹**[8.] 7.**¹ Section 2 of P.L.1967, c.101 (C.19:37-1.1) is
32 amended to read as follows:

33 2. Whenever a governing body of a municipality has adopted
34 an ordinance or resolution pursuant to section 19:37-1 of the
35 Revised Statutes, upon the presentation to the governing body of
36 such municipality of a petition signed by 10% or more of the voters
37 registered and qualified to vote at the last general election in such
38 municipality, requesting the governing body of such municipality to
39 ascertain the sentiment of the legal voters of the municipality upon
40 any question or policy pertaining to the government or internal
41 affairs thereof that is reasonably related to any proposition
42 formulated and expressed in such ordinance or resolution, such
43 governing body of the municipality shall thereupon adopt at its next
44 regular meeting following the presentation of such petition a
45 resolution requesting the clerk of the county to print upon the
46 official ballots to be used at the next ensuing general election a
47 certain proposition as formulated and expressed in the petition.

1 Such request shall be filed with the clerk of the county not later
2 than the ~~67th~~ 74th day previous to the election.

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

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

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

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

13

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

15 19:52-6. ⁴【The】 For voting machines that are exempted by
16 paragraph (2) of subsection b. of R.S.19:48-1, the⁴ district election
17 officers shall, as soon as the count is completed and fully
18 ascertained, as by this subtitle required, lock the counter
19 compartment and it shall so remain for a period of ~~15~~ ³~~7~~ 13³
20 days, except it be opened by order of a judge of the Superior Court
21 assigned to the county. Within such period and upon written
22 request of any defeated candidate, or in the case where a public
23 question is involved upon petition of any 10 qualified voters of a
24 county or municipality using machines who voted in the election in
25 question, the judge shall, at a cost of \$2.00 per district to the
26 candidate or petitioners, order the machines in question opened and
27 the registering counters rechecked against the election officers'
28 returns. Any candidate or petitioners requesting such recheck, shall
29 deposit with the county clerk, the amount necessary for all the
30 districts requested. The county clerk, if it appears that an error or
31 errors have occurred as a result of which the election is changed or
32 the difference between the negative and affirmative of any public
33 question is altered so as to change the results of the election, shall
34 upon the warrant of such judge of the Superior Court, pay to such
35 candidate or petitioners the cost of such recheck. In the event it
36 shall appear after such recheck that the results of the election
37 remain unchanged, the county clerk shall, upon the warrant of such
38 judge, pay the funds so deposited into the county treasury. Such
39 recheck shall be made under the supervision of the county election
40 officials and in co-operation with the parties at interest or their
41 representatives. When irregular ballots of whatever description
42 have been voted, the district election officers shall return all such
43 ballots in a properly secured package indorsed "irregular ballots"
44 and return and file such package with the municipal clerk at the
45 same time the original statement of the results of the election made
46 by them is filed. Such package shall be preserved for 6 months
47 next succeeding such election, and it shall not be opened or its
48 contents examined during that time except by the order of a judge

1 of a court lawfully empowered to direct the same to be opened and
2 examined. At the end of the 6 months, such packages may be
3 opened and the ballots disposed of at the discretion of the official
4 having charge thereof.¹

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

6
7 ¹**[9.] 10.**¹ Section 1 of P.L.2005, c.152 (C.19:53B-21) is
8 amended to read as follows:

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

20 (cf: P.L.2005, c.152, s.1)

21
22 ¹**[10.] 11.**¹ Section 2 of P.L.2005, c.152 (C.19:53C-21) is
23 amended to read as follows:

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

35 (cf: P.L.2005, c.152, s.2)

36
37 ¹**[11.] 12.**¹ Section 2 of P.L.1995, c.278 (C.19:60-2) is amended
38 to read as follows:

39 2. a. Except as otherwise provided pursuant to subsection c. of
40 this section, the board of education of a type II district may call a
41 special election of the legal voters of the district on only the fourth
42 Tuesday in January, the second Tuesday in March, the ⁴**[last]**
43 ⁵**[third⁴]** ⁵**last⁵** Tuesday in September, or ⁴**[the second Tuesday in**
44 **December]** ⁵**[concurrently with the general election⁴]** the second
45 Tuesday in December⁵ when in its judgment the interests of the
46 schools require such an election. The board of education shall give
47 the municipal clerk or clerks, as the case may be, and the county

1 board of elections no less than 60 days' notice, in writing, of its
2 intention to hold a special election.

