

SENATE, No. 279

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator CARDINALE

1 AN ACT concerning elections, and amending, supplementing and
2 repealing various sections of the statutory law.

3

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

6

7 1. Section 3 of P.L.1948, c.199 (C.1:6-12) is amended to read as
8 follows:

9 3. If the clerk shall certify to the sufficiency of the petition, the said
10 governing body or board of chosen freeholders shall, within thirty days
11 after the filing of such petition, adopt a resolution authorizing the
12 filing of a petition with the Legislature for the passage of a private,
13 special or local law of the general nature described in the petition so
14 filed with said clerk or in its discretion, adopt a resolution authorizing
15 the submission of the proposal to file such a petition to the legal voters
16 of the municipality or county at the next general election succeeding
17 the adoption thereof, or if the resolution shall be adopted within ninety
18 days next preceding such election, then at the next succeeding general
19 election[, in the case of a county or at the next succeeding general or
20 municipal election, whichever shall occur first, in the case of a
21 municipality].

22 (cf: P.L.1948, c.199, s.3)

23

24 2. Section 4 of P.L.1948, c.199 (C.1:6-13) is amended to read as
25 follows:

26 4. If the resolution so adopted shall provide for submission of said
27 proposal to the voters of the municipality or of the county, there shall
28 be printed on every ballot to be used at such general [or municipal]
29 election, the following:

30 If you favor the proposition printed below make a cross X, plus +
31 or check / in the square opposite the word "YES." If you are opposed
32 thereto make a cross X, plus + or check / in the square opposite the
33 word "NO."

34 YES "Shall the proposal to petition the Legislature

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

Matter underlined thus is new matter.

1 for the passage of a special law entitled 'An act
2 NO (reciting title)' be adopted?"

3 In any municipality or county in which voting machines are used,
4 the question shall be placed upon the official ballots to be used upon
5 the voting machines without the foregoing instructions to the voters
6 and shall be voted upon by the use of such machines without marking
7 as aforesaid.

8 (cf: P.L.1948, c.199, s.4)

9

10 3. Section 9 of P.L.1948, c.199 (C.1:6-18) is amended to read as
11 follows:

12 9. The question of the adoption of such law shall be submitted to
13 the legal voters of the municipality or county at the next general
14 election succeeding the passage thereof unless the same shall be passed
15 within twenty-five days next preceding such election, in which case it
16 shall be submitted at the next succeeding general election[, in the case
17 of a county, or the next succeeding general or municipal election,
18 whichever shall occur first, in the case of a municipality].

19 (cf: P.L.1948,c.199,s.9)

20

21 4. Section 10 of P.L.1948, c.199 (C.1:6-19) is amended to read as
22 follows:

23 10. There shall be printed on each official ballot to be used at such
24 general [or municipal] election, the following:

25 If you favor the proposition printed below make a cross x, plus +
26 or check X in the square opposite the word "YES." If you are opposed
27 thereto make a cross x , plus + or check X in the square opposite the
28 word "NO."

29 YES "Shall "An act (reciting title)'

30 NO be adopted?"

31 In any municipality or county in which voting machines are used,
32 the question shall be placed upon the official ballots to be used upon
33 the voting machines without the foregoing instruction to the voters
34 and shall be voted upon by the use of such machines without marking
35 as aforesaid.

36 (cf: P.L.1948, c.199, s.10)

37

38 5. N.J.S.11A:9-3 is amended to read as follows:

39 11A:9-3. If the petition is sufficient, the clerk shall, 15 days
40 thereafter, give public notice that the question will be submitted to the
41 voters at the next general [or municipal] election. Public notice
42 includes, but is not limited to, publication in the political subdivision's
43 official newspaper once a week for at least four weeks and posting the
44 notice in five of the most public places in the political subdivision for
45 at least four weeks before the election. The clerk shall also cause the

1 question to be printed upon the ballots to be used at the election.
2 (cf: N.J.S.11A:9-3)

3
4 6. Section 15 of P.L.1987, c.399 (C.18A:7A-48) is amended to
5 read as follows:

6 15. At the [April] June school election in the fourth year following
7 the creation of a State-operated school district, nine board members
8 shall be elected from among the 15 appointed board members, three to
9 serve a one year term, three to serve a two year term, and three to
10 serve a three year term. If there are not nine members from the 15
11 appointed members who are willing to run for election, the
12 commissioner shall retain the right to appoint the remaining members
13 of the board. Following the election of the board, the State district
14 superintendent may bring matters before the board for a vote; however
15 the State district superintendent shall retain veto power until such time
16 as the State board determines that local control should be
17 reestablished. In each subsequent year, three board members will be
18 elected from the community at large.

19 (cf: P.L.1992, c.159, s.5)

20

21 7. Section 17 of P.L.1990, c.52 (C.18A:7D-19) is amended to read
22 as follows:

23 17. On or before April 1, 1992, and on or before April 1 of each
24 subsequent even numbered year, the Governor, after consultation with
25 the Department of Education, shall recommend to the Legislature any
26 revision in any numerical value in section 16 of this amendatory and
27 supplementary act, including the numerical criteria for a high cost
28 county and a very high cost county, which is deemed proper, together
29 with appropriate supporting information. The revised values shall be
30 deemed approved for the fiscal year beginning one year from the
31 subsequent [July 1] September 1 at the end of 60 calendar days after
32 the date on which they are transmitted to the Senate and General
33 Assembly, or if the Legislature is not in session on the 60th day, then
34 on the next succeeding day on which it shall be meeting in the course
35 of a regular or special session, unless between the date of transmittal
36 and the end of the above period, the Legislature passes a concurrent
37 resolution stating that the Legislature does not favor the revised
38 schedule of values, in which case the values then in effect shall
39 continue in effect.

40 (cf: P.L.1990 ,c.52, s.17)

41

42 8. Section 22 of P.L.1990, c.52 (C.18A:7D-27) is amended to read
43 as follows:

44 22. Annually, on or before March 4, local boards of education shall
45 submit to the commissioner a copy of their proposed budgets for the
46 next school fiscal year, beginning on the succeeding September 1. The

1 commissioner shall review each item of appropriation within the
2 current expense and capital outlay sections of the general fund budget
3 and shall determine the adequacy of the budget with regard to the
4 annual reports submitted pursuant to section 11 of P.L.1975, c.212
5 (C.18A:7A-11) and such other criteria as may be established by the
6 State board.

7 (cf: P.L.1995, c.278, s.36)

8

9 9. Section 28 of P.L.1990, c.52 (C.18A:7D-36) is amended to read
10 as follows:

11 28. When State aid is calculated for any year and a part of any
12 district becomes a new school district or a part of another school
13 district, including a county vocational school district or county special
14 services school district established after January 1, 1991, or comes
15 partly under the authority of a regional board of education, the
16 commissioner shall adjust the State aid calculations among the districts
17 affected, or between the district and the county vocational school
18 district, county special services school district or the regional board,
19 as the case may be, on an equitable basis in accordance with the intent
20 of P.L.1990, c.52 (C.18A:7D-1 et al.).

21 Whenever an all-purpose regional district is approved by the voters
22 during any calendar year, the regional district shall become effective
23 on the succeeding [July 1] September 1 for the purpose of calculating
24 State aid, and the commissioner shall request supplemental
25 appropriations for such additional State aid as may be required.

26 After a regional school district becomes entitled to State aid, it shall
27 continue to be entitled to such aid as calculated for a regional district
28 notwithstanding the subsequent consolidation of the constituent
29 municipalities of the regional school district.

30 (cf: P.L.1991, c.62, s.17)

31

32 10. N.J.S.18A:9-10 is amended to read as follows:

33 18A:9-10. If the membership of the board in any such district so
34 becoming a type II district is less than nine, it shall be increased to
35 nine by the election of added members at the next annual school
36 election, unless the adopting election shall have been held more than
37 130 days or less than 60 days before the date fixed for such annual
38 school election, in which case they shall be elected at a special school
39 election which shall be called by the members of the board so holding
40 over, if the adopting election was held more than 130 days before the
41 annual school election, then not less than 60 or more than 70 days
42 after the adopting election, or if the adopting election was held less
43 than 60 days before the annual school election, then not less than 60
44 or more than 70 days after such annual school election, excluding in
45 each instance from the calculation of the period which will elapse
46 between such 60 and 70 days any period which would elapse between

1 the twenty-first day before and the twenty-first day after any day fixed
2 according to law for the holding of any primary election for the
3 general election or general election [or municipal election] held within
4 the district.

5 (cf: P.L.1995, c.278, s.28)

6

7 11. N.J.S.18:12-15 is amended to read as follows:

8 18A:12-15. Vacancies

9 Vacancies in the membership of the board shall be filled as follows:

10 a. By the county superintendent, if the vacancy is caused by the
11 absence of candidates for election to the school board or by the
12 removal of a member because of lack of qualifications, or is not filled
13 within 65 days following its occurrence:

14 b. By the county superintendent, to a number sufficient to make up
15 a quorum of the board if, by reason of vacancies, a quorum is lacking;

16 c. [By special election, if in the annual school election two or more
17 candidates qualified by law for membership on the school board
18 receive an equal number of votes. Such special election shall be held
19 only upon recount and certification by the commissioner of such
20 election result, shall be restricted to such candidates, shall be held
21 within 60 days of the annual school election, and shall be conducted
22 in accordance with procedures for annual and special school elections
23 set forth in chapter 14 of Title 18A of the New Jersey Statutes. The
24 vacancy shall be filled by the county superintendent if in such special
25 election two or more candidates qualified by law for membership on
26 the school board receive an equal number of votes] Deleted by
27 amendment, P.L. . . . , c. . . .;

28 d. By [special election] the commissioner if there is a failure to
29 elect a member at the annual school election due to improper election
30 procedures[. Such special election shall be restricted to those persons
31 who were candidates at such annual school election, shall be held
32 within 60 days of such annual school election, and shall be conducted
33 in accordance with the procedures for annual and special school
34 elections set forth in chapter 14 of Title 18A of the New Jersey
35 Statutes];

36 e. By the commissioner if there is a failure to elect a member at the
37 annual school election due to improper campaign practices; or

38 f. By the board in all other cases.

39 Each member so appointed shall serve until the organizational
40 meeting following the next annual election unless he is appointed to fill
41 a vacancy occurring within the 60 days immediately preceding such
42 election to fill a term extending beyond such election, in which case he
43 shall serve until the organizational meeting following the second
44 annual election next succeeding the occurrence of the vacancy, and
45 any vacancy for the remainder of the term shall be filled at the annual
46 election or the second annual election next succeeding the occurrence

1 of the vacancy as the case may be.
2 (cf: P.L.1978, c.136, s.28)

3

4 12. N.J.S.18A:13-8 is amended to read as follows:

5 18A:13-8. The board of education of a regional district shall
6 consist of nine members unless it consists of more than nine
7 constituent districts, in which case the membership shall be the same
8 as the number of constituent districts, plus one. If there are nine or
9 less constituent districts, the members of the board of education of the
10 regional district shall be apportioned by the county superintendent or
11 county superintendents of the county or counties in which the
12 constituent districts are situate, among said districts as nearly as may
13 be according to the number of their inhabitants except that each
14 constituent district shall have at least one member.

15 In making the apportionment of the membership of a regional board
16 of education among the several school districts uniting to create a
17 regional school district having nine or less constituent districts, as
18 required by section 18A:13-36, there shall be subtracted from the
19 number of inhabitants of a constituent school district, as shown by the
20 last federal census officially promulgated in this State, the number of
21 such inhabitants who according to the records of the Federal Bureau
22 of the Census were patients in, or inmates of, any State or federal
23 hospital or prison, or who are military personnel stationed at, or
24 civilians residing within the limits of, any United States Army, Navy
25 or Air Force installation, located in such constituent school district.

26 If there are more than nine constituent districts, the members on the
27 board shall be apportioned among the constituent districts and the
28 weight of their votes in all proceedings of the board shall be
29 determined by the appropriate county superintendent or
30 superintendents through the following procedure:

31 a. The number of inhabitants of each constituent district shall be
32 determined as shown by the last federal census officially promulgated
33 in this State.

34 b. A representative ratio shall be calculated by adding the number
35 of inhabitants of all constituent districts and dividing the sum by the
36 board size.

37 c. All constituent districts shall be listed in ascending order of their
38 number of inhabitants. If the first constituent district in said list has a
39 number of inhabitants which is less than the representative ratio, it
40 shall be combined with the constituent district contiguous to it having
41 the smallest number of inhabitants. This process shall be repeated for
42 each successively larger constituent district or combination of
43 constituent districts until all remaining constituent districts or
44 combinations of constituent districts shall have a number of
45 inhabitants equal to, or exceeding the representative ratio. The
46 districts formed in this manner shall be known as representative

1 districts.

2 d. There shall be established a priority list according to the method
3 of equal proportions for the apportionment of the members of the
4 regional district board of education among the representative districts.

5 e. The members of the regional district board of education shall be
6 apportioned among the representative districts according to the
7 method of equal proportions, and where a representative district is
8 composed of more than one constituent district, members shall be
9 elected at large from within the representative district.

10 f. The number of inhabitants of each representative district shall be
11 divided by the number of members assigned to that district to find the
12 number of inhabitants per members.

13 g. The vote to be cast by each member of the regional district
14 board of education in all proceedings of the board shall be determined
15 by dividing the number of inhabitants per member in the representative
16 district from which the member is elected by the representative ratio
17 for the regional district, and rounding off the quotient to the nearest
18 tenth of a full vote.

19 Wherever any statute or bylaw of the board requires decision in any
20 matter by vote of a majority of the board members, or of the members
21 present, this shall be interpreted as meaning a majority of the weighted
22 votes of all members, or of the members present, as the case may be.

23 h. Whenever the above reapportionment procedure is used for a
24 regional district having more than nine constituent districts, the terms
25 of office of all incumbent board of education members shall terminate
26 on the day on which the annual organization meeting of the board is
27 held pursuant to N.J.S.18A:13-12 following certification by the county
28 superintendent of the representative districts and the number of
29 members to be elected from each; provided, that if the
30 reapportionment results in any representative district retaining its
31 former boundaries and the same number of board members, that the
32 members elected from such a district shall serve the full term for which
33 they were elected. All other board members shall be elected in an
34 election to be held on the [third] Tuesday next after the first Monday
35 in [April] June at least 60 days following certification by the county
36 superintendent for initial terms of office to be designated in advance
37 by the county superintendent so that, as nearly as possible, one-third
38 of the board shall be elected in each future year, to serve for three-year
39 terms, and where a representative district has more than one member,
40 their terms of office shall terminate in different years.

41 If any constituent district is a consolidated district, or a district
42 composed of two or more municipalities, and

43 a. The original district is a limited purpose regional district and
44 such constituent district has such population that it is entitled to have
45 apportioned to it a number of members equal to or greater than the
46 number of districts making up such constituent district, or

1 b. The regional district is an all purpose district,
2 the membership of the regional board of education from such
3 district shall be apportioned, and from time to time reapportioned, and
4 the members from the district shall be elected, as their respective terms
5 expire, in the same manner as though each of the municipalities making
6 up such constituent district were constituent districts of the regional
7 district.

8 (cf: P.L.1992, c.159, s.9)

9

10 13. Section 1 of P.L.1970, c.305 (C.18A:13-9.1) is amended to
11 read as follows:

12 1. Whenever the board of education of a regional district shall,
13 following the taking of a Federal decennial census and the issuance of
14 preliminary populations of the constituent districts pursuant to said
15 census but prior to the issuance of the final populations of said
16 districts and the official promulgation of said census in this State,
17 determine that (a) said final populations and official promulgation shall
18 not be available in time for the next succeeding election of members
19 of said board, (b) said preliminary figures indicate that significant
20 changes in the number of members to be allocated to the constituent
21 districts will result, and (c) the allocation of members among the
22 constituent districts on the basis of the present official census effective
23 in this State will result in inequitable representation, it may, by
24 resolution unanimously adopted and approved by the Commissioner of
25 Education, provide that, notwithstanding the provisions of any other
26 law to the contrary, the members to be next elected pursuant to article
27 7 of chapter 13 of Title 18A of the New Jersey Statutes shall be
28 elected at a special election to be held on [a] the day [no later than 60
29 days after the official promulgation of said census in this State as
30 specified in said resolution] of the general election.

31 (cf: P.L.1970, c.305, s.1)

32

33 14. N.J.S.18A:13-10 is amended to read as follows:

34 18A:13-10. The board of education of each regional district shall
35 provide for the holding, in accordance with the provisions of
36 P.L.1995, c.278 (C.), of an annual school election for the regional
37 district on the [third] Tuesday next after the first Monday in [April]
38 June.

39 At such election there shall be elected for terms of three years,
40 beginning on any day of the first or second week following such
41 election, the members of the regional boards of education to succeed
42 those members of the board whose terms shall expire in that year,
43 except as is in this chapter provided for the election of the first elected
44 members of the board.

45 If two or more qualified candidates receive an equal number of

1 votes, they shall draw lots to determine which one shall be elected.
2 (cf: P.L.1995, c.278, s.32)

3

4 15. N.J.S.18A:13-13 is amended to read as follows:

5 18A:13-13. The board shall appoint a secretary who may or may
6 not be a member of the board, for the term of one year beginning on
7 [July 1] September 1 following his appointment but he shall continue
8 to serve after the expiration of his term until his successor is appointed
9 and qualified.

10 (cf: N.J.S.18A:13-13)

11

12 16. N.J.S.18A:13-14 is amended to read as follows:

13 18A:13-14. The board shall appoint a treasurer of school moneys
14 who may be a member of the board and it shall fix his salary. His term
15 of office shall expire annually on [June 30] August 31 of each year,
16 but if a municipal officer is appointed treasurer, his term shall cease if
17 he ceases to hold his municipal office and in either case, the treasurer
18 shall continue in office after the expiration of his term until his
19 successor is qualified. He shall give bond in such amount, and with
20 such surety, as the board shall direct. The board in its determination
21 of the amount shall be guided by a schedule of minimum limits to be
22 promulgated by the State board.

23 (cf: P.L.1981, c.174, s.1)

24

25 17. N.J.S.18A:13-19 is amended to read as follows:

26 18A:13-19. If the voters reject any of the items submitted at the
27 annual election, within two days thereafter the board of education of
28 the regional district shall certify to the governing body of each
29 municipality, included within the regional district, the item or items so
30 rejected, and such governing bodies, after consultation with the board,
31 and no later than [May 19] June 20 shall determine the amount or
32 amounts which they deem necessary to provide a thorough and
33 efficient system of schools in the regional district for the ensuing
34 school year and cause the same to be certified by the respective
35 municipal clerks to the board of education of the regional district.

36 (cf: P.L.1995, c.94, s.1)

37

38 18. N.J.S. 18A:17-5 is amended to read as follows:

39 18A:17-5. Each secretary shall be appointed by the board, by a
40 recorded roll call majority vote of its full membership, for a term to
41 expire not later than [June 30] August 31 of the calendar year next
42 succeeding that in which the board shall have been organized, but he
43 shall continue to serve after the expiration of his term until his
44 successor is appointed and qualified. The secretary may be appointed
45 from among the members of the board and, subject to the provisions
46 of this Title and any other law, the board shall fix his compensation;

1 provided, however, that the secretary shall not receive compensation
2 from the board for any period during which he is an elected or
3 appointed member of the board.

