

ASSEMBLY, No. 1128

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman MURPHY and Assemblyman AUGUSTINE

1 AN ACT concerning fire district elections and amending  
2 N.J.S.40A:14-71.

3

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

6

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

8 40A:14-71. Candidates for membership on the board shall be  
9 nominated by verified petitions. Any such petition shall be in writing,  
10 addressed to the municipal clerk or the clerk of the board, as the case  
11 may be, stating that the signers thereof are qualified voters and  
12 residents in the district and requesting that the name of the candidate  
13 be placed on the official ballot. The petition shall state the residence  
14 of the candidate and certify his qualification for membership. The  
15 candidate's consent to his nomination shall be annexed to the petition  
16 and shall constitute his agreement to serve in the event of his election.  
17 The petition shall contain the name of only one candidate, but several  
18 petitions may nominate the same person. Each petition shall be signed  
19 by not less than 10 qualified voters and shall be filed at least [28] 29  
20 days before the date of the election.

21 Any form of a petition of nomination which is provided to  
22 candidates by the Secretary of State, the county clerk, or the municipal  
23 clerk shall contain the following notice:

24 "Notice: All candidates are required by law to comply with the  
25 provisions of 'The New Jersey Campaign Contributions and  
26 Expenditures Reporting Act,' P.L.1973, c.83 (C.19:44A-1 et seq.).  
27 For further information please call (insert telephone number of the  
28 Election Law Enforcement Commission)."

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

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

**Matter underlined thus is new matter.**

1 petition is given consideration.

2 (cf: P.L.1985, c.288, s.2)

3

4 2. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 This bill changes the date of filing of a nominating petition for  
10 candidates for a board of fire commissioners from the present 28 days  
11 before the date of the election to 29 days before the date of the  
12 election.

13 As fire district elections always fall on Saturdays, the present  
14 requirement that nominating petitions be filed not later than 28 days  
15 prior to the date of the election has created confusion as to when the  
16 petitions are actually due, since the 28th day prior to the election  
17 would also be a Saturday. Since the clerk's office is not usually open  
18 for business on Saturdays, in many cases the deadline has been  
19 interpreted to be the Monday following the 28th day, or 26 days prior  
20 to the date of the election. The sponsor believes that by requiring the  
21 filing of nominating petitions no later than the 29th day prior to the  
22 date of the election, which would be a Friday, this confusion would be  
23 eliminated and there would be no need for any other interpretation of  
24 the actual legal requirements of the filing of these nominating  
25 petitions.

26

27

28

29

30 Changes date of filing of nominating petitions for fire district elections.