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

6 c. The Commissioner of Education may change in any school
7 year any date authorized for a special school election pursuant to
8 subsection a. of this section if that date coincides with a period of
9 religious observance that limits significantly the usual activities of
10 the followers of a particular religion or that would result in
11 significant religious consequences for such followers or if the date
12 authorized for a special school election falls within 45 days of the
13 primary election or the General Election. The commissioner shall
14 inform local school boards, county clerks, and boards of election of
15 the adjustment no later than the first working day in January of the
16 year in which the adjustments are to occur.

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

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

21

22 ¹**12.** 13.¹ Section 4 of P.L.1995, c.278 (C.19:60-4) is amended
23 to read as follows:

24 4. The secretary of each board of education shall, not later than 10
25 o'clock a.m. of the ²**18th** ⁴**60th**² 18th⁴ day preceding the annual
26 April school election or ⁴the 60th day preceding⁴ a special school
27 election, make and certify and forward to the clerk of the county in
28 which the school district is located a statement designating the public
29 question to be voted upon by the voters of the district which may be
30 required pursuant to the provisions of P.L.1995, c.278 (C.19:60-1 et
31 al.) or Title 18A of the New Jersey Statutes.

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

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

42

43 ¹**13.** 14.¹ Section 7 of P.L.1995, c.278 (C.19:60-7) is amended
44 to read as follows:

45 7. Each candidate to be voted upon at a school election shall be
46 nominated directly by petition, and the procedures for such
47 nomination shall, to the extent not inconsistent with the provisions
48 of P.L.1995, c.278 (C.19:60-1 et al.), conform to the procedure for

1 nominating candidates by direct petition under chapter 13 of Title
2 19 of the Revised Statutes. Notwithstanding the provisions of
3 R.S.19:13-5, however, a petition of nomination for such office shall
4 be signed by at least 10 persons, one of whom may be the
5 candidate, and filed with the secretary of the board of education on
6 or before four p.m. of the 50th day preceding the date of the April
7 school election, or with the county clerk on or before four p.m. of
8 the last Monday in July preceding the November school election, as
9 applicable. The signatures need not all appear upon a single petition
10 and any number of petitions may be filed on behalf of any candidate
11 or on behalf of two or more candidates filing a joint petition. A
12 petition for one or more candidates may include a designation in not
13 more than three words that conveys the principles which the
14 candidate or candidates therein named represent, but such
15 designation shall not contain the name, or a derivative thereof, as a
16 noun or an adjective of any political party entitled to participate in a
17 primary election. The petitions of a candidate for member of a
18 board of education shall also include a functioning e-mail address
19 for the candidate.

20 Any candidate may withdraw as a candidate in a school election
21 by filing a notice in writing, signed by the candidate, of such
22 withdrawal with the secretary of the board of education before the
23 44th day before the date of the April election or with the county
24 clerk on the **【70th】** 81st day before the date of the November
25 election, as applicable, and thereupon the name of that candidate
26 shall be withdrawn by the secretary of the board of education and
27 shall not be printed on the ballot.

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

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

1 before the April election or the 10th day after the last day for the
2 filing of petitions for candidates seeking election as a member of a
3 board of education at the November election, as applicable.

4 In each school district in which candidates for the office of
5 member of a board of education will seek election at the November
6 school election, the school business administrator thereof shall
7 certify to the county clerk no later than the day of the holding of the
8 primary election for the general election next occurring a statement
9 designating the public offices to be filled at such election, and the
10 number of such offices to be filled.