4 In case of a vacancy in the office of secretary, the vacancy shall be
5 filled by the board within 60 days after the vacancy occurs and if the
6 board does not make such appointment within such time the county
7 superintendent shall appoint a secretary who shall receive the same
8 compensation as his predecessor in office received and shall serve until
9 a secretary is appointed by the board.

10 (cf: P.L.1968 ,c.271, s.1)

11

12 19. N.J.S.18A:22-7 is amended to read as follows:

13 18A:22-7. The board of education of every school district having
14 a board of school estimate shall prepare and deliver to each member
15 of the board of school estimate, on or before [March 22] the second
16 Tuesday in May in each year, and the board of education of every
17 other school district shall prepare a budget for the school district for
18 the ensuing year, on or before the [fourth] second Tuesday in [March]
19 May.

20 (cf: P.L.1995, c.278, s.37)

21

22 20. N.J.S.18A:22-8 is amended to read as follows:

23 18A:22-8. The budget shall be prepared in such detail and upon
24 such forms as shall be prescribed by the commissioner and to it shall
25 be annexed a statement so itemized as to make the same readily
26 understandable, in which shall be shown:

27 a. In tabular form there shall be set forth the following:

28 (1) The total expenditure for each item for the preceding school
29 year, the amount appropriated for the current school year adjusted for
30 transfers as of [February 1] April 1 of the current school year, and the
31 amount estimated to be necessary to be appropriated for the ensuing
32 school year, indicated separately for each item as determined by the
33 commissioner;

34 (2) The amount of the surplus account available at the beginning
35 of the preceding school year, at the beginning of the current school
36 year and the amount anticipated to be available for the ensuing school
37 year;

38 (3) The amount of revenue available for budget purposes for the
39 preceding school year, the amount available for the current school year
40 as of [February 1] April 1 of the current school year and the amount
41 anticipated to be available for the ensuing school year in the following
42 categories:

43 (a) Total to be raised by local property taxes

44 (b) Total State aid

45 (i) Foundation aid

46 (ii) Special education aid

- 1 (iii) Transportation aid
2 (iv) At-risk aid
3 (v) Bilingual aid
4 (vi) Other (detailed at the discretion of the commissioner)
5 (vii) Transition aid
6 (c) Total federal aid
7 (i) Elementary and Secondary Education Act of 1965 (20
8 U.S.C. §2701 et seq.)
9 (ii) Handicapped
10 (iii) Impact Aid
11 (iv) Vocational
12 (v) Other (detailed at the discretion of the commissioner)
13 (d) Other sources (detailed at the discretion of the commissioner).
14 (4) Transfers between current expense and capital outlay for the
15 preceding school year, the current school year as of [February 1] April
16 1 of that year and transfers anticipated for the ensuing school year.
17 b. (Deleted by amendment, P.L.1993, c.117).
18 c. In the event that the total expenditure for any item of
19 appropriation is equal to \$0.00 for: (1) the preceding school year, (2)
20 the current school year, and (3) the amount estimated to be necessary
21 to be appropriated for the ensuing school year, that item shall not be
22 required to be published pursuant to N.J.S.18A:22-11.
23 (cf: P.L.1993,c.117, s.1)

24

25 21. N.J.S.18A:22-10 is amended to read as follows:

26 18A:22-10. Upon the preparation of its budget, each board of
27 education shall fix a date, place and time for the holding of a public
28 hearing upon said budget and the amounts of money necessary to be
29 appropriated for the use of the public schools for the ensuing school
30 year and the various items and purposes for which the same are to be
31 appropriated. In districts having a board of school estimate, the
32 hearing shall be held before the board of school estimate between
33 [March 22] the second Tuesday in May and [March 29] May 20 and
34 in districts having no board of school estimate the hearing shall be
35 held before the board of education between the [fourth] second
36 Tuesday in [March 22] the second Tuesday in May and [March 29]
37 May 20.

38 (cf: P.L.1995, c.278, s.39)

39

40 22. N.J.S.18A:22-14 is amended to read as follows:

41 18A:22-14. At or after said public hearing but not later than [April
42 8] May 20, the board of school estimate of a type I district shall fix
43 and determine by official action taken at a public meeting of the board
44 the amount of money necessary to be appropriated for the use of the
45 public schools in the district for the ensuing school year, exclusive of
46 the amount which shall have been apportioned to it by the

1 commissioner, and shall make two certificates of such amount signed
2 by at least three members of the board, one of which shall be delivered
3 to the board of education and the other to the governing body of the
4 district.

5 Within 15 days after receiving such certificate the board of
6 education shall notify the board of school estimate and governing body
7 of the district if it intends to appeal to the commissioner the board of
8 school estimate's determination as to the amount of money necessary
9 to be appropriated for the use of the public schools of the district for
10 the ensuing school year.

11 (cf: P.L.1992, c.159, s.14)

12

13 23. N.J.S.18A:22-26 is amended to read as follows:

14 18A:22-26. At or after said public hearing but not later than [April
15 8] May 20, the board of school estimate of a type II district having a
16 board of school estimate shall fix and determine by a recorded roll call
17 majority vote of its full membership the amount of money necessary to
18 be appropriated for the use of the public schools in such district for the
19 ensuing school year, exclusive of the amount which shall be
20 apportioned to it by the commissioner for said year and shall make a
21 certificate of such amount signed by at least a majority of all members
22 of such board, which shall be delivered to the board of education and
23 a copy thereof, certified under oath to be correct and true by the
24 secretary of the board of school estimate, shall be delivered to the
25 county board of taxation on or before [April 15] June 1 in each year
26 and a duplicate of such certificate shall be delivered to the board or
27 governing body of each of the municipalities within the territorial
28 limits of the district having the power to make appropriations of
29 money raised by taxation in the municipalities or political subdivisions
30 and to the county superintendent of schools and such amount shall be
31 assessed, levied and raised under the procedure and in the manner
32 provided by law for the levying and raising of special school taxes
33 voted to be raised at an annual or special election of the legal voters
34 in type II districts and shall be paid to the treasurer of school moneys
35 of the district for such purposes.

36 Within 15 days after receiving such certificate the board of
37 education shall notify the board of school estimate and governing body
38 of each municipality within the territorial limits of the school district
39 if it intends to appeal to the commissioner the board of school
40 estimate's determination as to the amount of money necessary to be
41 appropriated for the use of the public schools of the district for the
42 ensuing school year.

43 (cf: P.L.1992, c.159, s.15)

44

45 24. N.J.S.18A:22-37 is amended to read as follows:

46 18A:22-37. If the voters reject any of the items submitted at the

1 annual school election, the board of education shall deliver the
2 proposed school budget to the governing body of the municipality, or
3 of each of the municipalities included in the district within two days
4 thereafter. The governing body of the municipality, or of each of the
5 municipalities, included in the district shall, after consultation with the
6 board, and by [May 19] June 15, determine the amount which, in the
7 judgment of said body or bodies, is necessary to be appropriated, for
8 each item appearing in such budget, to provide a thorough and
9 efficient system of schools in the district, and certify to the county
10 board of taxation the totals of the amount so determined to be
11 necessary for each of the following: a. General fund expenses of
12 schools; or b. Appropriations to capital reserve account. Within 15
13 days after the governing body of the municipality or of each of the
14 municipalities included in the district shall make such certification to
15 the county board of taxation, the board of education shall notify such
16 governing body or bodies if it intends to appeal to the commissioner
17 the amounts which said body or bodies determined to be necessary to
18 be appropriated for each item appearing in the proposed school
19 budget.

20 (cf: P.L.1995 ,c.94, s.2)

21

22 25. N.J.S.18A:24-29 is amended to read as follows:

23 18A:24-29. A proposal for the confirmation of any ordinance,
24 required by this article to be approved by the qualified voters of the
25 municipality comprised within a district, shall be submitted to such
26 voters at a general, special or [municipal] primary election to be held
27 therein, whenever the governing body of the municipality shall have,
28 by resolution or ordinance, directed that the same be so submitted and,
29 in the case of a special election, specified the day, which shall be not
30 less than 41 days after the passage of such ordinance, and the time
31 thereof, the place or places thereof and the polling districts therefor by
32 reference to the general election districts established and used in the
33 municipality, and the hours (which need include only four consecutive
34 hours) during which the polls at such election shall be open. It shall
35 be the duty of the clerk of the municipality to give notice of any such
36 election, setting forth the proposition to be submitted and the day and
37 time and place or places thereof and the polling districts therefor and
38 the hours during which the polls at such election will be open. At least
39 seven days before the date thereof, the clerk shall post not less than
40 seven copies of such notice, one on each schoolhouse within the
41 municipality and the others at such other public places in the
42 municipality as he may select, and shall publish said notice in a
43 newspaper published in the municipality if there be one or, if there be
44 no such newspaper, in a newspaper published in the county and
45 circulating in the municipality. No other or different notice of said
46 election shall be required to be posted, published, delivered or

1 otherwise given in any manner, except those required to be given by
2 R.S. 19:12-7. Such election shall be held and the result of the
3 balloting on such question ascertained and determined in accordance
4 with the provisions of Title 19, Elections, of the Revised Statutes,
5 which are not inconsistent with this section and are applicable to the
6 holding in such municipality of a general, special or [municipal]
7 primary election, as the case may be, but any notice or demand therein
8 required to be given to or made upon any person or body for the
9 performance of an official duty with regard to such election shall be
10 sufficient, if given or made at least 10 days before the date of such
11 election, except as otherwise required by this section.

12 (cf: P.L.1995, c.278, s.44)

13

14 26. Section 12 of P.L.1971, c.271 (C.18A:46-40) is amended to
15 read as follows:

16 12. On or before the [fourth] second Tuesday in [March] May in
17 each year the board of education of a county special services school
18 district shall prepare and deliver to each member of the board of
19 school estimate an itemized statement of the amount of money
20 estimated to be necessary for the general fund expenses of the county
21 special services school district for the ensuing school year.

22 (cf: P.L.1993, c.83, s.19)

23

24 27. Section 13 of P.L.1971, c.271 (C.18A:46-41) is amended to
25 read as follows:

26 13. a. Between the [fourth] second Tuesday in [March] May and
27 [April 8] May 20 in each year the board of school estimate shall fix
28 and determine by official action taken at a public meeting of the board
29 the amount of money necessary to be appropriated for the use of the
30 county special services school district for the ensuing school year.

31 b. The board of school estimate shall, on or before the last named
32 date, make two certificates of the amount, signed by at least three of
33 its members, one of which certificates shall be delivered to the board
34 of education of the county special services school district and the other
35 to the board of chosen freeholders of the county.

36 c. The board of chosen freeholders shall, upon receipt of the
37 certificate, appropriate, in the same manner as other appropriations are
38 made by it, the amount so certified, and the amount shall be assessed,
39 levied, and collected in the same manner as moneys appropriated for
40 other purposes in the county are assessed, levied, and collected, unless
41 such amount is to be raised as otherwise hereinafter provided in this
42 act.

43 (cf: P.L.1992 ,c.159, s.20)

44

45 28. N.J.S.18A:54-28 is amended to read as follows:

46 18A:54-28. On or before the [fourth] second Tuesday in [March]

1 May in each year the board of education of a county vocational school
2 district shall prepare and deliver to each member of the board of
3 school estimate an itemized statement of the amount of money
4 estimated to be necessary for the general fund expenses of the county
5 vocational school district for the ensuing school year.

6 (cf: P.L.1993, c.83, s.24)

7

8 29. N.J.S.18A:54-29 is amended to read as follows:

9 18A:54-29. Between the [fourth] second Tuesday in [March] May
10 and [April 8] May 20 in each year the board of school estimate shall
11 fix and determine by action taken at a public meeting of the board the
12 amount of money necessary to be appropriated for the use of the
13 county vocational school district for the ensuing school year exclusive
14 of the amount to be received from the State as provided in section
15 18A:54-32.

16 (cf: P.L.1992, c.159, s.22)

17

18 30. (New section) Notwithstanding any law, rule or regulation to
19 the contrary, starting with the 1995-1996 school year and continuing
20 thereafter, the annual fiscal year of each type I, type II, regional and
21 any other school district shall begin on September 1 next succeeding
22 and end on the August 31 next following.

23

24 31. (New section) a. Notwithstanding any law, rule or regulation to
25 the contrary, upon the enactment of P.L. , c. (C.)(now pending
26 before the Legislature as this bill) every member of a school board in
27 a type II district serving for a term that ends during the first or second
28 week of April during the year that P.L. , c. becomes law or any
29 of the three years thereafter shall continue to serve in that office until
30 the first or second week after the subsequent annual school election or
31 until a successor to that office is chosen.

32 b. Every person elected to the office of member of a school board
33 subsequent to the enactment of P.L. , c. shall serve for a term of
34 three years beginning on any day of the first or second week following
35 the holding of the annual school election, pursuant to N.J.S.18A:13-10
36 as amended by P.L. , c. .

37

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

39 19:1-1. As used in this Title:

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

43 "General election" means the annual election to be held on the first
44 Tuesday after the first Monday in November.

45 "Primary election" means the procedure whereby the members of a
46 political party in this State or any political subdivision thereof

1 nominate candidates to be voted for at general elections, or elect
2 persons to fill party offices, or delegates and alternates to national
3 conventions.

4 ["Municipal election" means an election to be held in and for a
5 single municipality only, at regular intervals.]

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

8 "Any election" includes all primary, general[, municipal], school
9 and special elections, as defined herein.

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

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

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

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

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

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

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

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

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

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

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

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

42 "Commissioner" means the commissioner of registration in counties.

43 "File" or "filed" means deposited in the regularly maintained office
44 of the public official wherever said regularly maintained office is

1 designated by statute, ordinance or resolution.
2 (cf: P.L.1995, c.278, s.13)

3
4 33. R.S.19:8-6 is amended to read as follows:

5 19:8-6. The county boards in counties of the first class and the
6 municipal clerks in counties other than counties of the first class shall
7 purchase or lease and furnish the proper equipment of polling places,
8 to enable the district boards to carry out the duties imposed upon them
9 by this title. The equipment shall consist of tables, chairs, lights,
10 booths and all other things necessary for the performance of such
11 duties, and shall be ready for use by the district boards in ample time
12 to enable them to perform their duties. Also to be included, for
13 conspicuous display at each polling place on the days of any election
14 during each year, shall be the voting and registration instructions
15 provided by the county board of elections.

16 The clerks of the several municipalities shall keep in repair, store
17 and deliver the polling booths, ballot boxes and other equipment in
18 time for use by the district boards at the cost and expense of the
19 municipality.

20 In case of any election to be held in and for a municipality only, the
21 duties imposed upon the county boards in counties of the first class
22 regarding the equipment of polling places shall devolve upon the clerk
23 of the municipality wherein the election is to be held. [Any equipment
24 in possession of the county board may be used in a municipal election
25 upon requisition.]

26 (cf: P.L.1991, c.429, s.7)

27

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

29 19:14-4. In the center of the ballot immediately below the
30 perforated line shall be printed in bold-faced type the words "Official
31 general election ballot." Below these words and extending across the
32 ballot shall appear the words: "Name of (municipality), ward,
33 fire district if applicable, water district if applicable, election district,
34 date of election, John Doe, county clerk." The blank spaces shall be
35 filled in with the name of the proper municipality, the ward and district
36 numbers and the date of the election. [For school elections the] The
37 name of the school district and of the municipality or municipalities
38 comprising the district shall also be indicated thereon. The name of
39 the county clerk shall be a facsimile of his signature. Below the last
40 stated words extending across the ballot and at the extreme left shall
41 be printed the words "Instructions to the voter," and immediately to
42 the right there shall be a bracket embracing the following instructions
43 numbered consecutively:

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

46 (2) To mark a cross x , plus +, check X or when writing a name on

1 this ballot use only ink or pencil.

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

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

10 (5) To vote upon any public question printed on this ballot if in
11 favor thereof, mark a cross x , plus + or check X in the square at the
12 left of the word "Yes," and if opposed thereto, mark a cross x , plus
13 + or check X in the square at the left of the word "No."

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

20 (7) To vote for all the electors of any party, mark a cross x , plus
21 + or check X in ink or pencil in the square at the left of the surnames
22 of the candidates for president and vice-president for whom you desire
23 to vote.

24 Below the above-stated instructions and information and, except
25 when compliance with [section 19:14-15] R.S.19:14-13 of this Title
26 as to State-wide propositions otherwise requires, three inches below
27 the perforated line and parallel to it, there shall be printed a six-point
28 diagram rule extending across the ballot to within not less than a half
29 inch to the right and left edges of the paper.

30 (cf: P.L.1995, c.287, s.17)

31

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

33 19:14-8. In the columns of each of the political parties which made
34 nominations at the next preceding primary election and in the personal
35 choice column, within the space between the two-point hair line rules,
36 there shall be printed the title of each office to be filled at such
37 election, except as hereinafter provided.

38 In counties having twelve or less freeholders, such titles of office
39 shall be arranged in the following order: electors of President and
40 Vice-President of the United States; member of the United States
41 Senate; Governor; member of the House of Representatives; member
42 of the State Senate; members of the General Assembly; sheriff; county
43 clerk; surrogate; register of deeds and mortgages; county supervisor;
44 members of the board of chosen freeholders; coroners; mayor and
45 members of municipal governing bodies[.]; members of the board of
46 fire commissioners; members of the board of water commissioners; and

1 any other titles of office. In counties having more than twelve
2 freeholders, such titles of office shall be arranged in the following
3 order: electors of President and Vice-President of the United States;
4 member of the United States Senate; Governor; member of the House
5 of Representatives; member of the State Senate; members of the
6 General Assembly; sheriff; county clerk; surrogate; register of deeds
7 and mortgages; coroners; county supervisor; members of the board of
8 chosen freeholders; mayor and members of municipal governing
9 bodies[.]; members of the board of fire commissioners; members of the
10 board of water commissioners; and any other titles of office. Above
11 each of such titles of office, except the one at the top, shall be printed
12 a two-point diagram rule in place of the two-point hair line rule.
13 Below the titles of such offices shall be printed the names of the
14 candidates for the offices.

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

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

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

27 To the right of the title of each office in the party columns and the
28 personal choice column shall be printed the words "Vote for ,"
29 inserting in words the number of persons to be elected to such office.
30 (cf: P.L.1951, c.315, s.1)

31

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

33 19:14-10. In the column or columns designated as nominations by
34 petition, within the space between the two-point hair line rules, there
35 shall be printed the title of each office for which nominations by
36 petition have been made.

37 In counties having twelve or less freeholders, such titles of office
38 shall be arranged in the following order: electors of President and
39 Vice-President of the United States; member of the United States
40 Senate; Governor; member of the House of Representatives; member
41 of the State Senate; members of the General Assembly; sheriff; county
42 clerk; surrogate; register of deeds and mortgages; county supervisor;
43 members of the board of chosen freeholders; coroners; mayor and
44 members of municipal governing bodies[.]; members of the board of
45 fire commissioners; members of the board of water commissioners;
46 and any other titles of office. In counties having more than twelve

1 freeholders, such titles of office shall be arranged in the following
2 order; electors of President and Vice-President of the United States;
3 member of the United States Senate; Governor; member of the House
4 of Representatives; member of the State Senate; members of the
5 General Assembly; sheriff; county clerk; surrogate; register of deeds
6 and mortgages; coroners; county supervisor; members of the board of
7 chosen freeholders; mayor and members of municipal governing
8 bodies[.]; members of the board of fire commissioners; members of the
9 board of water commissioners; and any other titles of office.

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

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

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

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

26 (cf: P.L.1951, c.315, s.2)

27

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

29 19:14-16. The words to be printed on the perforated coupon shall
30 be printed in twelve-point bold-faced capital letters and the figures in
31 eighteen and twenty-two-point bold-faced type. At the head of the
32 ballot the words "Official General Election Ballot" shall be printed in
33 at least thirty-point bold-faced capital letters. The name of
34 municipality, ward, fire district if applicable, water district if
35 applicable, election district, and date shall be printed in twelve-point
36 bold-faced capital letters. The words "Instructions to the voter" shall
37 be printed in twelve-point bold-faced capitals and small letters, while
38 the instructions embraced within the brackets shall be printed in
39 eight-point bold-faced capital and small letters. The column
40 designations shall be printed in eighteen-point bold-faced capital
41 letters and the accompanying instructions shall be printed in
42 eight-point capitals and small letters. The titles of office and
43 accompanying instructions shall be printed in ten-point bold-faced
44 capital and small letters. When there is no nomination made at the
45 primary for an office, the title shall be printed in the space where such
46 title should appear, and the words "No Nomination Made" in type

1 large enough to fill the entire space or spaces shall be printed therein.
2 The names of all candidates shall be printed in ten-point capital letters.
3 The designations following the candidates' names in the nomination by
4 petition column or columns shall be printed in ten-point capitals and
5 small letters, except that where they overrun the space within the
6 column the designations may be abbreviated, and all spaces between
7 the two-point hair line rules not occupied by the titles of office and
8 names of candidates shall be printed in with scroll or filling to guide
9 the voter against wrongly marking the ballot. On the foot of the ballot
10 the words "Public Questions to be Voted Upon" shall be printed in
11 eighteen-point bold-faced capital letters. The accompanying
12 instructions shall be printed in eight-point capital and small letters.
13 The public questions to be voted upon shall be printed in ten-point
14 capital and small letters, and the words "Yes" and "No" shall be
15 printed in twelve-point bold-faced capital letters.

16 (cf: R.S.19:14-16)

17

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

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

31 (cf: P.L.1959, c.139, s.1)

32

33 39. R.S.19:15-2 is amended to read as follows:

34 19:15-2. The district boards shall open the polls for such election
35 at seven o'clock in the morning and close them at eight o'clock in the
36 evening, and shall keep them open during the whole day of election
37 between these hours; except that for a school election the polls shall
38 be open between the hours of five and [nine] eight P.M. and during
39 any additional time which the school board may designate between the
40 hours of seven A.M. and [nine] eight P.M.

41 The board may allow one member thereof at a time to be absent
42 from the polling place and room for a period not exceeding one hour
43 between the hours of one o'clock and five o'clock in the afternoon or
44 for such shorter time as it shall see fit.

45 At no time from the opening of the polls to the completion of the
46 canvass shall there be less than a majority of the board present in the

1 polling room or place, except that during a school election there shall
2 always be at least [two members of each district election] one member
3 of the board present.

4 (cf: P.L.1995, c.278, s.18)

5
6 40. R.S.19:32-5 is amended to read as follows:

7 19:32-5. Such superintendents and their assistants, in order to
8 enforce the laws of this state regarding the conduct of elections, shall
9 investigate all complaints relating to the registration of voters, and for
10 that purpose the superintendents and their assistants shall have full
11 power and authority to visit and inspect any house, dwelling, building,
12 inn, lodging house or hotel and interrogate any inmate, house-dweller,
13 keeper, caretaker, owner, proprietor or landlord thereof or therein as
14 to any person or persons residing or claiming to reside therein or
15 thereat; to inspect and copy any books, records, papers or documents
16 relating to or affecting the elections, either general, special, primary
17 [or municipal] or school, or the registration of voters in the custody
18 and control of district boards, county boards, or the clerks or other
19 officers of municipalities; to require every lodging-house keeper,
20 landlord or proprietor to exhibit his register of lodgers therein at any
21 time to the superintendent, his subordinates or any other person so
22 designated by such superintendent.

23 Any person who neglects or refuses to furnish any information
24 required or authorized by this title, or to exhibit the records, papers,
25 or documents herein authorized to be inspected, or which are required
26 to be exhibited, shall be guilty of a misdemeanor.

27 (cf: R.S.19:32-5)

28
29 41. R.S.19:32-10 is amended to read as follows:

30 19:32-10. In respect to each general, primary[, municipal] and
31 special election, the superintendent shall prepare for each election
32 district in the county a challenge list containing the names,
33 alphabetically arranged, and the addresses of all persons who have lost
34 the right to register from the addresses within such election district
35 from which they registered at the last preceding election. Such
36 challenge list shall be delivered to the respective district boards in such
37 municipalities at least one-half hour before the commencement of
38 registration. The chairman of the respective district boards shall
39 challenge the registration of any person applying to them for
40 registration under any name on such challenge list, unless it shall
41 affirmatively appear after strict examination of the voter, and, if
42 necessary, of others, that such voter is domiciled at a new address
43 within the election district. At the close of the last day of registration,
44 the challenge list with the remarks of the district board or of any
45 member or members thereof to be noted thereon shall be signed and
46 certified as true by each member of the respective district boards and

1 returned to the superintendent in a sealed envelope provided therefor.

2 After the last day of registration and before each general, primary,
3 [municipal] school and special election, the superintendent shall also
4 prepare for each election district a challenge list containing the names,
5 alphabetically arranged, and addresses of all persons registered in the
6 district whom he believes or has reason to suspect are not entitled to
7 vote at the election in the district. Such challenge list shall be
8 delivered to the respective district boards at least one-half hour before
9 the opening of the polls at each election. The chairman of the
10 respective district boards shall challenge the vote of any person
11 presenting himself to vote under any name on the challenge list. The
12 challenge list shall contain a column headed "remarks," and the
13 chairman of the respective district boards shall enter therein opposite
14 the names on such list whether any person applying to vote under any
15 name thereon who was challenged was allowed to vote, and the reason
16 for allowing him to vote.

17 All persons whose names appear on any challenge list before being
18 allowed to vote shall subscribe to an affidavit on forms supplied by the
19 superintendent to the respective district boards together with the
20 challenge list. Any members of the district boards are hereby
21 empowered to take such affidavits. The affidavit shall show that the
22 affiant is eligible to vote in that district and shall set forth the place of
23 his residence, the fact that he actually resides at that place, the length
24 of time of such residence, and also all the facts necessary to qualify
25 him as a voter under the constitution of this State. A copy of the
26 affidavit signed by the challenged voter shall be given to the affiant.
27 At the close of the polls the affidavits shall be returned to the
28 superintendent in an envelope provided therefor and they shall be
29 preserved in the office of the superintendent.

30 If a person applying to vote under any name on the challenge list is
31 challenged and does not vote, there shall be entered opposite his name
32 in such column the words "challenged, but did not vote." If no person
33 applies to vote under any name on such challenge list, there shall be
34 noted opposite each such name in such column the words "no
35 application." At the close of the polls the challenge list shall be signed
36 and certified as true by each member of the respective district boards
37 and returned to the superintendent of the county in a sealed envelope
38 provided therefor.

39 If a person applying to vote is challenged and denied the right to
40 vote because that person's name appears on a challenge list prepared
41 by the superintendent of elections, that challenged voter may apply to
42 a Superior Court judge sitting at the county seat for permission to
43 vote, as provided in R.S.19:32-18.

44 The superintendent, concurrently with delivering the challenge lists,
45 shall deliver to the commissioner a true copy, certified by him as
46 correct, of each challenge list delivered by him pursuant to this section

1 to each district board in municipalities having permanent registration.

2 The superintendent shall prepare duplicates of all challenge lists
3 provided for in this section, and shall keep duplicate challenge lists on
4 file in his office from the time of their preparation until the close of the
5 third general election following their preparation. The original
6 challenge lists shall also be kept on file for two years after the general
7 election following their preparation. All such challenge lists shall be
8 open to inspection by any citizen at any time the superintendent's
9 office is open for business.

10 (cf: P.L.1991, c.249, s.7)

11

12 42. Section 8 of P.L.1973, c.83 (C.19:44A-8) is amended to read
13 as follows:

14 8. a. (1) Each political committee shall make a full cumulative
15 report, upon a form prescribed by the Election Law Enforcement
16 Commission, of all contributions in the form of moneys, loans, paid
17 personal services, or other things of value made to it and all
18 expenditures made, incurred, or authorized by it in furtherance of the
19 nomination, election or defeat of any candidate, or in aid of the
20 passage or defeat of any public question, or to provide political
21 information on any candidate or public question, during the period
22 ending 48 hours preceding the date of the report and beginning on the
23 date on which the first of those contributions was received or the first
24 of those expenditures was made, whichever occurred first. The
25 cumulative report, except as hereinafter provided, shall contain the
26 name and mailing address of each person or group from whom
27 moneys, loans, paid personal services or other things of value have
28 been contributed since 48 hours preceding the date on which the
29 previous such report was made and the amount contributed by each
30 person or group, and where the contributor is an individual, the report
31 shall indicate the occupation of the individual and the name and
32 mailing address of the individual's employer. In the case of any loan
33 reported pursuant to this subsection, the report shall contain the name
34 and mailing address of each person who has cosigned such loan since
35 48 hours preceding the date on which the previous such report was
36 made, and where an individual has cosigned such loans, the report
37 shall indicate the occupation of the individual and the name and
38 mailing address of the individual's employer. The cumulative report
39 shall also contain the name and address of each person, firm or
40 organization to whom expenditures have been paid since 48 hours
41 preceding the date on which the previous such report was made and
42 the amount and purpose of each such expenditure. The cumulative
43 report shall be filed with the Election Law Enforcement Commission
44 on the dates designated in section 16 hereof.

45 The campaign treasurer of the political committee reporting shall
46 certify to the correctness of each report.

1 Each campaign treasurer of a political committee shall file written
2 notice with the commission of a contribution in excess of \$500
3 received during the period between the 13th day prior to the election
4 and the date of the election, and of an expenditure of money or other
5 thing of value in excess of \$500 made, incurred or authorized by the
6 political committee to support or defeat a candidate in an election, or
7 to aid the passage or defeat of any public question, during the period
8 between the 13th day prior to the election and the date of the election.
9 The notice of a contribution shall be filed in writing or by telegram
10 within 48 hours of the receipt of the contribution and shall set forth
11 the amount and date of the contribution, the name and mailing address
12 of the contributor, and where the contributor is an individual, the
13 individual's occupation and the name and mailing address of the
14 individual's employer. The notice of an expenditure shall be filed in
15 writing or by telegram within 48 hours of the making, incurring or
16 authorization of the expenditure and shall set forth the name and
17 mailing address of the person, firm or organization to whom or which
18 the expenditure was paid and the amount and purpose of the
19 expenditure.

20 (2) When a political committee or an individual seeking party office
21 makes or authorizes an expenditure on behalf of a candidate, it shall
22 provide immediate written notification to the candidate of the
23 expenditure.

24 b. (1) A group of two or more persons acting jointly, or any
25 corporation, partnership, or any other incorporated or unincorporated
26 association including a political club, political action committee, civic
27 association or other organization, which in any calendar year
28 contributes or expects to contribute at least \$2,500.00 to the aid or
29 promotion of the candidacy of an individual, or of the candidacies of
30 individuals, for elective public office or the passage or defeat of a
31 public question or public questions and which expects to make
32 contributions toward such aid or promotion, or toward such passage
33 or defeat, during a subsequent election shall certify that fact to the
34 commission, and the commission, upon receiving that certification and
35 on the basis of any information as it may require of the group,
36 corporation, partnership, association or other organization, shall
37 determine whether the group, corporation, partnership, association or
38 other organization is a continuing political committee for the purposes
39 of this act. If the commission determines that the group, corporation,
40 partnership, association or other organization is a continuing political
41 committee, it shall so notify that continuing political committee.

42 No person serving as the chairman of a political party committee or
43 a legislative leadership committee shall be eligible to be appointed or
44 to serve as the chairman of a continuing political committee.

45 (2) A continuing political committee shall file with the Election
46 Law Enforcement Commission, not later than April 15, July 15,

1 October 15 and January 15 of each calendar year, a cumulative
2 quarterly report of all moneys, loans, paid personal services or other
3 things of value contributed to it during the period ending on the 15th
4 day preceding that date and commencing on January 1 of that calendar
5 year or, in the case of the cumulative quarterly report to be filed not
6 later than January 15, of the previous calendar year, and all
7 expenditures made, incurred, or authorized by it during the period,
8 whether or not such expenditures were made, incurred or authorized
9 in furtherance of the election or defeat of any candidate, or in aid of
10 the passage or defeat of any public question or to provide information
11 on any candidate or public question.

12 The cumulative quarterly report shall contain the name and mailing
13 address of each person or group from whom moneys, loans, paid
14 personal services or other things of value have been contributed and
15 the amount contributed by each person or group, and where an
16 individual has made such contributions, the report shall indicate the
17 occupation of the individual and the name and mailing address of the
18 individual's employer. In the case of any loan reported pursuant to this
19 subsection, the report shall contain the name and address of each
20 person who cosigns such loan, and where an individual has cosigned
21 such loans, the report shall indicate the occupation of the individual
22 and the name and mailing address of the individual's employer. The
23 report shall also contain the name and address of each person, firm or
24 organization to whom expenditures have been paid and the amount and
25 purpose of each such expenditure. The treasurer of the continuing
26 political committee reporting shall certify to the correctness of each
27 cumulative quarterly report.

28 Each continuing political committee shall provide immediate written
29 notification to each candidate of all expenditures made or authorized
30 on behalf of the candidate.

31 If any continuing political committee submitting cumulative
32 quarterly reports as provided under this subsection receives a
33 contribution from a single source of more than \$500 after the final day
34 of a quarterly reporting period and on or before a primary, general,
35 [municipal,]school or special election which occurs after that final day
36 but prior to the final day of the next reporting period it shall, in writing
37 or by telegram, report that contribution to the commission within 48
38 hours of the receipt thereof, including in that report the amount and
39 date of the contribution; the name and mailing address of the
40 contributor; and where the contributor is an individual, the individual's
41 occupation and the name and mailing address of the individual's
42 employer. If any continuing political committee makes or authorizes
43 an expenditure of money or other thing of value in excess of \$500, or
44 incurs any obligation therefor, to support or defeat a candidate in an
45 election, or to aid the passage or defeat of any public question, after
46 March 31 and on or before the day of the primary election, or after

1 September 30 and on or before the day of the general election, it shall,
2 in writing or by telegram, report that expenditure to the commission
3 within 48 hours of the making, authorizing or incurring thereof.

4 A continuing political committee which ceases making contributions
5 toward the aiding or promoting of the candidacy of an individual, or
6 of the candidacies of individuals, for elective public office in this State
7 or the passage or defeat of a public question or public questions in this
8 State shall certify that fact in writing to the commission, and that
9 certification shall be accompanied by a final accounting of any fund
10 relating to such aiding or promoting including the final disposition of
11 any balance in such fund at the time of dissolution. Until that
12 certification has been filed, the committee shall continue to file the
13 quarterly reports as provided under this subsection.

14 c. Each political party committee and each legislative leadership
15 committee shall file with the Election Law Enforcement Commission,
16 not later than April 15, July 15, October 15 and January 15 of each
17 calendar year, a cumulative quarterly report of all moneys, loans, paid
18 personal services or other things of value contributed to it during the
19 period ending on the 15th day preceding that date and commencing on
20 January 1 of that calendar year or, in the case of the cumulative
21 quarterly report to be filed not later than January 15, of the previous
22 calendar year, and all expenditures made, incurred, or authorized by
23 it during the period, whether or not such expenditures were made,
24 incurred or authorized in furtherance of the election or defeat of any
25 candidate, or in aid of the passage or defeat of any public question or
26 to provide information on any candidate or public question.

27 The cumulative quarterly report shall contain the name and mailing
28 address of each person or group from whom moneys, loans, paid
29 personal services or other things of value have been contributed and
30 the amount contributed by each person or group, and where an
31 individual has made such contributions, the report shall indicate the
32 occupation of the individual and the name and mailing address of the
33 individual's employer. In the case of any loan reported pursuant to this
34 subsection, the report shall contain the name and address of each
35 person who cosigns such loan, and where an individual has cosigned
36 such loans, the report shall indicate the occupation of the individual
37 and the name and mailing address of the individual's employer. The
38 report shall also contain the name and address of each person, firm or
39 organization to whom expenditures have been paid and the amount and
40 purpose of each such expenditure. The treasurer of the political party
41 committee or legislative leadership committee reporting shall certify
42 to the correctness of each cumulative quarterly report.

43 If a political party committee or a legislative leadership committee
44 submitting cumulative quarterly reports as provided under this
45 subsection receives a contribution from a single source of more than
46 \$500 after the final day of a quarterly reporting period and on or

1 before a primary, general, [municipal,] school or special election which
2 occurs after that final day but prior to the final day of the next
3 reporting period it shall, in writing or by telegram, report that
4 contribution to the commission within 48 hours of the receipt thereof,
5 including in that report the amount and date of the contribution; the
6 name and mailing address of the contributor; and where the
7 contributor is an individual, the individual's occupation and the name
8 and mailing address of the individual's employer.

9 d. In any report filed pursuant to the provisions of this section the
10 organization or committee reporting may exclude from the report the
11 name of and other information relating to any contributor whose
12 contributions during the period covered by the report did not exceed
13 \$200, provided, however, that (1) such exclusion is unlawful if any
14 person responsible for the preparation or filing of the report knew that
15 it was made with respect to any person whose contributions relating
16 to the same election or issue and made to the reporting organization
17 or committee aggregate, in combination with the contribution in
18 respect of which such exclusion is made, more than \$200 and (2) any
19 person who knowingly prepares, assists in preparing, files or
20 acquiesces in the filing of any report from which the identification of
21 a contributor has been excluded contrary to the provisions of this
22 section is subject to the provisions of section 21 of this act, but (3)
23 nothing in this proviso shall be construed as requiring any committee
24 or organization reporting pursuant to this act to report the amounts,
25 dates or other circumstantial data regarding contributions made to any
26 other organization or political committee, political party committee or
27 campaign organization of a candidate.

28 Any report filed pursuant to the provisions of this section shall
29 include an itemized accounting of all receipts and expenditures relative
30 to any testimonial affairs held since the date of the most recent report
31 filed, which accounting shall include the name and mailing address of
32 each contributor in excess of \$200 to such testimonial affair and the
33 amount contributed by each; in the case of an individual contributor,
34 the occupation of the individual and the name and mailing address of
35 the individual's employer; the expenses incurred; and the disposition
36 of the proceeds of such testimonial affair.

37 e. A political committee shall be exempt from any requirement to
38 file reports pursuant to this section of contributions received or
39 expenditures made in behalf of two or more joint candidates in any
40 election if the committee files with the Election Law Enforcement
41 Commission a sworn statement to the effect that the total amount to
42 be expended on behalf of their candidacies shall not exceed \$4,000.00;
43 provided, that if a committee which has filed such a sworn statement
44 receives contributions from any one source aggregating more than
45 \$200.00, it shall forthwith report that fact, including the name and
46 mailing address of the source; where the source is an individual, the

1 occupation of the individual and the name and mailing address of the
2 individual's employer; and the aggregate total of contributions from
3 the source to the commission. Any sworn statement under this
4 subsection may be filed with the notice of designation by a political
5 committee of a campaign treasurer and campaign depository under
6 section 10 of P.L.1973, c.83 (C.19:44A-10), if that committee knows
7 or has reason to believe, at the time when the notice of designation is
8 given, that the total amount to be so expended shall not exceed
9 \$4,000.00.