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

12

13 ¹~~14.~~ ¹15. Section 1 of P.L.2007, c.349 (C.19:61-9) is amended
14 to read as follows:

15 1. a. Notwithstanding any law, rule or regulation to the
16 contrary, the ⁴~~Attorney General~~ Secretary of State⁴ shall appoint
17 each year an independent, professional audit team. It shall oversee,
18 in each county, random hand-to-eye counts of the voter-verifiable
19 paper records that are to be conducted by appropriate county
20 election officials. Audits shall be conducted for each election held
21 for federal or State office, including the offices of Governor,
22 Lieutenant Governor and member of the Legislature, and for county
23 and municipal offices selected by the ⁴~~Attorney General~~ Secretary
24 of State⁴. In each county, the audit shall be conducted in at least
25 two percent of the election districts in which each audited election
26 appears on the ballot. County and municipal elections held in fewer
27 than 100 election districts are exempt from this requirement.
28 Election districts that are randomly selected for auditing for either
29 the Congressional or State legislative elections in alternating years
30 may be used to audit any other election that appears on the ballot in
31 such districts. Ballot batches, as provided for in subsection c. of
32 this section, shall also be audited subject to the provisions of this
33 section. In the case of a general election, audits shall begin ¹~~13~~
34 ³~~3~~ ¹13³ days after the election and shall be completed prior to the
35 certification of the results of that election. Extensions may be
36 provided by the Secretary of State if necessary.

37 b. The membership and composition of the audit team shall be
38 at the discretion of the ⁴~~Attorney General~~ Secretary of State⁴ but
39 shall be not less than four, and at least one member shall have
40 verifiable expertise in the field of statistics and another member
41 shall have verifiable expertise in the field of auditing. No member
42 of the audit team shall include any person who:

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

46 (2) is an employee of, or reports to, the ⁴~~Attorney General~~
47 Secretary of State⁴; or

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

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

6 (1) Any procedure designed, adopted, and implemented by the
7 audit team shall be implemented to ensure with at least 99%
8 statistical power that for each federal, gubernatorial or other
9 Statewide election held in the State, a 100% manual recount of the
10 voter-verifiable paper records would not alter the electoral outcome
11 reported by the audit. For each election held for State office, other
12 than Governor and Lieutenant Governor, and for county and
13 municipal elections held in 100 or more election districts, any
14 procedure designed, adopted, and implemented by the audit team
15 shall be implemented to ensure with at least 90% statistical power
16 that a 100% manual recount of the voter-verifiable paper records
17 would not alter the electoral outcome reported by the audit. Such
18 procedures designed, adopted, and implemented by the audit team
19 to achieve statistical power shall be based upon scientifically
20 reasonable assumptions, with respect to each audited election,
21 including but not limited to: the possibility that within any election
22 district up to 20% of the total votes cast may have been counted for
23 a candidate or ballot position other than the one intended by the
24 voters; and that the number of votes cast per election district will
25 vary. Such procedures and assumptions shall be published prior to
26 any given election, and the public shall have the opportunity to
27 comment thereon.

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

32 (3) Within a reasonable period of time after the final vote count
33 after an election, the ⁴【Attorney General】 Secretary of State⁴, with
34 the audit team, shall determine and then announce publicly the
35 election districts in the State in which audits shall be conducted,
36 and within 24 hours of that announcement, the audit shall be
37 commenced.

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

44 (5) With respect to the votes cast other than at the election
45 district on the date of the election, or any other votes counted
46 electronically by the county board of elections on or after the date
47 of the election, including votes cast by military service voters and
48 overseas federal election voters, the independent audit team shall

1 oversee and supervise a count by hand of the voter-verifiable paper
2 records as follows. To maintain voter privacy, prior to each
3 election, the audit team shall direct the appropriate county election
4 official to divide the ballots into batches, hereinafter referred to as
5 audit units. Each audit unit shall contain approximately the average
6 number of ballots cast in the election districts within the county, or
7 fewer, but shall not be associated with any particular election
8 district. As the ballots comprising each audit unit are counted
9 electronically, each audit unit shall be assigned a unique
10 identification number. Immediately after counting the ballots
11 comprising each audit unit, a cumulative summary vote tally report
12 bearing the audit unit's unique identification number and containing
13 the sum of the vote totals of the audit unit and all previously
14 counted audit units in the election shall be printed and affixed to the
15 audit unit. The reports shall be subject to the same secure chain of
16 custody as the ballots comprising the audit units and shall be used
17 by the audit team to determine the electronic vote tally for each
18 audit unit. The audit team shall first compare the vote tallies in the
19 final cumulative report to the official results announced by the
20 county and resolve any discrepancies, and then include all the audit
21 units from each county in the random selection process and if
22 selected, cause them to be audited in the same manner provided
23 herein for election districts, except that the hand-to-eye count shall
24 be compared to the electronic vote tally derived from the
25 cumulative reports.