10 (cf: P.L.1993, c.65, s.3)

11

12 43. R.S.19:45-1 is amended to read as follows:

13 19:45-1. All general elections, special elections, [municipal
14 elections,]primary elections for general elections and primary elections
15 for delegates and alternates to national conventions held in the state
16 or in any of its political subdivisions shall be conducted at the expense
17 of the state or its political subdivisions.

18 (cf: R.S.19:45-1)

19

20 44. R.S.19:49-4 is amended to read as follows:

21 19:49-4. a. (1) The officer or officers whose duty it may be under
22 this subtitle to provide and furnish official ballots for any polling place
23 where a voting machine is to be used shall also provide 2 sample
24 ballots or more, or instruction ballots, which sample or instruction
25 ballot shall be arranged in the form of a diagram showing such portion
26 of the face of the voting machine as it will appear after the official
27 ballots are arranged thereon or therein for voting on election day.
28 Such sample or instruction ballots shall be open to the inspection of all
29 voters on election day, in all elections where voting machines are used.

30 (2) For election districts in which the primary language of 10% or
31 more of the registered voters is Spanish, the officer or officers whose
32 duty it may be under this subtitle to provide and furnish official ballots
33 for any polling place where a voting machine is to be used shall also
34 provide 2 sample ballots or more, or instruction ballots, printed
35 bilingually in English and Spanish. Such sample or instruction ballots
36 shall be open to the inspection of all voters on election day, in
37 appropriate election districts, in all elections where voting machines
38 are used.

39 b. There shall be furnished a sufficient number of sample ballots
40 printed entirely in black ink, a facsimile of the face of the machine, of
41 a reduced size, one of which sample ballots shall be mailed to each
42 registered voter, except that for election districts in which the primary
43 language of 10% or more of the registered voters is Spanish, sample
44 ballots printed bilingually in English and Spanish shall be mailed to
45 each registered voter. Any reference to sample ballot envelopes in any
46 section of this Title to the contrary notwithstanding, in all counties

1 where voting machines are used and wherein the commissioner of
2 registration has the facilities to mail out sample ballots direct to the
3 registrants of such county and has elected so to do, as otherwise in
4 this Title provided, the commissioner of registration in any such
5 county may request the county clerk of such county to have the sample
6 ballots prepared in the manner following:

7 (1) The county clerk shall have said sample ballots for all general
8 and special elections printed in such manner that, when folded, the
9 words "Official General Election Sample Ballot" or as the case may be,
10 shall appear on the reverse side thereof, together with the words "In
11 cases where the sample ballot is to be sent to an addressee who does
12 not receive his mail by delivery to his home or through rural free
13 delivery "if not delivered within 5 days return to the commissioner of
14 registration' and in all other cases "if not delivered within 2 days return
15 to the commissioner of registration.' Do not Forward. Return Postage
16 Guaranteed" over the return address of the commissioner of
17 registration. Such portion of the ballot may contain such additional
18 words that conform with United States Postal regulations that will
19 prevent such envelope from being forwarded to the voter at any other
20 address than that appearing on the envelope, and that will cause such
21 envelope to be returned to the commissioner of registration, with
22 information thereon from the post office showing the reason for
23 nondelivery.

24 (2) The county clerk in drawing the specifications for the printing
25 of the official primary ballots shall include the requirement that the
26 municipal clerks shall have primary sample ballots printed in such
27 manner that, when folded, the words "Official Primary Election
28 Sample Ballot" shall appear on the reverse side thereof, together with
29 the words "In cases where the sample ballot is to be sent to an
30 addressee who does not receive his mail by delivery to his home or
31 through rural free delivery "if not delivered within 5 days return to the
32 commissioner of registration' and in all other cases "if not delivered
33 within 2 days return to the commissioner of registration.' Do Not
34 Forward. Return Postage Guaranteed" over the return address of the
35 commissioner of registration. Such portion of the ballot may contain
36 such additional words that conform with United States Postal
37 regulations that will prevent such envelope from being forwarded to
38 the voter at any other address than that appearing on the envelope, and
39 that will cause such envelope to be returned to the commissioner of
40 registration, with information thereon from the post office showing the
41 reason for nondelivery.

42 (3) Five sample ballots shall be posted as now required by law.

43 c. For all general and special elections the county clerk, and for all
44 primary [and municipal] elections the municipal clerks, shall, at least
45 30 days preceding any such election, make the arrangements necessary
46 to be made with the postmaster or postmasters in their respective

1 counties and municipalities to have the said sample ballots mailed
2 under the postal laws and regulations, and forthwith notify the said
3 commissioner of registration in writing to that effect.

4 (cf: P.L.1974, c.30, s.14)

5
6 45. Section 10 of P.L.1992, c.3 (C.19:53B-1) is amended to read
7 as follows:

8 10. a. The county clerk [or the municipal clerk, in the case of a
9 municipal election,] shall prepare an emergency ballot box packet
10 which shall include the appropriate number of emergency ballots, the
11 appropriate number of pre-punched single-hole white envelopes, and
12 two tally sheets, each with a carbon duplicate copy attached. The
13 custodian of the voting machines shall prepare and place in each
14 emergency ballot box an emergency ballot box packet and an envelope
15 containing a numbered white seal and a numbered red seal. The
16 envelope shall contain, on its face, the instructions for the use of the
17 seals, the number and the election district location of the voting
18 machine to which the ballot box is attached, and the identification
19 numbers of the white and red seals that were placed in the envelope.
20 The emergency ballot box shall be sealed with a numbered green
21 security seal before being shipped to each election district as provided
22 in R.S.19:48-6.

23 b. For the primary for the general election, the emergency ballots
24 shall be printed on paper of a color that matches the color of the
25 voting authority, which shall indicate the party primary of the voter.
26 The emergency ballots shall be uniform in size, quality and type and of
27 a thickness that the printing thereon cannot be distinguished from the
28 back of the paper, and without any mark, device or figure on the front
29 or back other than as provided in this amendatory and supplementary
30 act, P.L.1992, c.3 (C.19:53B-1 et al.).

31 The clerk of the county [or municipality having custody of the
32 emergency ballots] shall prepare each emergency ballot package with
33 a minimum of 30 emergency ballots for each political party. If the
34 clerk determines, based upon the number of registered voters with
35 party affiliations, that an election district shall require more than 30
36 emergency ballots per party primary, additional emergency ballots shall
37 be delivered to that election district.

38 c. For the general election the emergency ballots shall be printed
39 on paper of the color of the voting authority. The emergency ballots
40 shall be uniform in size, quality and type and of a thickness that the
41 printing thereon cannot be distinguished from the back of the paper,
42 and without any mark, device or figure on the front or back other than
43 as provided in this amendatory and supplementary act.

44 The clerk of the county [or municipality] shall prepare each
45 emergency ballot package with a minimum of 30 emergency ballots.
46 If the clerk determines that an election district shall require more than

1 30 emergency ballots based on the number of registered voters,
2 additional emergency ballots shall be delivered to that election district.
3 (cf: P.L.1992, c.3, s.10)

4

5 46. Section 2 of P.L.1953, c.211 (C.19:57-2) is amended to read as
6 follows:

7 2. Whenever used in this act, the following terms shall, unless the
8 context indicates otherwise, be construed to have the following
9 meanings:

10 "Absentee ballot" means any military service ballot or civilian
11 absentee ballot as herein defined.

12 "Absentee voter" means any person qualified to vote a military
13 service ballot or a civilian absentee ballot under the provisions of this
14 act.

15 "Armed Forces of the United States" means any branch or
16 department of the United States Army, Navy, Air Force, Coast Guard
17 or Marine Corps.

18 "Civilian absentee ballot" means a ballot for use by a civilian
19 absentee voter as prescribed by this act.

20 "Civilian absentee voter" means any qualified and registered voter
21 of the State who expects to be absent from the State on the day of any
22 election and any qualified and registered voter who will be within the
23 State on the day of any election but because of illness or physical
24 disability, including blindness or pregnancy, or because of the
25 observance of a religious holiday pursuant to the tenets of his religion,
26 or because of resident attendance at a school, college or university, or
27 because of the nature and hours of his employment, will be unable to
28 cast his ballot at the polling place in his election district on the day of
29 the election.

30 "Election," "general election," "primary election for the general
31 election," ["municipal election,"] "school election" and "special
32 election" shall mean, respectively, such elections as defined in the Title
33 to which this is a supplement (R.S.19:1-1 et seq.).

34 "Family member" means an adult who is a spouse, parent, child,
35 grandparent, grandchild or sibling of a voter, whether by adoption or
36 natural relationship. It shall also include any adult occupant regularly
37 living with a voter in any residential building or part of a building
38 intended for the use of no more than one family.

39 "Incapacitated absentee voter" means a voter who, due to
40 incapacity, is unable to complete his ballot.

41 "Military service" means active service by any person, as a member
42 of any branch or department of the United States Army, Navy, Air
43 Force, Coast Guard or Marine Corps, or as a member of the maritime
44 or merchant marine service, or as a reservist absent from his place of
45 residence and undergoing training under Army, Navy, Air Force, Coast
46 Guard or Marine Corps direction, at a place other than that of such

1 person's residence.

2 "Military service voter" means a qualified elector under the
3 Constitution and the laws of this State who comes within one of the
4 following categories:

5 (a) Persons in the military service and their spouses and
6 dependents.

7 (b) Patients in a veterans' hospital located in any place other than
8 the place of their residences who have been in the military service in
9 any war in which the United States has been engaged and have been
10 discharged or released from such service.

11 (c) Civilians attached to or serving with the Armed Forces of the
12 United States without this State and their spouses and dependents
13 when residing with or accompanying them.

14 "Military service ballot" means a ballot for use by a military service
15 voter as prescribed by this act.

16 "Member of the maritime or merchant marine service" means any
17 person employed as an officer or crew member of a vessel documented
18 under the laws of the United States, or a vessel owned by the United
19 States, or a vessel of foreign-flag registry under charter to or control
20 of the United States or enrolled with the United States for employment
21 or training for employment, or maintained by the United States for
22 emergency relief service as an officer or crew member of any such
23 vessel or any such person as otherwise defined in section 107 of
24 Pub.L. 99-410, the "Uniformed and Overseas Citizens Absentee
25 Voting Act," (42 U.S.C. §1973ff-6).

26 (cf: P.L.1995, c.278, s.22)

27

28 47. Section 7 of P.L.1953, c.211 (C.19:57-7) is amended to read as
29 follows:

30 7. The county clerk of the county, in the case of any Statewide
31 election, countywide election, or school election in a regional or other
32 school district comprising more than one municipality; [the clerk of the
33 municipality, in the case of any municipal election;] or school election
34 in a school district comprising a single municipality; and the
35 commissioners or other governing or administrative body of the
36 district, in the case of any election to be held in any fire district, road
37 district, sewerage district, street lighting district, water supply district
38 or other special district, other than a municipality, created for specified
39 public purposes within one or more municipalities, shall publish or
40 cause to be published the following notices in substantially the
41 following forms:

42 NOTICE TO MILITARY SERVICE VOTERS AND
43 TO THEIR RELATIVES AND FRIENDS

44 If you are in the military service, or the spouse or dependent of a
45 person in military service or are a patient in a veterans' hospital or a
46 civilian attached to or serving with the Armed Forces of the United

1 States without the State of New Jersey, or the spouse or dependent of
 2 and accompanying or residing with a civilian attached to or serving
 3 with the Armed Forces of the United States, and desire to vote, or if
 4 you are a relative or friend of any such person who, you believe, will
 5 desire to vote in the (school,
 6 [municipal,]primary, general or other) election to be held on
 7 (date of election) kindly write to the undersigned at
 8 once making application for a military service ballot to be voted in said
 9 election to be forwarded to you, stating your name, age, serial number
 10 if you are in military service, home address and the address at which
 11 you are stationed or can be found, or if you desire the military service
 12 ballot for a relative or friend then make application under oath for a
 13 military service ballot to be forwarded to him, stating in your
 14 application that he is over the age of 18 years and stating his name,
 15 serial number if he is in military service, home address and the address
 16 at which he is stationed or can be found.

17 Military service voters may also apply for a military service ballot
 18 by sending a federal postcard application form to the undersigned.

19 On the application for a military service ballot, military service
 20 voters may request that a military service ballot be sent for all
 21 subsequent elections held during this calendar year.

22 (NOTE: MILITARY SERVICE VOTER CLAIMING MILITARY
 23 STATION AS HOME ADDRESS FOR VOTING PURPOSES MAY
 24 NOT USE MILITARY ABSENTEE BALLOT UNLESS
 25 REGISTERED TO VOTE IN THE MUNICIPALITY WHERE SUCH
 26 STATION IS LOCATED.)

27 Forms of application other than federal postcard application forms
 28 can be obtained from the undersigned. Dated
 29

30 (signature and title of county clerk)

31

32 (address of county clerk)

33 NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE
 34 BALLOTS

35 If you are a qualified and registered voter of the State who expects
 36 to be absent outside the State on(date of election) or a
 37 qualified and registered voter who will be within the State on
 38 (date of election) but because of permanent and
 39 total disability, or because of illness or temporary physical disability,
 40 or because of the observance of a religious holiday pursuant to the
 41 tenets of your religion, or because of resident attendance at a school,
 42 college, or university, or because of the nature and hours of
 43 employment, will be unable to cast your ballot at the polling place in
 44 your district on said date, and you desire to vote in the
 45 (school [municipal,] primary, general, or other)
 46 election to be held on (date of election) kindly complete

1 the application form below and send to the undersigned, or write or
 2 apply in person to the undersigned at once requesting that a civilian
 3 absentee ballot be forwarded to you. Such request must state your
 4 home address, and the address to which said ballot should be sent, and
 5 must be signed with your signature, and state the reason why you will
 6 not be able to vote at your usual polling place. No civilian absentee
 7 ballot will be furnished or forwarded to any applicant unless request
 8 therefor is received not less than seven days prior to the election, and
 9 contains the foregoing information.

10 Voters who are permanently and totally disabled shall, after their
 11 initial request and without further action on their part, be forwarded
 12 an absentee ballot application by the county clerk for all future
 13 elections in which they are eligible to vote. Application forms may be
 14 obtained by applying to the undersigned either in writing or by
 15 telephone, or the application form provided below may be completed
 16 and forwarded to the undersigned. Dated

17

18 (signature and title of county clerk)

19

20 (address of county clerk)

21

22 (Telephone No. of county clerk)

23 APPLICATION FORM FOR CIVILIAN

24 ABSENTEE BALLOT

25 (Form to be prepared by the Secretary of State pursuant
 26 to section 17 of P.L.1977, c.47 (C.19:57-4.1)).

27 Such notices shall be separately published prior to the 50th day
 28 immediately preceding the holding of any election.

29 Notices relating to any Statewide or countywide election shall be
 30 published by the county clerk in at least two newspapers published in
 31 the county. All other officials charged with the duty of publishing
 32 such notices shall publish the same in at least one newspaper published
 33 in each municipality or district in which the election is to be held or if
 34 no newspaper be published in said municipality or district, then in a
 35 newspaper published in the county and circulating in such municipality,
 36 municipalities or district. All such notices shall be display
 37 advertisements.

38 (cf: P.L.1995, c.278, s.23)

39

40 48. Section 1 of P.L.1995, c.278 (C.) is amended to read as
 41 follows:

42 1.a. An annual school election shall be held in each type II district
 43 on the [third] Tuesday [in April. However, in any school year, the
 44 Commissioner of Education shall make any adjustments to the school
 45 budget and election calendar which may be necessary to change the
 46 annual school election date if that date coincides with a period of

1 religious observance. The commissioner shall inform local school
2 boards, county clerks and boards of elections of these adjustments no
3 later than the first working day in January of the year in which the
4 adjustments are to occur] next after the first Monday in June.

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

10 c. If two or more qualified candidates receive an equal number of
11 votes in an election, they shall draw lots to determine which one shall
12 be elected.

13 (cf: P.L.1995, c.278, s.1)

14
15 49. Section 2 of P.L.1995, c.278 (C.) is amended to read as
16 follows:

17 2. a. The board of education of a type II district may call a special
18 election of the legal voters of the district at any time when in its
19 judgment the interests of the schools require it, or whenever 50 of the
20 legal voters shall by petition so request, but no special school election
21 shall be called to be held in any municipality [on any day within 20
22 days before or after the day fixed according to law for the holding of
23 any primary election for the general election or municipal or general
24 election, and no more than two special school elections shall be called
25 by any board of education within any period of six months] to submit
26 to the legal voters of the district for their adoption or rejection any
27 proposal, resolution or question authorizing the issuance of bonds of
28 the district[, for the same purpose] on any day other than the day fixed
29 for the holding of the general election, unless the Commissioner of
30 Education shall first have certified in writing the necessity therefor.

31 b. No business relative to the school district shall be transacted at
32 any special election except such as shall have been set forth in the
33 notices by which the election was called and in the notices of any
34 special election, called upon petition as foresaid, there shall be inserted
35 the purposes named in the petition so far as the same are not in
36 conflict with the provisions of Title 18A of the New Jersey Statutes.
37 (cf: P.L.1995, c.278, s.2)

38
39 50. R.S.40:12-11 is amended to read as follows:

40 40:12-11. Upon petition to the governing body of the municipality
41 or county signed by electors of the municipality or county equal in
42 number to fifteen per cent of the votes cast therein at the last
43 preceding general election, filed [thirty] no later than 54 days before
44 a general [or special] election, or upon resolution of the governing
45 body of the municipality or county of their own motion, a proposition
46 in substantially the following form shall be submitted and placed upon

1 the ballot at such ensuing [municipal or county] general election.
2 (cf: R.S.40:12-11)

3
4 51. Section 15 of P.L.1972, c.154 (C.40:41A-15) is amended to
5 read as follows:

6 15. If the charter study commission shall have recommended the
7 adoption of one of the optional forms of government authorized by
8 articles 3 to 6 inclusive, of this act, the county clerk shall cause a
9 referendum question conforming with the requirements of section 16
10 to be placed upon the ballot at [such time and in such form as the
11 commission shall in its report specify. The commission may specify
12 that the question be submitted at] the general election occurring not
13 less than 60 days next following the filing of the commission's report
14 with the county clerk[, or, if there be no general election within 120
15 days next following the filing of its report, then at a special election
16 occurring not less than 60 days or more than 120 days next following
17 such filing of the report]. At such election, the referendum question
18 shall appear on the ballot in the same manner as other public questions
19 are printed on the ballot. If the charter study commission shall have
20 prepared an interpretive statement to accompany such question, such
21 interpretive statement shall immediately precede the referendum
22 question on the ballot.

23 (cf: P.L.1972,c.154,s.15)

24

25 52. Section 21 of P.L.1972, c.154 (C.40:41A-22) is amended to
26 read as follows:

27 21. The county clerk shall cause the question to be submitted at the
28 general election occurring not less than 60 days next following the
29 filing of the petition[, or, if there be no general election with 120 days
30 next following the filing of the petition, then at a special election
31 occurring not less than 60 days and not more than 120 days next
32 following the filing of such petition]. At such election, the referendum
33 question shall appear on the ballot in the same manner as other public
34 questions are printed on the ballot.

35 (cf: P.L.1972,c.154,s.21)

36

37 53. Section 88 of P.L.1972, c.154 (C.40:41A-88) is amended to
38 read as follows:

39 88. Any elective officer shall be subject to removal from office for
40 cause connected with his office, after he has served at least 1 year,
41 upon the filing of a recall petition and the affirmative vote of a
42 majority of those voting on the question of removal at any primary or
43 general[, regular county or special] election.

44 (cf: P.L.1972, c.154, s.88)

45

46 54. Section 91 of P.L.1972, c.154 (C.40:41A-91) is amended to

1 read as follows:

2 91. If the petition shall be sufficient the county clerk shall within
3 2 days notify the official whose recall is sought thereby. If such notice
4 cannot be served personally upon the official affected, service may be
5 made by registered mail addressed to the officer's last known address.
6 If within 5 days after the service of the notice by the county clerk the
7 official sought to be recalled by such petition does not resign or,
8 having tendered his resignation, it shall not have been accepted by the
9 board of freeholders, the county clerk shall [order and] fix [a] the date
10 for holding a recall election [not less than 60 nor more than 90 days
11 from the filing of the petition] at the primary or general election next
12 occurring nearest to the date of the filing of the petition. Notice of the
13 filing of the petition and of the date of the election shall be posted for
14 public view in the office of the county clerk and he shall also publish
15 the notice forthwith in the manner provided by section 142 of this act.
16 (cf: P.L.1972 ,c.154, s.91)

17

18 55. Section 112 of P.L.1972, c.154 (C.40:41A-112) is amended to
19 read as follows:

20 112. Any ordinance to be voted on by the voters in accordance
21 with sections 104 through 116 of this act shall be submitted at the next
22 general [or regular county] election occurring not less than 60 days
23 after the date of final action by the board or the expiration of the time
24 allowed for action by board in section 111 of this article, as the case
25 may be[, provided that if no such election is to be held within 90 days
26 the board may in its discretion provide for a special election].
27 (cf: P.L.1972, c.154, s.12)

28

29 56. R.S.40:43-4 is amended to read as follows:

30 40:43-4. Whenever a petition praying for the change of name of any
31 municipality and specifying the name proposed for adoption shall be
32 signed by at least 30% of the legal voters therein who voted at the last
33 preceding general election, and be filed in the office of the clerk of
34 such municipality, such proposed change of name shall be submitted
35 to the voters at the first general election occurring in such municipality
36 not less than 60 days after the filing of such petition[, or at a special
37 election, as shall be determined by resolution of the governing body,
38 to be held in the municipality not less than 60 days after the filing of
39 such petition]. The clerk of such municipality shall advertise that
40 [said] the change of name will be voted upon at such election [in the
41 same manner as municipal elections are advertised], and the question
42 of the change of name shall be printed upon the ballots and voted upon
43 at such election in accordance with the general laws relating to
44 elections[, except that the governing body may conduct a special
45 election at the same hours and polling places used in the most recent
46 school election held in accordance with N.J.S. 18A:14-1 et seq].

1 (cf: P.L.1981, c.169, s.1)

2

3 57. R.S.40:43-14 is amended to read as follows:

4 40:43-14. On the filing with the county clerk of a copy of the act
5 of incorporation of such newly created municipality, certified under
6 the hand and seal of the secretary of state, the county board of
7 elections of the county in which such newly created municipality is
8 located, upon the application of any legal voter in such municipality,
9 shall prescribe and define the boundaries of such election districts as
10 may, in their opinion, be necessary in said municipality, and said board
11 shall also appoint the time, place or places, and determine the manner
12 of holding the first election within the newly created municipality for
13 the election of officers therein, which election shall be on the day of
14 the general election, and the time or times, place or places, and the
15 manner of registering the voters for such election. Said election shall
16 be held and conducted in accordance with the general law relating to
17 elections in this state.

18 Said county board of elections shall act in the place of all municipal
19 officers and shall perform all the duties imposed by law upon municipal
20 clerks and other officers, and also any and all other acts for the
21 holding of said election of municipal officers in such municipality
22 according to law.

23 The statement of the result of said first election duly certified by the
24 county board of elections, shall be filed in the office of the clerk of the
25 county within five days after such election.

26 The [reasonable cost of the booths or compartments, the
27 preparation of registry or poll lists, and the conduct and holding of
28 said election as above provided, shall be borne by the] newly created
29 municipality shall bear such costs as may be deemed reasonable for
30 holding the election.

31 All acts and proceedings of the county board of election under the
32 authority of this subtitle, shall be by resolution, a copy of which, duly
33 certified under their hands, shall forthwith, after the adoption of the
34 same, be filed in the office of the clerk of the county in which the
35 newly created municipality is located.

36 (cf: R.S.40:43-14)

37

38 58. Section 7 of P.L.1977, c.435 (C.40:43-66.41) is amended to
39 read as follows:

40 7. If, within 1 year after the date on which the first ordinance,
41 pursuant to section 5 of this act, or the first petition, pursuant to
42 section 6 of this act, is filed with the clerk of the county, either an
43 ordinance or a certified petition is transmitted to the county clerk by
44 each of the other municipalities named in the first such ordinance or
45 petition, the question of forming a consolidation commission shall be
46 submitted to the voters of each of the municipalities named in such

1 ordinances or petitions in the following form:

2 "Shall a joint municipal consolidation study commission be formed
3 to study the feasibility of consolidating (insert the names of each of the
4 municipalities named in such ordinances or petitions) into a single new
5 municipality, to study the question of the form of government under
6 which such new municipality should be governed, to study the
7 feasibility of consolidating the local school districts of the aforesaid
8 municipalities, and to make recommendations thereon; or, in the
9 alternative, to make recommendations on the consolidation of certain
10 municipal services?"

11 The question shall be submitted to the voters of each municipality
12 so named in the ordinances or petitions on the date for the next
13 general election [or on the date for the next regular municipal election,
14 whichever shall first occur] occurring at least 60 days after the date of
15 the filing with the county clerk of the final ordinance or petition
16 necessary to require the submission of the question to the voters.
17 Nothing herein contain shall be construed to prevent the submission of
18 the question of forming a consolidation commission to the voters of
19 the municipalities named in any combination of such ordinances and
20 petitions, provided that such ordinances and petitions are substantively
21 similar.

22 (cf: P.L.1977, c.435, s.7)

23

24 59. Section 25 of P.L.1977, c.435 (C.40:43-66.59) is amended to
25 read as follows:

26 25. If the commission recommends the submission of the question
27 of consolidation to the voters, the municipal clerk of each participating
28 municipality shall cause the question of consolidation to be submitted
29 to the registered voters of each participating municipality on the date
30 for the next general [or municipal] election[, whichever shall occur
31 sooner]. At that election, the question shall be submitted in the same
32 manner as other public questions in each such municipality, and in the
33 following form or such part thereof as shall be applicable:

34 "Shall (insert the names of the participating municipalities) be
35 consolidated into a single municipality to be known as (insert name
36 and type of municipality) and governed under (insert alternative a., b.,
37 c., d., or e. below, as may be appropriate)?"

38 (a. the present plan or form of government of (insert name of
39 appropriate municipality) and (if appropriate) providing for a division
40 of the municipality into (insert number) wards, with (insert number)
41 (insert title of members of governing body) to be elected from each
42 ward and (insert number) to be elected at large);

43 (b. a special charter to be enacted by the Legislature as
44 recommended by the consolidation commission);

45 (c. the (insert name of plan) of the "Optional Municipal Charter
46 Law," providing for a division of the municipality into (insert number)

1 wards, with (insert number) councilmen, (one to be elected from each
2 ward and (insert number) to be elected at large));

3 (d. the commission form of government to be adopted pursuant to
4 chapters 70 to 76 of Title 40 of the Revised Statutes (R.S. 40:70-1 et
5 seq.)); or,

6 (e. the municipal manager form of government to be adopted
7 pursuant to chapters 79 to 85 of Title 40 of the Revised Statutes (R.S.
8 40:79-1 et seq.)).

9 For Consolidation Against Consolidation

10 (cf: P.L.1977, c.435, s.25)

11

12 60. R.S.40:45-1 is amended to read as follows:

13 40:45-1. [Except as hereinafter provided in section 40:45-2 of this
14 title, all municipal or charter] All elections shall be held and all officers
15 required to be elected in any municipality[, except officers first elected
16 in newly created municipalities,] shall be voted for and elected on the
17 first Tuesday after the first Monday in November in each year, and
18 with the same registration and upon the same official ballots required
19 by law for the election of state and county officers. The ballots so
20 voted shall be canvassed and the result of any such election shall be
21 determined as provided by law in the case of county officials, and
22 certified to the clerks of the respective municipalities[; it being the
23 intention hereby to consolidate the municipal or charter elections in
24 municipalities with the general or state elections].

25 (cf: R.S.40:45-1)

26

27 61. R.S.40:45-3 is amended to read as follows:

28 40:45-3. In every case in which a referendum vote of the legal or
29 qualified voters of a municipality is authorized by law such vote [may]
30 shall be taken at [a special election to be held in such municipality on
31 a day to be specified in a resolution of the governing body thereof.
32 When such a resolution shall be adopted by the governing body
33 specifying a day for the special election, and notice thereof shall be
34 given to the proper officer, he shall cause notice of the special election
35 to be published once in a newspaper published or circulating in the
36 municipality at least ten days before the election.

37 The election] a general election and shall be held, conducted and
38 canvassed [as other elections in the municipality, and the same shall be
39 as valid and effectual as if the vote had been taken at a general election
40 where so provided and all subsequent proceedings may be taken as if
41 the vote had been taken at a general election] in accordance with the
42 provisions of Title 19 of the Revised Statutes.

43 (cf: R.S.40:45-3)

44

45 62. R.S.40:45-4 is amended to read as follows:

46 40:45-4. When there exists in this state any municipality or any

1 district or subdivision thereof[, except school districts,]whose
 2 inhabitants or legal voters are authorized or required to meet annually
 3 for the purpose of voting appropriations of money for any purpose, to
 4 be raised by taxation, such annual meeting, [unless now provided by
 5 law to be held between January first and March first,] shall be held on
 6 the [third Saturday in February] first Tuesday after the first Monday
 7 in November, so that appropriations so voted may be certified to the
 8 county board of taxation on or before [March] December first.
 9 (cf: R.S.40:45-4)

10

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

13 3. [Except as may otherwise be provided by law for initial elections
 14 conducted in a municipality following its adoption of a plan or form of
 15 government, or a charter or an amendment thereto, regular municipal
 16 elections] Elections shall be held in each municipality governed by this
 17 act on the [second] first Tuesday [in May] after the first Monday in
 18 November in the years in which municipal officers are to be elected.
 19 [The municipal election shall be held at the same place or places and
 20 conducted in the same manner, so far as possible, as the general
 21 election. The election officers shall be those provided for conducting
 22 the general election.]

23 (cf: P.L.1981, c.379, s.3)

24

25 64. Section 4 of P.L.1981, c.379 (C.40:45-8) is amended to read as
 26 follows:

27 40:45-8. On or before the 59th day prior to a [regular municipal]
 28 general election, the names of candidates for all elective offices shall
 29 be filed with the municipal clerk, in the following manner and form and
 30 subject to the following conditions:

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

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

1 or certificates of nomination than there are places to be filled for the
2 above office.

3 Signed" ."

4 Any such petition of nomination which is provided to candidates by
5 the municipal clerk shall contain the following notice: "Notice:

6 All candidates are required by law to comply with the provisions of
7 the "New Jersey Campaign Contributions and Expenditures Reporting
8 Act." For further information, please call (insert phone number of the
9 Election Law Enforcement Commission)."

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

20 c. The municipal clerk shall immediately provide the Election Law
21 Enforcement Commission with official certification of the filing or
22 withdrawal of a petition of nomination.
23 (cf: P.L.1985,c.92,s.34)

24
25 65. Section 7 of P.L.1981, c.379 (C.40:45-11) is amended to read
26 as follows:

27 7. No person shall accept nomination for more than one municipal
28 office to be voted for at a [regular municipal] general election to be
29 held under this act.
30 (cf: P.L.1981, c.379, s.7)

31
32 66. Section 12 of P.L.1981, c.379 (C.40:45-16) is amended to read
33 as follows:

34 12. The district boards of registry and election shall, immediately
35 upon the closing of the polls, count the ballots and ascertain the
36 number of votes cast in the election district for each of the candidates
37 [in the manner provided by law for the general election], and return
38 the numbers to the municipal clerk immediately upon the completion
39 of the count, upon proper blanks to be furnished by the clerk. In
40 counties having a superintendent of elections one of the returns shall
41 be made available immediately to the superintendent of elections.
42 [The superintendent may arrange to accept the statement of returns in
43 each municipality within the county at the office of the clerk of the
44 municipality or some other convenient place. On the day following the
45 municipal election, the municipal clerk shall canvass all returns
46 received from the election districts and the absentee ballots, and

1 immediately make and file in his office the result thereof. The canvass
2 by the municipal clerk shall be publicly made.]

3 (cf: P.L.1981, c.379, s.12)

4

5 67. Section 13 of P.L.1981, c.379 (C.40:45-17) is amended to read
6 as follows:

7 13. At the [regular municipal] general election in any municipality
8 which has adopted this act, the candidates receiving the greatest
9 number of votes cast shall be elected to the respective offices. Except
10 as otherwise provided by law, the term of office of any officer elected
11 pursuant to this act shall begin on [July 1] January 1 next following
12 election.

13 (cf: P.L.1983, c.183, s.3)

14

15 68. Section 15 of P.L.1981, c.379 (C.40:45-19) is amended to read
16 as follows:

17 15. In any [regular municipal] general election held under section
18 14 of P.L.1981, c.379 (C.40:45-18), if [a sufficient number of
19 candidates do not receive a majority of the votes cast to elect the
20 required number of councilmen-at-large (or commissioners, or village
21 trustees) or no candidate for mayor or no candidate for ward
22 councilman receives a majority of the votes cast for his respective
23 office, a run-off election in the municipality or ward, as the case may
24 be, shall be held on the fourth Tuesday next following that municipal
25 election; unless in any year that Tuesday shall be the date upon which
26 a primary election shall be held, in which case the run-off election shall
27 be held on the fifth Tuesday next following the municipal election.

28 At the run-off election, the candidates for councilman-at-large (or
29 commissioner, or village trustee) shall be those candidates not elected
30 at the regular municipal election who received the greatest number of
31 votes at that election, but the candidates shall be equal in number to
32 twice the number of councilmen-at-large (or commissioners, or village
33 trustees) remaining to be elected. The candidates for mayor or ward
34 councilmen at the run-off election shall be the two candidates for the
35 office who received the greatest number of votes at the regular
36 municipal election. Military service ballots shall be printed and
37 distributed for the run-off election in the same manner, so far as
38 possible, as for other municipal elections.

39 The candidate or candidates who receive the greatest number of
40 votes at the run-off election shall be elected to the office or offices to
41 be filled. If] two or more candidates shall be equal and greatest in
42 votes for any of the purposes of this section, they shall draw lots to
43 determine which one shall [enter the run-off election, or] be elected[,
44 as the case may be.

45 If any candidate to be voted for at the run-off election dies seven or
46 more days prior to the run-off election, the candidate for the office not

1 theretofore included in the run-off election, but next highest in
2 number of votes for that purpose shall be substituted at the run-off
3 election in the place of the deceased candidate and his name shall be
4 substituted on the ballots for that of the deceased candidate].

5 (cf: P.L.1995, c.97, s.3)

6

7 69. Section 14 of P.L.1950, c.211 (C.40:46-52) is amended to read:

8 14. The qualified voters of any municipality may adopt this act at
9 any [regular municipal or] general election [or at any election at which
10 they vote on the adoption of any of the optional forms of government
11 provided by the Optional Municipal Charter Law].

12 Upon recommendation of a charter commission constituted
13 pursuant to the Optional Municipal Charter Law or upon petition in
14 writing of ten per centum (10%) of the registered voters of a
15 municipality filed with the municipal clerk, the clerk shall submit the
16 question to the voters. [If there is an election pending on the adoption
17 of one of the said optional forms of government not less than sixty
18 days after the filing of the petition or recommendation of the charter
19 commission, the clerk shall submit the question at said election. If no
20 such election of an optional form of government is pending the] The
21 clerk shall submit the question of the adoption of this act at the next
22 [regular municipal or] general election to be held not less than sixty
23 days after the filing of the petition or the recommendation of the
24 charter commission. [In any case he] The clerk shall give public
25 notice of the submission of the question by publication in one or more
26 newspapers published in the municipality, if there be one published in
27 the municipality; if not, then in one or more newspapers published in
28 the county in which the municipality is located, to be designated by the
29 clerk, once a week for at least four weeks, and by posting such notice
30 in five of the most public places in the municipality for at least four
31 weeks before the election. The question of adoption of this act shall
32 be submitted as other public questions, and shall be stated as follows:
33 Shall the Optional Municipal Key Positions Act be adopted by (insert
34 name of municipality)?

35 (cf: P.L.1950, c.211, s.14)

36

37 70. Section 11 of P.L.1947, c.71 (C.40:48-8.25) is amended to read
38 as follows:

39 11. Any ordinance adopted pursuant to the provisions of this act
40 shall, before the same becomes operative, be submitted by the
41 governing body of the municipality to the electors thereof at any
42 general election[,]or at any primary election[, or at a special municipal
43 election held for that purpose]. Such ordinance shall provide for and
44 fix the time of the holding of such election, of which the municipal
45 clerk shall give notice by causing the same to be published in a
46 newspaper or newspapers circulating in such municipality. [The

1 municipal clerk shall likewise prepare the ballots for use in said
2 election.] Such election shall be conducted by the respective district
3 boards of registry and election in such municipality, and the canvass
4 and return thereof shall be made in the same manner and subject to the
5 same election procedure now governing general [or special] elections.
6 (cf: P.L.1947, c.71, s.11)

7

8 71. R.S.40:48-18 is amended to read as follows:

9 40:48-18. The governing body of any municipality may by contract
10 join with the board of chosen freeholders of the county in which it is
11 located or with the governing body or bodies of any other municipality
12 or municipalities or with the board of chosen freeholders of the county
13 and the governing body or bodies of any other municipality or
14 municipalities within the county or adjoining such county or of any
15 district, to acquire or construct any public improvement or works, do
16 any act, maintain any department or render any service which any such
17 municipality or county or district is empowered to acquire, construct,
18 do, maintain or render.

19 No municipality under any such contract may acquire, construct,
20 maintain or operate any property or service defined as a "public utility"
21 by section 48:2-13 of the title Public Utilities, until a majority of the
22 legal voters in the municipality affected voting at an election
23 advertised, held on the day of a general election and conducted in
24 accordance with the laws relating to [elections] such an election, shall
25 vote in favor of the proposition: "Shall the municipality of acquire (or
26 construct, as the case may be), and maintain and operate a (here insert
27 brief description of the public utility proposed to be established or
28 operated)?"