26 (6) The selection of the election districts, audit units, and county
27 and municipal elections to be audited shall be made by the
28 ⁴~~Attorney General~~ Secretary of State⁴ on a random basis by lot, at
29 a public meeting, using a uniform distribution in which all election
30 districts in which an election is held, and county and municipal
31 elections have an equal chance of being selected, in accordance
32 with such procedures as the ⁴~~Attorney General~~ Secretary of State⁴,
33 upon the recommendation of a majority of the audit team, deems
34 appropriate. Selection of election districts or audit units for county
35 and municipal elections held in less than 100 election districts may
36 be made randomly using a non-uniform distribution to be
37 determined by the ⁴~~Attorney General~~ Secretary of State⁴, upon the
38 recommendation of a majority of the audit team. Such procedures
39 shall be published prior to use in any given election, and the public
40 shall have the opportunity to comment thereon. Notwithstanding
41 the requirements set forth in this paragraph, the audit team shall
42 have the authority to cause audits to be conducted of any election
43 district or audit unit which has not been randomly selected for
44 auditing in which a majority of the audit team determines from the
45 un-audited election results, past election results, or other data that
46 the votes are likely to have been miscounted. The ⁴~~Attorney~~
47 ~~General~~ Secretary of State⁴ shall allow members of the public,

1 including but not limited to those permitted to observe recounts, to
2 observe the audits.

3 (7) As soon as practicable after the completion of an audit
4 conducted pursuant to this section, the ⁴**【Attorney General】**
5 Secretary of State⁴ shall announce publicly and publish the results of
6 the audit and shall include in the announcement a comparison of the
7 results of the election in the districts, as determined by the
8 independent audit team performing the audit, and the final vote
9 count in the districts as announced by the county boards of
10 elections, including a list, by election district and audit unit, of any
11 discrepancies between the initial vote count and any subsequent
12 manual counts of the voter-verifiable paper record; explanations for
13 such discrepancies, if any; and tallies of all overvotes, undervotes
14 or their equivalents, blank ballots, spoiled ballots, and cancellations
15 recorded on the voter-verifiable paper record. If the audit under
16 this section results in a change in the number of votes counted for
17 any candidate, the revised vote totals shall be incorporated in the
18 official result from the relevant election districts or audit units.

19 (8) No county shall certify the results of any election that is
20 subject to an audit performed pursuant to this section prior to the
21 completion of the audit and the announcement and publication of
22 the results thereof as required by paragraph (7) of this subsection.
23 The audit and publication of the results thereof shall be completed
24 prior to the time the State shall make a final determination with
25 respect to any controversy or contest concerning the appointment of
26 its electors for President or Vice President of the United States prior
27 to the deadline established in section 6 of Pub.L.80-644
28 (3 U.S.C.s.6).

29 (9) If the ⁴**【Attorney General】** Secretary of State⁴, based on a
30 recommendation of a majority of the professional audit team,
31 determines that any of the hand-to-eye counts conducted under this
32 section show cause for concern about the accuracy of the results of
33 any election in the State, or in a county or a municipality, or with
34 respect to a particular election, the independent audit team shall
35 oversee, supervise, and cause to be conducted hand-to-eye counts
36 under this section in such additional election districts or audit units
37 as the ⁴**【Attorney General】** Secretary of State⁴ considers appropriate
38 to resolve any such concerns. The ⁴**【Attorney General】** Secretary of
39 State⁴ shall issue previous to any election the criteria to be
40 employed to determine whether the hand-to-eye counts show
41 concern about the accuracy of the election results in order to trigger
42 further hand-to-eye counts. Such criteria shall be published prior to
43 use in any given election, and the public shall have the opportunity
44 to comment thereon. Notwithstanding the requirements previously
45 set forth in this paragraph, additional hand-to-eye counts shall be
46 conducted if in the initial audit conducted pursuant to the
47 procedures set forth in this subsection, any discrepancy or
48 discrepancies attributable to the electronic counting system would

1 alter the vote share of any candidate or ballot position by one tenth
2 of one percent or more of the hand counted votes in the sample.
3 Under such circumstances, the audit of the election shall be
4 expanded using the same number of election districts and when
5 possible, audit units, as the initial audit and shall be conducted
6 under the same procedures used to conduct the initial audit,
7 provided, however, that if the initial audit comprises more than one
8 half the total number of election districts and audit units in the
9 election, the expanded audit shall be a full hand-to-eye count of the
10 remaining un-audited election districts and audit units. Further
11 hand-to-eye counts shall be conducted if any discrepancy or
12 discrepancies attributable to the electronic counting system detected
13 by the initial or subsequent expanded audit indicates a substantial
14 possibility that a complete hand-to-eye recount would alter the
15 outcome of the audited election.

16 (10) If the voter-verifiable paper records in any machine are
17 found to be unusable for an audit for any reason whatsoever,
18 another machine used in the same election shall be selected at
19 random by the audit team to replace the original machine in the
20 audit sample. All such selections shall be made randomly in the
21 presence of those observing the audit using a method approved by
22 the ⁴~~Attorney General~~ Secretary of State⁴. An investigation to
23 determine the reason the voter-verifiable paper records were
24 compromised and unusable shall begin immediately, and the results
25 of the investigation shall be made public upon completion.

26 d. Nothing in this section shall be construed to prevent a
27 candidate or other applicant from requesting a recount pursuant to
28 R.S.19:28-1 et seq. or any other law. In the event that such a
29 recount is held in any election district that has been audited
30 pursuant to this section, the official result from such election
31 district shall be applied to the recount in lieu of conducting a
32 subsequent hand count of the audited election district unless a court,
33 at the request of a candidate or other applicant who requested the
34 recount, so orders.

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

36

37 ¹~~15.~~ 16.¹ Section 17 of P.L.2009, c.79 (C.19:63-17) is amended
38 to read as follows:

39 17. a. The county board of elections shall, promptly after
40 receiving each mail-in ballot, remove the inner envelope containing
41 the ballot from the outer envelope and shall compare the signature and
42 the information contained on the flap of the inner envelope with the
43 signature and information contained in the respective requests for
44 mail-in ballots and the signature and information contained in the
45 Statewide voter registration system. In addition, as to mail-in ballots
46 issued less than seven days prior to an election, the county board of
47 elections shall also check to establish that the mail-in voter did not
48 vote in person. The county board shall reject such a ballot if it is not

1 satisfied, pursuant to a comparison with the Statewide voter
2 registration system, that the voter is legally entitled to vote and that the
3 ballot conforms with the requirements of this act. The county board of
4 elections shall conduct the determination of qualification of each voter
5 in accordance with the requirements of the Certificate of Mail-in Voter
6 pursuant to section 13 of P.L.2009, c.79 (C.19:63-13).

7 In the case of a mail-in ballot to be voted at a primary election for
8 the general election, the ballot shall be rejected if the mail-in voter has
9 indicated in the certificate the voter's intention to vote in a primary
10 election of any political party in which the voter is not entitled to vote
11 according to the Statewide voter registration system, and if it shall
12 appear from the record that the voter is not entitled to vote in a primary
13 election of the political party which has been so indicated.

14 Any mail-in ballot which is received by a county board of elections
15 shall be rejected if the inner envelope is unsealed or if either the inner
16 or outer envelope has a seal that has been tampered with. Mail-in
17 ballots shall not be rejected due to any defect arising out of or relating
18 to the preparation or mailing of the ballot or envelope that was not
19 reasonably caused by the voters, such as a torn envelope and missing
20 or insufficient glue to allow the ballot to be sealed.

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

25 After such investigation, the county board of elections shall detach
26 or separate the certificate from the inner envelope containing the mail-
27 in ballot, unless it has been rejected by it or by the Superior Court,
28 marking the envelope so as to identify the election district in which the
29 ballot contained therein is to be voted as indicated by the voter's home
30 address appearing on the certificate attached to or accompanying the
31 inner envelope and, in the case of ballots to be voted at a primary
32 election for a general election, so as to identify the political party in
33 the primary election of which it is to be voted.

34 The location at which a county board of elections determines
35 whether a mail-in ballot shall be accepted or rejected shall be
36 considered an election district for the purposes of appointment of
37 challengers.