29 (cf: R.S.40:48-18)

30

31 72. R.S.40:49-10 is amended to read as follows:

32 40:49-10. Any proposition submitted to the voters of any
33 municipality under the provisions of section 40:49-9 or of section
34 40:49-27 of this title shall be voted upon at the next general election
35 held in the municipality at least thirty days after the filing of the
36 protest or protests herein provided for[, unless the governing body
37 thereof shall call a special election therefor. Such special election shall
38 be conducted and canvassed by the same officers and in the same
39 manner as nearly as may be as prescribed by the laws regulating
40 general elections]. The proposition to be voted upon shall be stated
41 on the ballots in substantially the following form:

42 "To vote upon the public question printed below if in favor thereof
43 mark a cross (X) or plus (+) in the square at the left of the word YES,
44 and if opposed thereto mark a cross (X) or plus (+) in the square at
45 the left of the word NO.

46 "Shall an ordinance of the

1 YES (name of governing body) of the..... of

2 (name of municipality)

3 NO entitled (title of ordinance

4 and date of passage) be ratified?"

5 (cf: R.S.40:49-10)

6

7 73. Section 2 of P.L.1956, c.168 (C.40:50-15) is amended to read
8 as follows:

9 2. If the question of making the purchase provided for by the
10 contract to be abrogated had been submitted to the voters of the
11 municipality for approval or ratification then, and in that event, the
12 ordinance providing for the abrogation of said contract shall not be
13 effective unless and until such abrogation has been authorized by the
14 legal voters of the municipality at a [special or] general election in said
15 municipality held in accordance with the procedure provided for in
16 sections 40:62-3 to 40:62-5 of the Revised Statutes.

17 (cf: P.L.1956, c.168, s.2)

18

19 74. R.S.40:54-2 is amended to read as follows:

20 40:54-2. No such library shall be established in any municipality
21 unless assented to by a majority of the legal voters of the municipality,
22 at [an] a general election, [general or special,]at which the question of
23 the adoption of this article shall be submitted to vote by direction of
24 the governing body.

25 (cf: R.S.40:54-2)

26

27 75. R.S.40:54-3 is amended to read as follows:

28 40:54-3. The municipal clerk shall cause public notice of such
29 general [or special] election to be given by advertisement, signed by
30 himself and set up in at least five public places in the municipality for
31 at least ten days previous to the date of such election and published for
32 the same period in two newspapers printed or circulating therein.

33 (cf: R.S.40:54-3)

34

35 76. R.S.40:54-7 is amended to read as follows:

36 40:54-7. Where any municipality shall vote against the
37 establishment of a free public library such vote shall not preclude the
38 holding of another election, on the day of a general [or special]
39 election, to vote for or against the adoption of the provisions of this
40 article.

41 (cf: R.S.40:54-7.)

42

43 77. R.S.40:60-46 is amended to read as follows:

44 40:60-46. Whenever in any municipality bordering on the Atlantic
45 ocean, owning and operating a public casino, playground and bathing
46 establishment, the owners of property therein, representing two-thirds

1 in amount of its ratables, shall file in the office of the clerk of the
2 governing body, a petition requesting the governing body to submit to
3 the voters of the municipality at an election to be held for that
4 purpose, the proposition of leasing the public casino, playgrounds and
5 bathing establishment, the governing body shall submit the proposition
6 to the vote of the electors of the municipality at the general election
7 held therein at least thirty days after the filing of the petition [unless
8 the governing body shall call a special election therefor].
9 (cf: R.S.40:60-46)

10

11 78. R.S.40:60-51 is amended to read as follows:

12 40:60-51. The ordinance provided in section 40:60-50 of this title
13 shall become operative ten days after the publication thereof after its
14 final passage, unless within said ten days a protest or protests against
15 making such conveyance or dedication shall be filed in the office of the
16 municipal clerk signed by taxpayers representing ten per cent in
17 amount of the assessed valuation of such municipality whose names
18 appear on the last preceding assessment roll thereof, in which case
19 such ordinance shall remain inoperative until a proposition for the
20 ratification thereof shall be adopted at an election to be held for that
21 purpose by a majority of the qualified voters of the municipality voting
22 on such proposition. The certificate of the municipal clerk filed in his
23 office as to the filing or sufficiency of any protest or protests shall be
24 conclusive for the purposes of this section. At least ten days before
25 the election, notice thereof shall be published once in a newspaper
26 published in such municipality, or if no newspaper is published therein,
27 then in a newspaper published in the county and circulating in the
28 municipality.

29 Any proposition submitted to the voters of any municipality under
30 the provisions of this section and said section 40:60-50 shall be voted
31 upon at the next general election held in the municipality at least thirty
32 days after the filing of the protest or protests herein provided for[,
33 unless the governing body thereof shall call a special election therefor.
34 Any such special election shall be conducted and canvassed by the
35 same officers and in the same manner as near as may be prescribed by
36 the laws regulating general elections]. The proposition shall be stated
37 on the ballots in substantially the following form: "Shall an
38 ordinance of the (name of governing body) of the of (name of
39 municipality) entitled (title of ordinance and date of passage), be
40 ratified?" "Yes." "No."

41 The governing body of such municipality shall adopt a resolution
42 declaring the result of the election, which resolution shall be published
43 once in the manner provided above for the notice of election. No
44 action, suit or proceeding to contest the validity of such election shall
45 be instituted after the expiration of twenty days from the date of
46 publication of the resolution declaring the result thereof.

1 (cf: R.S.40:60-51)

2

3 79. Section 3 of P.L.1951, c.280 (C.40:62-105.3) is amended to
4 read as follows:

5 3. On the [third Saturday in February] Tuesday next after the first
6 Monday in November after the creation of any such district the legal
7 voters thereof shall meet and determine the amount of money to be
8 raised for the ensuing year, and elect a board of water commissioners,
9 to consist of five persons resident in such district.

10 (cf: P.L.1951, c.280, s.3)

11

12 80. Section 5 of P.L.1951, c.280 (C.40:62-105.5) is amended to
13 read as follows:

14 5. Whenever a vacancy occurs the board may elect a member to fill
15 the vacancy until the next succeeding general election at which time
16 the voters of such district shall elect some person resident therein to
17 fill such vacancy for the unexpired term only.

18 (cf: P.L.1951,c.280,s.5)

19

20 81. Section 6 of P.L.1951, c.280 (C.40:62-105.6) is amended to
21 read as follows:

22 6. An election shall be held annually in each water district on the
23 [third Saturday in February] Tuesday next after the first Monday in
24 November at which the legal voters shall elect members of the board
25 of water commissioners to fill the offices of those whose terms expire
26 in such year, determine the amount of money to be raised for the
27 ensuing year, and vote upon any other proposition submitted to such
28 voters according to law.

29 (cf: P.L.1951,c.280,s.6)

30

31 82. Section 11 of P.L.1951, c.280 (C.40:62-105.11) is amended to
32 read as follows:

33 11. Such petition shall be filed at least [five] 54 days before the
34 date of the annual election for members of the board of water
35 commissioners.

36 (cf: P.L.1951, c.280, s.11)

37

38 83. Section 31 of P.L.1951, c.280 (C.40:62-105.31) is amended to
39 read as follows:

40 31. The water commissioners shall cause a resolution authorizing
41 the issuance of bonds for the purposes specified in section 30 of this
42 act to be submitted to the legal voters of such water district. Such
43 resolution shall be written or printed on notices together with a
44 statement of the time and place where the meeting of such legal voters
45 will be held and the purpose and object thereof. The time and place
46 for the holding of such election shall be the same as the annual election

1 of water commissioners and for the appropriation of moneys for water
2 purposes in said district[, or a special election may be called for the
3 purpose]. Not less than 10 notices of such meeting shall be posted by
4 the clerk of the water commissioners at least 10 days before the date
5 thereof in such manner and in such public places as he shall deem best
6 for the purpose of giving notice of said meeting, and the board of
7 water commissioners and the clerk shall also cause notices to be
8 printed as an advertisement in a paper published in the district if there
9 be one, and if not, in a paper published within the county where the
10 district is located and circulating in said district. [In case a special
11 election is called, at least 10 notices of such election shall be posted
12 at least 21 days before the date of such election, and in addition the
13 clerk shall cause said notice to be published at least twice before said
14 election is held, in a newspaper published in the district, if there be
15 one, and if not, in a newspaper published in the township or county
16 where the district is located and circulating in said district.]

17 (cf: P.L.1977, c.170, s.2)

18

19 84. Section 1 of P.L.1967, c.184 (C.40:68-27) is amended to read
20 as follows:

21 1. Whenever any section or portion of a municipality which borders
22 on tidal waters is threatened by flooding, the governing body of such
23 municipality may provide by ordinance for the creation and
24 establishment in the municipality, within designated boundaries, of a
25 beach erosion control district (herein referred to as the district), which
26 district shall consist of such lands which are or may be threatened by
27 flooding as the governing body in its discretion shall determine to be
28 practical or convenient to include within such district.

29 In addition to the notice required to be published pursuant to the
30 provisions of 40:49-2 of the Revised Statutes of any such ordinance,
31 notices shall also be posted at not less than 2 public places within the
32 district proposed to be created by said ordinance setting forth the date
33 of the hearing and designating the boundaries of the proposed district.

34 The ordinance shall provide that it shall not be effective until
35 approved by a majority vote at [a special] the next general election [to
36 be] held in the proposed district[, which election shall be held on a day
37 designated in the ordinance].

38 A. Ballots for [said special] the election pursuant to this section
39 shall [be ordered to be printed by the clerk of the municipality wherein
40 the district is located and shall contain a heading "Beach Erosion
41 Control District Election Ballot," followed by the name of the
42 municipality and county in which the district is located and shall] have
43 printed thereon the question, "Should a special district be formed for
44 the purpose of combating beach erosion which district shall encompass
45 the following described area?," followed by description of the districts
46 to be formed. The ballot shall contain appropriate squares marked

1 "yes" or "no" to be marked by the voters at the said special election
2 pursuant to this section.

3 B. [The special election pursuant to this section shall be conducted
4 in the manner as prescribed in sections 9, 10, 11 and 12.]The clerk of
5 the municipality in which the district is located shall cause the election
6 to be advertised at least 1 week before the holding thereof in some
7 newspaper circulating in said district and shall further cause the notice
8 of [said special] the election to be posted in at least 2 public places
9 within the district at least 1 week prior to [said special] the election.
10 (cf: P.L.1968, c.219, s.1)

11

12 85. Section 3 of P.L.1967, c.184 (C.40:68-29) is amended to read
13 as follows:

14 3. On a day designated in the ordinance creating such district, [a
15 special] an election shall be held in the district, to elect 3
16 commissioners who shall be qualified voters and residents of such
17 district. The commissioners so elected shall hold office for 3 years and
18 until their successors are elected.

19 (cf: P.L.1967,c.184,s.3)

20

21 86. Section 4 of P.L.1967, c.184 (C.40:68-30) is amended to read
22 as follows:

23 4. Whenever a vacancy occurs, [a special] the election to fill the
24 vacancy shall be held within the district [to fill such vacancy] on the
25 day of the next general election. Any person so elected shall serve for
26 the unexpired term and until a successor is elected.

27 (cf: P.L.1967, c.184, s.4)

28

29 87. Section 7 of P.L.1967, c.184 (C.40:68-33) is amended to read
30 as follows:

31 7. All such petitions shall be filed at least [15] 54 days before the
32 date of the election for members of the Beach Erosion Control
33 Commission.

34 (cf: P.L.1967, c.184, s.7)

35

36 88. Section 8 of P.L.1967, c.184 (C.40:68-34) is amended to read
37 as follows:

38 8. [The ballots for said special election pursuant to section 3 of this
39 act shall be ordered to be printed by the clerk of the municipality
40 wherein the district is located and shall contain a heading "Beach
41 Erosion Control District Election Ballot," followed by the name of the
42 municipality and county wherein the district is located, and shall have
43 printed thereon only the names of the candidates for election as
44 members of the beach erosion control commission. The names of the
45 candidates shall be printed upon the ballot according to the
46 alphabetical order of their surname and the grouping of 2 or more

1 candidates thereon is prohibited.]

2 The clerk of the municipality in which the district is located shall
3 cause [said special] the election held pursuant to section 3 of this act
4 to be advertised at least 1 week before the holding thereof in some
5 newspaper circulating in said district and shall further cause the notice
6 of said election to be posted in at least 2 public places within the
7 district at least 1 week prior to said election.

8 (cf: P.L.1968 ,c.219, s.2)

9

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

12 1-1. Election on question whether charter commission shall be
13 elected

14 (a) Whenever authorized by ordinance of the governing body or
15 upon petition of the registered voters of any municipality, an election
16 shall be held in the municipality upon the question: "Shall a
17 charter commission be elected to study the charter of and to consider
18 a new charter or improvements in the present charter and to make
19 recommendations thereon?" The petition calling for such election shall
20 be in the form required by subsection (b) hereof and shall be signed
21 by the following per centum of registered voters of the municipality:

22 25% in municipalities of 7,000 or less inhabitants;

23 20% in municipalities of more than 7,000 and less than 70,000
24 inhabitants;

25 10% in municipalities of 70,000 or more inhabitants.

26 In either event, the municipal clerk shall provide for the submission
27 of the question and for the election of a charter commission at the next
28 general [or regular municipal] election, occurring not less than 75 days
29 after the passage of the ordinance or the filing of the petition with the
30 clerk. At the election the question above stated shall be submitted as
31 other public questions are submitted to the voters of a single
32 municipality.

33 (b) A petition under this section shall conform to the requirements
34 of form for petitions under sections 17-37 through 17-39 hereof
35 (except that there shall be no reference therein to any ordinance) and
36 shall be subject to examination, certification and amendment as therein
37 provided.

38 (cf: P.L.1954 ,c.69, s.1)

39

40 90. Section 1-14 of P.L.1950, c.210 (C.40:69A-14) is amended to
41 read as follows:

42 1-14. The question to be submitted to the voters for the adoption
43 of any of the optional plans of government authorized by this act,
44 including any of the alternatives contained in this act, shall be
45 submitted in the following form or such part thereof as shall be
46 applicable:

1 "Shall(insert name of plan)..... of the Optional Municipal
2 Charter Law, providing for (a division of the municipality into
3(insert number)..... wards, with(insert number)..... council
4 members (one to be elected from each ward and ...(insert number)...
5 to be elected at large) for(insert "concurrent" or "staggered"
6 terms)at elections held in[...(insert May or] November[)...],
7 with the mayor elected(insert "directly by the voters" or "by the
8 council from among its members"), (insert, if appropriate) [with
9 run-off elections to be held thereafter if a sufficient number of
10 candidates fail to attain a majority of votes], be adopted by ...(insert
11 name of municipality)... ?".

12 (cf: P.L.1991 ,c.430, s.2)

13

14 91. Section 1-15 of P.L.1950, c.210 (C.40:69A-15) is amended to
15 read as follows:

16 1-15. If the charter commission shall recommend that the question
17 of adopting one of the optional plans of government authorized by this
18 act shall be submitted to the voters of the municipality, it shall be the
19 duty of the municipal clerk to cause the question of adoption or
20 rejection to be placed upon the ballot at [such time as the commission
21 shall in its report specify. The commission may cause the question to
22 be submitted to the people at] the next general [or regular municipal]
23 election, occurring not less than 60 days following the filing of a copy
24 of the commission's report with the clerk[, or at a special election
25 occurring not less than 60 days or more than 120 days after the filing
26 of the report, at such time as the commission's report shall direct]. At
27 such election the question of adopting that plan of government
28 recommended by the charter commission shall be submitted to the
29 voters of the municipality in the same manner as other public questions
30 to be voted upon by the voters of a single municipality. The charter
31 commission shall frame the question to be placed upon the ballot as
32 provided in section 1-14 and, if it deems appropriate, an interpretative
33 statement to accompany such question.

34 (cf: P.L.1981 ,c.465, s.4)

35

36 92. Section 1-20 of P.L.1950, c.210 (C.40:69A-20) is amended to
37 read as follows:

38 1-20. The municipal clerk shall provide for the submission of the
39 question at the next general [or regular municipal] election [if one is
40 to be held] occurring not less than sixty days [nor more than one
41 hundred twenty days] after the filing of the petition[, and if a general
42 or regular municipal election is not to be held within that time, at a
43 special election within such time]. The question of adoption of an
44 optional plan of government shall be submitted to the voters of the
45 municipality in the same manner as other public questions to be voted
46 upon by the voters of a single municipality.

1 (cf: P.L.1950, c.210, s.1-20)

2

3 93. Section 7 of P.L.1981, c.465 (C.40:69A-25.1) is amended to
4 read as follows:

5 7. a. Any municipality governed by a plan of government adopted
6 pursuant to P.L.1950, c.210 (C.40:69A-1 et seq.) may, by referendum,
7 amend its charter to include any alternative permitted under that plan
8 of government. The question of adopting an alternative may be
9 initiated by the voters pursuant to, and subject to the pertinent
10 provisions of, sections 17-35 through 17-47 (C. 40:69A-184 through
11 40:69A-196); or may be submitted to the voters by ordinance adopted
12 by the governing body, in which case the question and ordinance shall
13 be subject to the pertinent provisions of sections 17-42 through 17-47
14 (C. 40:69A-191 through 40:69A-196), except that no petition of the
15 voters shall be necessary in order to submit the question.

16 b. At any election at which the question of adopting an alternative
17 is to be submitted to the voters pursuant to this section, the question
18 shall be submitted in substantially the following form:

19 "Shall the charter of governed by (insert name of municipality)
20 be amended, as permitted under that (insert plan of government) plan,
21 to provide for (insert appropriate language from below for the "
22 alternative to be voted upon)

23 GROUP A.

24 [(1) "the holding of regular municipal elections in May;" (2) "the
25 holding of general elections in November;"

26 GROUP B.

27 (3) [(1) "the election of all council members at large;" [(4) [(2) "the
28 division of the municipality into wards with (insert number) council
29 members to be elected at large and one from (insert number) each
30 ward;"

31 GROUP [C.]B.

32 [(5) [(3) "the election of all council members for concurrent
33 terms;" [(6) [(4) "the election of council members for staggered terms;"

34 GROUP [D.]C.

35 [(7) [(5) "the election of the mayor by the members of the council
36 from among their own number;" [(8) [(6) "the election of the mayor
37 directly by the voters of the municipality;"

38 GROUP [E.]D.

39 [(9) [(7) "a municipal council to consist of three
40 members;" [(10) [(8) "a municipal council to consist of five members" ;
41 [(11) [(9) "a municipal council to consist of seven members;" [(12) [(10)
42 [(10) "a municipal council to consist of nine members."

43 If more than one alternative is to be submitted to the voters at the
44 same time, each alternative shall be separately stated on the ballot in
45 the form of a question as set forth above. If the provisions of two or
46 more alternatives adopted at the same election conflict, then that

1 receiving the greatest affirmative vote shall control. Nothing
2 contained in this section shall authorize the submission to the voters
3 of the question of adopting any alternative not authorized by the plan
4 of government under which the municipality is governed. No question
5 shall be submitted to the voters pursuant to this section within 4 years
6 next following the adoption by the municipality of a plan of
7 government authorized by P.L.1950, c.210 (C.40:69A-1 et seq.) or
8 this act, or within 4 years next following the date on which the
9 question of adopting it or any alternative in the same group was last
10 submitted to the voters pursuant to this section.

11 c. In any municipality having adopted a charter providing for the
12 division of the municipality into wards, the question of increasing or
13 decreasing the number of council members to be elected in the
14 municipality shall be submitted to the voters in the manner set forth in
15 alternative~~[(4)]~~(2) of Group ~~[B.]A.~~ of subsection b. of this section.
16 None of the alternatives set forth in Group ~~[E.]D.~~ of that subsection
17 shall be submitted to the voters in any municipality divided into wards,
18 unless at the same election alternative~~[(3)]~~(1) of Group ~~[B.]A.~~ of that
19 subsection is also submitted, in which case both alternatives shall be
20 approved by the voters in order for either to take effect.
21 (cf: P.L.1981, c.465, s.7)

22

23 94. Section 8 of P.L.1981, c.465 (C.40:69A-25.2) is amended to
24 read as follows:

25 8. a. Whenever any municipality, pursuant to the authority granted
26 in section 7 of this act, shall amend its charter to include an alternative
27 permitted under its plan of government and included in Group ~~[B.]A.~~
28 of subsection b. of section 7 of this act, the terms of all council
29 members, and directly elected mayor if affected, currently serving in
30 the municipality on the date of the election at which the amendment
31 was adopted, and of all affected officers elected at that election, shall
32 terminate on ~~[June 30, or] December 31~~[, as appropriate to the
33 election provisions of the amended charter,]next following the date of
34 the first election of officers under the amended charter. The
35 nomination and election of those municipal officers as are required
36 shall be conducted in accordance with the provisions of the amended
37 charter and appropriate law for the election to be held on the ~~[second~~
38 Tuesday in May next following the date of adoption, or on the] first
39 Tuesday after the first Monday in November next following the date
40 of adoption. If the amendment adopted to the charter shall provide for
41 the division of the municipality into wards, or by its terms require an
42 increase or decrease in the number of wards into which the
43 municipality is divided, the ward boundaries required by the amended
44 charter shall be fixed and determined pursuant to law within 90 days
45 of the date of adoption.

46 If the municipality shall at the same time amend its charter to

1 include an alternative permitted under its plan of government and
2 included in [Group A.,]Group [C.]B., Group [D.]C. or Group [E.]D.
3 of subsection b. of section 7 of this act, the transitional provisions of
4 this section shall apply and the provisions of all amendments shall take
5 effect for the election to be held pursuant to this section.

6 b. [In any municipality which has amended its charter with regard
7 to the holding of elections according to the alternatives set forth in
8 Group A of section 7 of P.L.1981, c.465 (C.40:69A-25.1), where
9 council members are elected for concurrent terms, the] The first
10 election of council members following the referendum adopting the
11 charter amendment shall take place at the next [regular municipal
12 election or] general election[, as appropriate to the election provisions
13 of the amended charter,]which shall occur in the final year of the terms
14 of those council members serving at the time the referendum is
15 adopted. Where council members are elected for staggered terms,
16 except as provided below, each council member serving or elected at
17 the time that the referendum adopting the charter amendment takes
18 place, shall complete the term of office which he is currently serving,
19 or to which he is elected at the time of the referendum. At the
20 [regular municipal election or] general election[, as appropriate to the
21 election provisions of the amended charter,]which shall occur in the
22 final year of the term of each member, the office shall be filled
23 according to the election provisions of the amended charter, and the
24 term of the affected council member shall terminate on [June 30 or]
25 December 31[, as appropriate to the election provisions of the
26 amended charter].

27 (cf: P.L.1991, c.430, s.4)

28

29 95. Section 9 of P.L.1981, c.465 (C.40:69A-25.3) is amended to
30 read as follows:

31 9. Whenever any municipality shall, pursuant to the authority
32 granted in section 7 of this act, amend its charter only to include an
33 alternative permitted under its plan of government and included in
34 group [C.]B. of subsection b. of section 7 of this act, the transitional
35 provisions of this section shall apply.

36 a. If the amended charter shall provide for the election of all
37 council members for concurrent terms in a municipality where prior to
38 the amendment council members were elected for staggered terms, at
39 the next election at which municipal officers are elected, and at each
40 succeeding [municipal] general election thereafter until such time as
41 it shall occur that all council members shall be elected at the same
42 election, council members elected at that election shall serve for a term
43 equal in years to the number which the council member currently
44 serving and having the greatest number of years remaining of his term
45 has yet to serve of his term. At the election that it shall occur that all
46 council members shall be elected at the same time, each council

1 member shall be elected for the term of years provided in the amended
2 charter.

3 b. If the amended charter shall provide for the election of council
4 members for staggered terms in a municipality where prior to the
5 amendment council members were elected for concurrent terms, the
6 amendment to the charter shall take effect for the next election at
7 which municipal officers are elected in the municipality.

8 (cf: P.L.1981, c.465, s.9)

9

10 96. Section 10 of P.L.1981, c.465 (C.40:69A-25.4) is amended to
11 read as follows:

12 10. Whenever any municipality shall, pursuant to the authority
13 granted in section 7 of this act, amend its charter only to include an
14 alternative permitted under its plan of government and included in
15 group [D.]C. of subsection b. of section 7 of this act, the transitional
16 provisions of this section shall apply.

17 a. If a municipality in which the mayor is elected by the members
18 of the council shall adopt an amendment to its charter providing for
19 the election of the [major] mayor directly by the voters of the
20 municipality, the amendment shall take effect for the next election held
21 in the municipality at which municipal officers are elected, in
22 accordance with the provisions of the amended charter. Any mayor
23 currently serving on the date of that election shall, upon and after the
24 date of the commencement of the term of the mayor elected at that
25 election, serve as a member of the council for the remainder of his
26 term but shall not exercise the powers or duties of mayor.

27 b. If a municipality in which the mayor is elected directly by the
28 voters of the municipality shall adopt an amendment to its charter
29 providing for the election of the mayor by the members of the council,
30 the amendment shall take effect the first day of the next full month
31 after adoption. On that date the members of the council currently
32 serving shall meet and elect one of their number as mayor to serve
33 until the first day of [July, or] January[, as appropriate,]next, at which
34 time the members shall elect one of their number to serve a full term
35 as mayor, pursuant to the amended charter. Any mayor serving on the
36 effective date of the amendment shall, on and after that date, serve as
37 a member of the council for the remainder of his term, but shall not
38 exercise the powers or duties of mayor unless elected by the council.

39 (cf: P.L.1981, c.465, s.10)

40

41 97. Section 11 of P.L.1981, c.465 (C.40:69A-25.5) is amended to
42 read as follows:

43 11. Whenever any municipality shall, pursuant to the authority
44 granted in section 7 of this act, amend its charter only to include an
45 alternative permitted under its plan of government and included in
46 group [E.]D. of subsection b. of section 7 of this act, the transitional

1 provisions of this section shall apply.

2 a. If the amended charter shall provide for the election of council
3 members at large for concurrent terms, the increase or decrease in the
4 number of council members shall take effect for the next election at
5 which municipal officers are elected in the municipality.

6 b. If the amended charter shall provide for the election of council
7 members at large for staggered terms, an increase in the number of
8 council members shall take effect as follows:

9 (1) If the plan of government requires generally a 3-year term for
10 council members:

11 (a) And the increase is from three to five council members, at the
12 next election at which municipal officers are elected, one additional
13 council member shall be elected for a term of 1 year and one for a term
14 of 2 years;

15 (b) And the increase is from three to seven council members, at the
16 next election at which municipal officers are elected, two additional
17 council members shall be elected for terms of 1 year, one for a term of
18 2 years, and one for a term of 3 years; or

19 (c) And the increase is from five to seven council members, at the
20 next election at which municipal officers are elected, one additional
21 council member shall be elected for a term of 1 year and one for a term
22 of 3 years;

23 (2) If the plan of government requires generally a 4-year term for
24 council members:

25 (a) And the increase is from five to seven council members, at the
26 next election at which municipal officers are elected, one additional
27 council member shall be elected for a term of 2 years and one for a
28 term of 4 years;

29 (b) And the increase is from five to nine council members, at the
30 next election at which municipal officers are elected, two additional
31 council members shall be elected for terms of 2 years and two for
32 terms of 4 years; or

33 (c) And the increase is from seven to nine council members, at the
34 next election at which municipal officers are elected, one additional
35 council member shall be elected for a term of 2 years and one for a
36 term of 4 years.

37 c. If the amended charter shall provide for the election of council
38 members at large for staggered terms, and the adopted amendment
39 requires a decrease in the number of council members, the terms of all
40 council members currently serving in the municipality on the date of
41 the election at which the amendment was adopted, and of all council
42 members elected at that election, shall terminate on [June 30, or]
43 December 31[, as appropriate to the election provisions of the
44 amended charter,]next following the date of the first election of
45 officers under the amended charter. The nomination and election of
46 council members shall be conducted in accordance with the provisions

1 of the amended charter and appropriate law for the election to be held
2 on the [second Tuesday in May next following the date of adoption,
3 or on the] first Tuesday after the first Monday in November next
4 following the date of adoption.

5 (cf: P.L.1981, c.465, s.11)

6

7 98. Section 16 of P.L.1981, c.465 (C.40:69A-34.1) is amended to
8 read as follows:

9 16. Any municipality adopting a mayor-council plan of government
10 shall provide in its charter that the mayor and council shall be elected
11 by the voters of the municipality [either:

12 a. At a regular municipal election held on the second Tuesday in
13 May in the years in which municipal officers are to be elected, in which
14 case the term of office of the mayor and council members shall begin
15 on July 1 next following their election; or

16 b. At] at the general election held on the first Tuesday after the
17 first Monday in November [or at such other time as may be provided
18 by law for holding general elections, in which case] and the term of
19 office of the mayor and council members shall begin on January 1 next
20 following their election.

21 (cf: P.L.1981, c.465, s.16)

22

23 99. Section 17 of P.L.1981, c.465 (C.40:69A-34.2) is amended to
24 read as follows:

25 17. Any municipality adopting a mayor-council plan of government
26 shall provide in its charter either:

27 a. That the council members shall be elected at large by the voters
28 of the municipality at the [regular municipal election, or] general
29 election[, as the charter shall provide]; or

30 b. That the municipality shall be divided into wards pursuant to the
31 authority granted in section 1-13 or 1-19 (C.40:69A-13 or
32 40:69A-19); that council members shall be elected at large and by
33 wards at the [regular municipal election or] general election[, as the
34 charter shall provide]; and that no more than one council member shall
35 be elected from each ward established in the municipality, and all other
36 council members shall be elected at large.

37 (cf: P.L.1989, c.221, s.2)

38

39 100. Section 18 of P.L.1981, c.465 (C.40:69A-34.3) is amended to
40 read as follows:

41 18. a. Any municipality adopting a mayor-council plan of
42 government may provide in its charter that the council members
43 elected at the first [regular municipal election or] general election[, as
44 the charter shall provide,] following the adoption of the plan shall serve
45 for the following terms: if the municipal council is to consist of five
46 members, two shall serve for four years and three for two years; if the

1 municipal council is to consist of seven members, three shall serve for
2 four years and four for two years; or if the municipal council is to
3 consist of nine members, four shall serve for four years and five for
4 two years. The length of the respective term of each member of the
5 first council shall be determined by lot at the organization of the
6 council immediately following the election.

7 b. Notwithstanding the provisions of subsection a. of this section,
8 if a municipality adopting the provisions of this section shall also
9 provide in its charter that the municipality shall be divided into wards
10 pursuant to the authority granted in section 1-13 or 1-19
11 (C.40:69A-13 or 40:69A-19), the council members elected at the first
12 [regular municipal election or] general election[, as the charter shall
13 provide,]following the adoption of the plan shall serve as follows: the
14 council members elected at large for a term of four years; and the
15 council members elected from wards for a term of two years.
16 (cf: P.L.1989, c.221, s.3)

17

18 101. Section 23 of P.L.1981, c.465 (C.40:69A-83.1) is amended to
19 read as follows:

20 23. Any municipality adopting a council-manager plan of
21 government shall provide in its charter that the council members shall
22 be elected by the voters of the municipality [either:

23 a. At a regular municipal election held on the second Tuesday in
24 May in the years in which municipal officers are to be elected, in which
25 case the term of office of the council members shall begin on July 1
26 next following their election; or

27 b. At] at the general election held on the first Tuesday after the
28 first Monday in November or at such other time as may be provided
29 by law for holding general elections, [in which case] and the term of

1 office of the council members shall begin on January 1 next following
2 their election.

3 (cf: P.L.1981, c.465, s.23)

4

5 102. Section 24 of P.L.1981, c.465 (C.40:69A-83.2) is amended to
6 read as follows:

7 24. Any municipality adopting a council-manager plan of
8 government shall provide in its charter either:

9 a. That the council members shall be elected at large by the voters
10 of the municipality at the [regular municipal election, on] general
11 election[, as the charter shall provide]; or

12 b. That the municipality shall be divided into wards pursuant to the
13 authority granted in section 1-13 or 1-19 (C.40:69A-13 or
14 40:69A-19), that council members shall be elected at large and by
15 wards at the [regular municipal election or] general election[, as the
16 charter shall provide]; and that no more than one council member shall
17 be elected from each ward established in the municipality, and all other
18 council members shall be elected at large.

19 (cf: P.L.1989, c.221, s.5)

20

21 103. Section 25 of P.L.1981, c.465 (C.40:69A-83.3) is amended to
22 read as follows:

23 25. Any municipality adopting a council-manager plan of
24 government may provide in its charter that the council members
25 elected at the first [regular municipal election or] general election[, as
26 the charter shall provide,]following the adoption of the plan shall serve
27 for the following terms: if the municipal council is to consist of five
28 members, two shall serve for four years and three for two years; if the
29 municipal council is to consist of seven members, three shall serve for
30 four years and four for two years; or if the municipal council is to
31 consist of nine members, four shall serve for four years and five for
32 two years. The length of the respective term of each member of the
33 first council shall be determined by lot at the organization of the
34 council immediately following the election; except that if, pursuant to
35 the charter, the mayor is elected directly by the voters, the mayor shall,
36 for the purposes of this subsection, be counted among those first
37 council members to serve a four year term.

38 b. Notwithstanding the provisions of subsection a. of this section,
39 if a municipality adopting the provisions of this section shall also
40 provide in its charter that the municipality shall be divided into wards
41 pursuant to the authority granted in section 1-13 or 1-19
42 (C.40:69A-13 or 40:69A-19), the council members elected at the first
43 [regular municipal election or] general election[, as the charter shall
44 provide,]following the adoption of the plan shall serve as follows: the
45 council members elected at large for a term of four years; and the

1 council members elected from wards for a term of two years.
2 (cf: P.L.1989, c.221, s.6)

3
4 104. Section 9-6 of P.L.1950, c.210 (C.40:69A-86) is amended to
5 read as follows:

6 9-6. Any municipality adopting a council-manager plan of
7 government shall provide in its charter either:

8 a. That the mayor shall be elected by the members of the council;
9 in which case on the first day of [July or] January[, as
10 appropriate,]following their election, the members-elect of the
11 municipal council shall assemble at the usual place of meeting of the
12 governing body of the municipality and organize and elect one of their
13 number as mayor. The mayor shall be chosen by ballot by majority
14 vote of all members of the municipal council. If the members shall be
15 unable, within five ballots to be taken within 2 days of said
16 organization meeting, to elect a mayor, then the member who in the
17 election for members of the municipal council received the greatest
18 number of votes shall be the mayor. Should such person decline to
19 accept the office, then the person receiving the next highest vote shall
20 be the mayor, and so on, until the office is filled; or

21 b. That the mayor shall be elected directly by the voters of the
22 municipality at the [regular municipal election, or] general election[,
23 as the charter shall provide]. At the first election following the
24 adoption of the charter, and each appropriate subsequent election, one
25 position of council member to be elected at large shall be designated
26 and voted for under the title of mayor, and candidates for the position
27 shall be clearly designated as candidates for mayor in their respective
28 nominating petitions. The candidate for mayor receiving the greatest
29 number of votes shall be elected, and shall serve for a term of 4 years.
30 (cf: P.L.1981, c.465, s.26)

31
32 105. Section 32 of P.L.1981,c.465 (C.40:69A-117.1) is amended
33 to read as follows:

34 32. Any municipality adopting a small municipality plan of
35 government shall provide in its charter that the council members shall
36 be elected by the voters of the municipality [either:

37 a. At a regular municipal election held on the second Tuesday in
38 May in the years in which municipal officers are to be elected, in which
39 case the term of office of the council members shall begin on July 1
40 next following their election; or

41 b. At] at the general election held on the first Tuesday after the
42 first Monday in November [or at such other time as may be provided
43 by law for holding general elections, in which case] and the term of
44 office of the council members shall begin on January 1 next following
45 their election.

46 (cf: P.L.1981, c.465, s.32)

1 106. Section 33 of P.L.1981, c.465 (C.40:69A-117.2) is amended
2 to read as follows:

3 33. Any municipality adopting a small municipality plan of
4 government may provide in its charter that the council members
5 elected at the first [regular municipal election or] general election [as
6 the charter shall provide,]following the adoption of the plan shall serve
7 for the following terms: if the municipal council is to consist of three
8 members, one shall serve for one year, one for two years and one for
9 three years; if the municipal council is to consist of five members, two
10 shall serve for one year, two for two years and one for three years; or
11 if the municipal council is to consist of seven members, three shall
12 serve for a term of one year, two for a term of two years and two for
13 a term of three years. The length of the respective term of each
14 member of the first council shall be determined by lot at the
15 organization of the council immediately following their election;
16 except that if, pursuant to the charter, the mayor is elected directly by
17 the voters, the mayor shall, for the purposes of this section, be counted
18 among those first council members to serve a four year term.
19 (cf: P.L.1989, c.221, s.9)

20

21 107. Section 34 of P.L.1981, c.465 (C.40:69A-117.3) is amended
22 to read as follows:

23 34. Any municipality adopting a small municipality plan of
24 government shall provide in its charter either:

25 a. That the mayor shall be elected by the members of the council;
26 in which case on the first day of [July or] January[, as
27 appropriate,]following their election, the members-elect of the
28 municipal council shall assemble at the usual place of meeting of the
29 governing body of the municipality and organize and elect one of their
30 number as mayor; that the mayor shall be chosen by ballot by majority
31 vote of members of the municipal council; that if the members shall be
32 unable, within five ballots to be taken within 2 days of the organization
33 meeting, to elect a mayor, then the member who in the election for
34 members of the municipal council received the greatest number of
35 votes shall be mayor; and that should that person decline to accept the
36 office, then the person receiving the next highest vote shall be the
37 mayor, and so on, until the office is filled; or

38 b. That the mayor shall be elected directly by the voters of the
39 municipality at the [regular municipal election, or] general election, as
40 the charter shall provide; that at the first election following the
41 adoption of the charter, and each appropriate subsequent election, one
42 position of council member to be elected at large shall be designated
43 and voted for under the title of mayor, and candidates for the position
44 shall be clearly designated as candidates for mayor in their respective
45 nominating petitions; and that the candidate for mayor receiving the

1 greatest number of votes shall be elected and shall serve for a term of
2 4 years.

3 (cf: P.L.1981, c.465,s.34)

4

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

7 17-1. [Regular municipal elections] Elections shall be held in each
8 municipality on the [second] Tuesday [in May] next after the first
9 Monday in November in the years in which municipal officers are to
10 be elected[, where the election of such officers is not provided to be
11 at the general election]. [Regular municipal] These elections shall be
12 conducted pursuant to the "Uniform Nonpartisan Elections Law,"
13 P.L.1981, c. 379 (C. 40:45-5 et seq.).