38 b. The county board of elections shall, promptly after receiving
39 each mail-in ballot, undertake the following procedures and
40 requirements concerning the acceptance or rejection of each mail-in
41 ballot:

42 (1) within 24 hours after the decision has been made to reject a
43 voter's mail-in or provisional ballot on the basis of a missing signature
44 or discrepant signature, issue a "Cure Letter" by mail or email to the
45 voter whose ballot was rejected, which shall inform the voter of that
46 fact and provide the reasoning for rejection, and attempt to contact the
47 voter by telephone, if a telephone number is available. The cure letter
48 shall include a "Cure Form" and the form shall include the voter's

1 name and instruct the voter on how to cure the alleged or actual
2 deficiency. Cure forms shall not be referred to as affidavits or
3 certifications and shall not be required to be sworn;

4 (2) when the alleged or actual deficiency involves the signature of
5 the voter, instruct the voter that they may cure the deficiency by
6 completing the cure form and returning it to the county board of
7 elections in person, by fax, or by email, not later than 48 hours prior to
8 the final certification of the results of the election other than the
9 general election, or in the case of a general election ²[not later than 96
10 hours prior to the final certification of the results of] within 11 days
11 after² the general election, or by returning it to the county board of
12 elections by mail, and that the completed cure form must be received
13 by the county board of elections not later than 48 hours prior to the
14 final certification of the results of the election other than the general
15 election, or in the case of a general election ²[not later than 96 hours
16 prior to the final certification of the results of] within 11 days after²
17 the general election;

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

21 (4) inform voters that they shall not be required to submit any form
22 of hard-copy identification document or copy thereof in order to cure a
23 signature deficiency, but may do so by declaring that they submitted
24 their provisional ballot or mail-in ballot, and verifying their identity by
25 either: (a) providing a valid New Jersey driver's license number or
26 Motor Vehicle Commission non-driver identification number; or (b) if
27 the voter does not have a valid New Jersey driver's license number or
28 Motor Vehicle Commission non-driver identification number, then by
29 providing the last four digits of their Social Security Number; or (c) if
30 the voter does not have the identification in (a) or (b), then attaching a
31 legible copy of a New Jersey State-accepted form of identification,
32 including either a sample ballot which lists the voter's name and
33 address, an official federal, State, county, or municipal document
34 which lists the voter's name and address, or a utility bill, telephone bill,
35 or tax or rent receipt which lists the voter's name and address; and (d)
36 signing and dating the cure form prior to returning it.

37 c. If a voter returns a completed cure form in a timely manner
38 and the information provided verifies the voter's identity, pursuant to
39 this section, their otherwise valid mail-in or provisional ballot shall be
40 counted in the final election results irrespective of any signature
41 deficiency previously identified and, under those circumstances, the
42 cure form may not be verified or authenticated using signature
43 matching.

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

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

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

11 The Secretary of State shall prepare educational materials
12 regarding this section that all employed county boards of elections
13 employees handling ballots shall read and have available for review.
14 The materials shall provide clear information regarding the standards
15 for acceptance and rejection of mail-in ballots and the safe-keeping of
16 all materials in the case of rejection. The materials shall serve an
17 educational purpose for the county board of elections and shall not
18 replace, supersede, or void the authority of the county board or a judge
19 of the Superior Court to accept or reject a mail-in ballot.
20 (cf: P.L.2020, c.71, s.12)

21

22 ¹~~16.~~ 17.¹ Section 4 of P.L.1981, c.379 (C.40:45-8) is amended
23 to read as follows:

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

28 a. The petition of nomination shall consist of individual
29 certificates, equal in number to at least 1%, but in no event less than
30 25, of the registered voters of the municipality or the ward, as the
31 case may be, and shall read substantially as follows:

32 "I, the undersigned, a registered voter of the municipality of
33, residing at certify that I do
34 hereby join in a petition of the nomination of
35 whose residence is at for the office
36 of mayor (or councilman-at-large, or ward councilman of the
37 ward, or commissioner, or village trustee, as the case may
38 be) to be voted for at the election to be held in the municipality on
39 the, 20....., and I further certify that I know this candidate
40 to be a registered voter, for the period required by law, of the
41 municipality (and the ward, in the case of ward councilman) and a
42 person of good moral character, and qualified, in my judgment, to
43 perform the duties of the office, and I further certify that I have not
44 signed more petitions or certificates of nomination than there are
45 places to be filled for the above office.

46 Signed"

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

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

7 b. Each petition signature shall be on a separate sheet of paper
8 and shall bear the name and address of the petitioner. The
9 candidate for office and his campaign manager shall make an oath
10 before an officer competent to administer oaths that the statements
11 made therein are true, and that each signature to the papers
12 appended thereto is the genuine signature of the person whose name
13 it purports to be, to their best knowledge and belief. The oath,
14 signed by the candidate, shall constitute his acceptance of
15 nomination and shall be annexed to the petition, together with the
16 oath of his campaign manager, at the time the petition is submitted.

17 c. The municipal clerk shall immediately provide the Election
18 Law Enforcement Commission with official certification of the
19 filing or withdrawal of a petition of nomination.

20 d. A candidate shall be permitted to sign or circulate, or both
21 sign and circulate, the petition required to nominate that candidate
22 for elective public office in any municipality holding regular
23 municipal elections.

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

25
26 ³18. Section 5 of P.L.1981, c.379 (C.40:45-9) is amended to
27 read as follows:

28 5. a. The municipal clerk shall furnish, upon request, a
29 reasonable number of forms of individual certificates of
30 nomination.

31 b. Each certificate shall contain the name of one candidate, and
32 no more. Each signer must not, at the time of signing the
33 certificate, have signed more certificates for candidates for that
34 office than there are places to be filled for the office. Where ward
35 councilmen are to be elected, no petitioner shall sign more than one
36 certificate for ward council, and the candidate named in the petition
37 shall reside in the same ward as the signer. All certificates not
38 complying substantially with this act shall be rejected.

39 c. When a petition of nomination is presented for filing to the
40 municipal clerk, he shall examine it and ascertain whether or not it
41 conforms to the provisions of this act and, where applicable, the
42 provisions of the general election laws. If it does not conform, he
43 shall retain the petition and notify the person nominated of the
44 defect, by written notice delivered to him personally or by certified
45 mail to his place of residence stated in the petition.

46 d. Where the nominating petition, or any affidavit or affidavits
47 thereto is found defective, the candidate named therein may file
48 such amendment or amendments as may be necessary to eliminate

1 the defect, whether of matters of substance or form, and when so
 2 amended the effect shall be as if the petition had been originally
 3 filed in the amended form. After the last day for the filing of the
 4 original petition, no amendment may be made for the purpose of
 5 adding the name of any person who did not sign the original
 6 petition, nor shall any amendment be made at any time for the
 7 purpose of changing the name of the candidate or the office for
 8 which he was to be nominated. No amendment to a nominating
 9 petition shall be made and filed less than **[61]** 72 days before the
 10 election.³

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

12

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

15 13. At the regular municipal election in any municipality which
 16 has adopted this act, the candidates receiving the greatest number of
 17 votes cast shall be elected to the respective offices. Except as
 18 otherwise provided by law, the term of office of any officer elected
 19 pursuant to this act shall begin on July 1 next following election. If
 20 a regular municipal election is held on the day of the general
 21 election in November pursuant to subsection a. of section 1 of
 22 P.L.2009, c.196 (C.40:45-7.1), the term of office of any officer
 23 elected shall begin on January **[1]** 15 next following election.

24 (cf: P.L.2009, c.196, s.7)

25

26 ¹**[18.]** ³**[19.1]** 20.³ Section 1 of P.L.1956, c.176 (C.40:45A-1) is
 27 amended to read as follows:

28 1. a. Notwithstanding any other provision of law, the governing
 29 body of a municipality in which any of the members of the
 30 governing body are elected for terms commencing January 1 may,
 31 by resolution, fix the date and time of its annual organization or
 32 reorganization meeting at 12 o'clock noon on January ¹1, or at
 33 some other hour on any day during the first week in January.

34 b. The governing body of a municipality in which any of the
 35 members of the governing body are elected for terms commencing
 36 January 15 may, by resolution, fix the date and time of its annual
 37 organization or reorganization meeting at 12 o'clock noon on
 38 January 15, or at some other hour on any day during ¹**[the second**
 39 week or thereafter in January] a seven-day period beginning on
 40 January 15¹.

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

42

43 ¹**[19.]** ³**[20.1]** 21.³ Section 192 of P.L.1950, c.210
 44 (C.40:69A-192) is amended to read as follows:

45 17-43. a. Any ordinance to be voted on by the voters in
 46 accordance with section 17-36 or section 17-42 of this act
 47 (C.40:69A-185 or C.40:69A-191) shall be submitted at the next

1 general or regular municipal election occurring not less than 40
 2 days after the final date for withdrawal of the petition as provided
 3 for in section 17-42 of this act (C.40:69A-191), provided that if no
 4 such election is to be held within 90 days the council shall provide
 5 for a special election to be held not less than 40 nor more than 60
 6 days from the final date for withdrawal of the petition as provided
 7 for in section 17-42 (C.40:69A-191) of this act.

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

14 c. In any instance where a referendum election is to be held as
 15 a result of an ordinance of the council which by its terms or by law
 16 cannot become effective in the municipality unless submitted to the
 17 voters, or which by its terms authorizes a referendum in the
 18 municipality concerning the subject matter thereof, the time for
 19 submission of the question to the voters shall be at the next general
 20 or regular municipal election occurring not less than 40 days from
 21 the date of final passage and approval of the ordinance. Referenda
 22 held on ordinances adopted pursuant to sections 7 through 11 of
 23 P.L.1981, c.465 (C.40:69A-25.1 through 40:69A-25.5) shall be
 24 governed by this subsection, except that if the referendum is held
 25 pursuant to those sections as the result of the report of a charter
 26 study commission, the time for submission of the question shall be
 27 calculated from the date of that report.

28 d. Nothing in this section shall be interpreted to waive the
 29 requirement for the ballot question to be submitted to the county
 30 clerk 74 days prior to the general election as required by section
 31 '[21] 22¹ of P.L. , c. (C.)(pending before the Legislature as
 32 this bill).

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

34

35 ¹[20.] ³[21.¹] ^{22.}³ N.J.S.40A:14-72 is amended to read as
 36 follows:

37 40A:14-72. a. An election shall be held annually either on the
 38 third Saturday in February or at the time of the general election on
 39 the first Tuesday after the first Monday in November in each
 40 established fire district for the election of members of the board
 41 according to the expiration of terms. The initial election for a
 42 newly created fire district may take place on another date as a
 43 governing body may specify under N.J.S.40A:14-70, but the annual
 44 election thereafter shall be held either on the third Saturday in
 45 February or at the time of the general election on the first Tuesday
 46 after the first Monday in November.

47 b. For an election held at a time other than at the time of the
 48 general election, the place of the election shall be determined by the

1 board and a notice thereof, and of the closing date for the filing
2 with the clerk of the board of petitions of nomination for
3 membership on the board, shall be published at least once in a
4 newspaper circulating in the district, at least six weeks prior to the
5 date fixed for the election.

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

15 d. Fire districts located in the same municipality may combine
16 the publication of their notices of election. For the purpose of this
17 section, "notices of election" shall include the notices required to be
18 published under section 6 of P.L.2009, c.79 (C.19:63-6).

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

28 f. If a fire district holds its annual election at the time of the
29 general election, then the legal voters shall determine the amount of
30 money to be raised for the ensuing year only by such amount that
31 exceeds the permissible property tax levy increase as determined
32 pursuant to section 10 of P.L.2007, c.62 (C.40A:4-45.45). The
33 legal voters shall determine whether to increase the amount to be
34 raised by taxation by more than the allowable adjusted tax levy for
35 the ensuing year through the submission of a public question. The
36 board of fire commissioners of the fire district shall notify the
37 county or municipal clerk, as appropriate, of the need to conduct a
38 referendum pursuant to this subsection at least 60 days before the
39 date of the referendum. A referendum conducted pursuant to this
40 subsection shall be held on the third Saturday in February of the
41 budget year in which the levy increase would apply.

42 g. No fire district election shall be held between the period of
43 45 days prior to the primary or general election to the certification
44 of the results of the primary or general election.

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

1 ¹[21.] ³[22.¹] 23.³ (New section) Any question to be submitted
2 to the voters pursuant to section 192 of P.L.1950, c.210 (C.40:69A-
3 192) shall be submitted to the county clerk not later than the 74th
4 day preceding the election.

5

6 ¹[22.] ³[23.¹] 24.³ This act shall take effect immediately.