14 (cf: P.L.1981,c.379, s.30)

15

16 109. Section 1 of P.L.1981, c.87 (C.40:69A-153.1) is amended to
17 read as follows:

18 1. No person shall accept nomination for more than one municipal
19 office to be voted for at a [regular municipal] general election to be
20 held pursuant to Article 17 of P.L.1950, c. 210 (C. 40:69A-150 et
21 seq.).

22 (cf: P.L.1981, c.87, s.1)

23

24 110. Section 17-19 of P.L.1950, c.210 (C.40:69A-168) is amended
25 to read as follows:

26 17-19. Any elective officer shall be subject to removal from office
27 for cause connected with his office, after he has served at least one
28 year, upon the filing of a recall petition and the affirmative vote of a
29 majority of those voting on the question of removal at any primary or
30 general[, regular municipal or special] election.

31 (cf: P.L.1950, c.210, s.17-19)

32

33 111. Section 17-43 of P.L.1950, c.210 (C.40:69A-192) is amended
34 to read as follows:

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

45 b. In the case of an initiated petition signed by not less than 10%
46 nor more than 15% of the legal voters, the ordinance shall be

1 submitted at the next general [or regular municipal] election occurring
2 not less than 40 days after the final date of withdrawal of the petition
3 as provided for in section 17-42 (C.40:69A-191) of this act.

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

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

19
20 112. Section 17-44 of P.L.1950, c.210 (C.40:69A-193) is amended
21 to read as follows:

22 17-44. Any number of proposed ordinances may be voted upon at
23 the same election in accordance with the provisions of this article[, but
24 there shall not be more than one special election in any period of 6
25 months for such purpose.

26 During that 6 month period, any ordinance which would otherwise
27 be submitted to the voters at a special election if one were not already
28 scheduled, shall be submitted at the scheduled special election if at
29 least 30 days shall remain prior thereto from the final date for
30 withdrawal of the petition, otherwise, the ordinance shall be submitted
31 at the next general election or regular municipal election, whichever
32 shall first occur].

33 (cf: P.L.1982, c.145, s.5)

34
35 113. Section 17-47 of P.L.1950, c.210 (C.40:69A-196) is amended
36 to read as follows:

37 17-47. If a majority of the qualified electors voting on the proposed
38 ordinance shall vote in favor thereof, such ordinance shall thereupon
39 become a valid and binding ordinance of the municipality and be
40 published as in the case of other ordinances. No such ordinance shall
41 be amended or repealed within 3 years immediately following the date
42 of its adoption by the voters, except by a vote of the people. The
43 council may, within 3 years immediately following the date of adoption
44 of the ordinance, submit a proposition for the repeal or amendment of
45 that ordinance to the voters at any succeeding general election [or
46 regular municipal election]. If the proposition submitted shall receive

1 a majority of the votes cast at that election, the ordinance shall be
2 repealed or amended accordingly. If the provisions of two or more
3 measures approved or adopted at the same election conflict then the
4 measure receiving the greatest affirmative vote shall control.

5 (cf: P.L.1982, c.145, s.6)

6
7 114. Section 17-56 of P.L.1950, c.210 (C.40:69A-205) is amended
8 to read as follows:

9 17-56. The schedule of installation of an optional plan adopted
10 pursuant to this act shall, as provided herein, take the following
11 course:

12 (a) An election to submit the question of adoption of an optional
13 plan may be held [at any time] in accordance with the provisions of
14 article 1 of this act;

15 (b) In the event of a favorable vote of the voters at the above
16 election, the first election of officers under the adopted plan shall take
17 place [on (1) the second Tuesday in May occurring not less than 75
18 days next following the adoption of one of the optional plans in
19 municipalities adopting a charter providing for the holding of regular
20 municipal elections at which all members of the council are to be
21 elected at large; (2) the second Tuesday in May occurring not less than
22 120 days following the adoption of one of the optional plans in
23 municipalities adopting a charter providing for the holding of regular
24 municipal elections and for the division of the municipality into wards;
25 (3)](1) at the next general election occurring not less than 75 days
26 next following the adoption of one of the optional plans in
27 municipalities adopting a charter providing for the holding of general
28 elections at which all members of the council are to be elected at
29 large; or[(4)](2) at the next general election occurring not less than
30 120 days next following the adoption of one of the optional plans in
31 municipalities adopting a charter providing for the holding of general
32 elections and for the division of the municipality into wards.

33 Whenever a municipality has adopted a charter referred to in
34 subsection[(3)](1) above, within 10 days, or subsection[(4)](2) within
35 40 days, prior to the last day fixed for the filing of nominating
36 petitions for the primary election,]the candidates to be first elected
37 shall be nominated in the manner provided by chapter 27 of Title 19 of
38 the Revised Statutes with respect to the filling of certain vacancies in
39 nominations for county or municipal offices to be filled at the general
40 election.

41 (c) An optional plan shall take effect, in accordance with the further
42 provisions of this article at[(1) 12 o'clock noon on July 1 next
43 following the first election of officers in municipalities adopting a
44 charter providing for the holding of regular municipal elections, or
45 (2)]12 o'clock noon on January 1 next following the first election of
46 officers in municipalities adopting a charter providing for the holding

1 of general elections.
2 (cf: P.L.1981, c.465, s.37)

3

4 115. R.S.40:70-2 is amended to read as follows:

5 40:70-2. As used in chapters 70 to 76 of this Title (R.S.40:70-1 et
6 seq.):

7 "General election" means the annual election held on the first
8 Tuesday after the first Monday in November.

9 ["Regular municipal election" means the election held pursuant to
10 R.S. 40:75-2 on the second Tuesday in May in any year in which such
11 an election is required.](Deleted by amendment, P.L. . . . , c. . . .)

12 "Electors" mean such citizens of the municipality as were registered
13 as voters at the last primary or general election [or regular municipal
14 election], whichever occurred last in the municipality.

15 "Voters" mean such citizens of the municipality as were registered
16 as voters at the last primary or general election [or regular municipal
17 election], whichever occurred last in the municipality, and also those
18 citizens who may register in time to vote at [the special election] those
19 elections.

20 "Municipal clerk" means the officer acting under the provisions
21 hereof as the clerk of the municipality.

22 "Agent" or "agents" mean a person or persons designated in a
23 petition to file the petition and to act on behalf of the petitioners.

24 "Municipality" means any city, town, township, borough, village or
25 other municipality which has heretofore adopted the provisions of the
26 act entitled "An act relating to, regulating and providing for the
27 government of cities, towns, townships, boroughs, villages and
28 municipalities governed by boards of commissioners or improvement
29 commissioners in this State" (title as amended), approved April 25,
30 1911, or which shall hereafter adopt the provisions of said chapters 70
31 to 76 of this Title.

32 "Majority of ballots cast" means more than one-half of the total
33 number of valid ballots cast at such election.

34 (cf: P.L.1982, c.145, s.7)

35

36 116. R.S.40:71-2 is amended to read as follows:

37 40:71-2. Upon the filing of the petition or request in writing with
38 the clerk, he shall forthwith call an election, to be held on the [third
39 Tuesday following the date of the filing of the petition] first Tuesday
40 after the first Monday in November, and shall cause public notice of
41 the time and place of holding the same to be given by advertisement
42 signed by himself and set up in at least twenty different places in the
43 municipality and published for at least six days previous to the time of
44 the election in at least one newspaper printed and published in the
45 municipality, and if there be no such newspaper then in a newspaper
46 circulated therein.

1 (cf: R.S.40:71-2)

2

3 117. R.S.40:71-4 is amended to read as follows:

4 40:71-4. The [election shall be held at the usual places of holding
5 the annual election in the municipality. The polls shall remain open
6 during the usual hours, and the] election shall be conducted by the
7 election officers, and in the manner provided by the law regulating
8 elections, and such officers shall deliver to the municipal clerk a true
9 and correct statement in writing under their hands of the result of the
10 election.

11 (cf: R.S.40:71-4)

12

13 118. R.S.40:72-1.1 is amended to read as follows:

14 40:72-1.1. Any municipality, which is governed by a board of three
15 commissioners may provide that two additional commissioners shall be
16 elected at an election to be held on the [second Tuesday in May next]
17 Tuesday next after the first Monday in November; provided, that a
18 proposed ordinance increasing the number of commissioners from
19 three to five was first submitted to the board of commissioners by
20 petition signed by electors of the municipality equal in number to 15%
21 of the votes cast at the last general election, held for the election of all
22 the members of the General Assembly, requesting that said ordinance
23 be submitted to the vote of the people.

24 The signatures, verification, authentication, inspection, certification,
25 amendment and submission of such petition shall be the same as for
26 petitions to recall commissioners. Upon the filing of said petition and
27 certification of the same by the municipal clerk the board of
28 commissioners shall submit said ordinance without change to the vote
29 of the electors of the municipality at the next general election. Said
30 petition shall be filed and certified to by the municipal clerk at least 60
31 days before the general election at which the proposed ordinance shall
32 be submitted to a vote of the electors.

33 (cf: P.L.1981, c.427, s.1)

34

35 119. R.S.40:74-5 is amended to read as follows:

36 40:74-5. If within 20 days after the final passage of an ordinance,
37 except ordinances, or any portion thereof, fixing the salaries, wages or
38 compensation of the employees of the municipality, as defined in
39 section 3 of the New Jersey Employer-Employee Relations Act,
40 P.L.1941, c.100 (C.34:13A-3), or ordinances authorizing an
41 improvement or the incurring of an indebtedness, other than for
42 current expenses, where other requirements are made by law, or
43 ordinances which by their terms or by law cannot become effective in
44 the municipality unless submitted to the voters, or which by its terms
45 authorizes a referendum in the municipality concerning the subject
46 matter thereof, a petition signed by electors of the municipality equal

1 in number to at least 15% of the entire vote cast at the last preceding
2 general election at which members of the General Assembly were
3 elected protesting against the passage of such ordinance, be presented
4 to the board, it shall thereupon be suspended from going into
5 operation and the board of commissioners shall reconsider the
6 ordinance within 20 days of the presentation of the petition to the
7 board. If the ordinance is not entirely repealed, the board shall submit
8 it, in the manner provided in paragraph b. of R.S.40:74-14 and
9 R.S.40:74-15 to R.S.40:74-18 to the vote of the electors of the
10 municipality. The ordinance shall be submitted [either] at the next
11 general election [or regular municipal election, whichever shall first
12 occur], occurring not less than 40 days from the final date for
13 withdrawal of the petition as provided for in this section[, except that
14 if no such election is to be held within 90 days of that date, a special
15 municipal election shall be called for that purpose, and be held not less
16 than 40 nor more than 60 days from the final date for withdrawal of
17 the petition as provided for in this section]. An ordinance so
18 submitted shall not become operative unless a majority of the qualified
19 electors voting on the ordinance shall vote in favor thereof.

20 The names and addresses of five voters, designated as the
21 Committee of the Petitioners, shall be included in the petition. If
22 within 10 days after final adverse action by the board or after the
23 expiration of the time allowed for board action, as the case may be, a
24 written request, signed by at least four of the five members of the
25 Committee of the Petitioners, is filed with the municipal clerk
26 requesting that the petition be withdrawn, the petition shall have no
27 effect.

28 (cf: P.L.1982, c.145, s.9)

29

30 120. R.S.40:74-7 is amended to read as follows:

31 40:74-7. Any ordinance or measure, except an ordinance, or
32 portion thereof, fixing the salaries, wages or compensation of the
33 employees of the municipality, that the board of commissioners or the
34 qualified electors of the municipality shall have authority to enact, the
35 board may on its own motion submit to the electors for adoption or
36 rejection at a general election[, regular municipal election, or special
37 municipal election] in the same manner and with the same effect as is
38 herein provided for ordinances or measures submitted on petition. At
39 any special election called under the provisions of chapters 70 to 76 of
40 this Title (R.S.40:70-1 et seq.), there shall be no bar to the submission
41 of other questions to a vote of the electors in addition to the
42 ordinances or measures provided for in this section and R.S.40:74-5
43 and R.S.40:74-9[, if the other questions are such as may legally be
44 submitted at such election]. If the provisions of two or more measures
45 approved or adopted at the same election conflict, then the measure
46 receiving the highest affirmative vote shall control.

1 (cf: P.L.1982, c.145, s.10)

2

3 121. R.S.40:74-14 is amended to read as follows:

4 40:74-14. If the petition accompanying the proposed ordinance be
5 signed by electors equal in number to at least 15% of the votes cast at
6 the last preceding general election at which members of the General
7 Assembly were elected, and contains a request that the ordinance be
8 submitted to a vote of the people if not passed by the board of
9 commissioners, the board shall within 20 days after attachment of the
10 clerk's certificate to the accompanying petition either:

11 a. Pass the ordinance without alteration; or

12 b. [Forthwith, upon the expiration of that 20 day period, call a
13 special election to be held not less than 40 nor more than 60 days from
14 the final date for withdrawal of the petition as provided for in this
15 section, unless a general election or regular municipal election is to be
16 held not less than 40 days nor more than 90 days thereafter,] Submit
17 the ordinance to the electors of the municipality at the next general
18 election and at such election such ordinance shall be submitted without
19 alteration to the vote of the electors of the municipality.

20 If the petition is signed by not less than ten nor more than 15% of
21 the electors, as above defined, then the board of commissioners shall,
22 within 20 days, pass said ordinance without change or submit the same
23 at the next general election or regular municipal election occurring not
24 less than 40 days after the clerk's certificate of sufficiency is attached
25 to the petition.

26 If, within 10 days after final adverse action by the board or after the
27 expiration of the time allowed for board action, as the case may be, a
28 written request, signed by at least four of the five members of the
29 Committee of the Petitioners, is filed with the municipal clerk
30 requesting that the petition be withdrawn, the petition shall have no
31 effect.

32 (cf: P.L.1982, c.145, s.14)

33

34 122. R.S.40:74-15 is amended to read as follows:

35 40:74-15. Any number of proposed ordinances submitted by the
36 board or pursuant to R.S.40:74-5 or R.S.40:74-9 may be voted upon
37 at the same election in accordance with the provisions of this article[,
38 but there shall not be more than one special election in any period of
39 6 months for such purpose. During that 6 month period, any ordinance
40 which would otherwise be submitted to the voters at a special election
41 if one were not already scheduled, shall be submitted at the scheduled
42 special election, if at least 30 days shall remain prior thereto from the
43 final date for withdrawal of the petition; otherwise the ordinance shall
44 be submitted at the next general election or regular municipal election,
45 whichever shall first occur].

46 (cf: P.L.1982, c.145, s.15)

1 123. R.S.40:74-19 is amended to read as follows:

2 40:74-19. The board of commissioners may, within 3 years
3 immediately following the adoption of any ordinance submitted by
4 initiative or referendum and ratified by the voters, submit a proposition
5 for the repeal or amendment of any such ordinance to the voters at any
6 succeeding general election [or regular municipal election]. If the
7 proposition so submitted shall receive a majority of the votes cast
8 thereon at such election, such ordinance shall thereby be repealed or
9 amended accordingly.

10 (cf: P.L.1982, c.145, s.17)

11

12 124. R.S.40:75-1 is amended to read as follows:

13 40:75-1. The members of the first commission shall be elected, at
14 an election to be held on the [fifth Tuesday] general election next
15 following the adoption of chapters 70 to 76 of this title (R.S.40:70-1
16 et seq.), by the duly authorized voters of the municipality and shall
17 serve as commissioners from twelve o'clock noon on the first Tuesday
18 following their election until twelve o'clock noon on the [third] second
19 Tuesday after the first Monday in [May] November in the fourth year
20 following such election and until their successors are elected and shall
21 have duly qualified. The election shall be conducted pursuant to the
22 "Uniform Nonpartisan Elections Law," P.L.1981, c.379 (C. 40:45-5
23 et seq.).

24 (cf: P.L.1983,c.183,s.1)

25

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

27 40:75-2. On the [second] Tuesday next after the first Monday in
28 [May] November in every fourth year thereafter there shall be elected
29 at [a regular municipal] an election held pursuant to the "Uniform
30 Nonpartisan Elections Law," P.L.1981, c.379 (C.40:45-5 et seq.), the
31 number of persons as hereinbefore provided as commissioners to serve
32 for the term of 4 years and until their successors shall have been
33 elected and duly qualified. The term of office of all succeeding
34 commissioners shall commence at twelve o'clock noon on the [third]
35 second Tuesday of [May] November next ensuing their election.

36 (cf: P.L.1983, c.183, s.2)

37

38 126. Section 1 of P.L.1955, c.12 (C.40:75-2.1) is amended to read
39 as follows:

40 1. Whenever in any municipality governed under "The Commission
41 Form of Government Law" the qualified voters of the municipality
42 have, or shall have, adopted another form of government, pursuant to
43 the provisions of chapter 210 of the laws of 1950, which other form
44 of government will not become effective until [July 1] January 1
45 following the date fixed by law for the next election for commissioners
46 in such municipality, no such election for commissioners shall be held

1 in such municipality, but the commissioners in office at the time fixed
2 for the holding of such election shall continue in office, and all
3 subordinate boards, departments, bodies, offices, positions and
4 employments shall likewise continue in effect and the incumbents
5 thereof shall continue to hold the same, until 12:00 o'clock noon on
6 [said July 1] January 1, with the same effect and subject to the same
7 restrictions as though the terms of office of said commissioners had
8 extended to and terminated at said time on [said July 1] January 1.
9 (cf: P.L.1955, c.12, s.1)

10

11 127. R.S.40:75-31 is amended to read as follows:

12 40:75-31. The clerk shall fix [a day for holding] the recall election
13 [which, if convenient, shall be a Tuesday falling between the thirtieth
14 and fortieth days] at the next succeeding primary or general election,
15 whichever occurs nearest to the 54th day after the date of the
16 certificate of notice provided for in section 40:75-29 of this title.

17 The municipal clerk and the board of commissioners shall make or
18 cause to be made all arrangements for holding the recall election and
19 shall provide all necessary funds therefor, and the commissioners may
20 raise funds necessary for this purpose in any convenient manner.
21 (cf: R.S.40:75-31)

22

23 128. R.S.40:76-1 is amended to read as follows:

24 40:76-1. Any municipality which shall have operated for more than
25 six years under the provisions of the act entitled "An act relating to,
26 regulating and providing for the government of cities, towns,
27 townships, boroughs, villages and municipalities governed by boards
28 of commissioners or improvement commissioners" (title as amended),
29 approved April twenty-fifth, one thousand nine hundred and eleven, or
30 under the provisions of chapters 70 to 76 of this title (§ 40:70-1 et
31 seq.), or both, may at a special election held [not later than August
32 fifteenth] on the day of the general election in any year, abandon such
33 organization thereunder and may resume the form of government
34 under the law under which it was being governed, when said act or
35 said chapters 70 to 76 was or were adopted, subject to any
36 amendments and supplements to said law which may have been made
37 in the interim. The procedure shall be as hereinafter in this chapter
38 provided.

39 (cf: R.S.40:76-1)

40

41 129. R.S.40:76-3 is amended to read as follows:

42 40:76-3. The petition shall be in substantially the following form:
43 "To the clerk of (insert name of municipality).
44 You are hereby requested to call a special election, which shall [not]
45 be held [later than August the fifteenth] on the day of the general
46 election in any year for the purpose of submitting the following

1 proposition to the voters of (insert name of
2 municipality): (here insert proposition as set forth in section 40:76-2
3 of this title); and for so doing this petition shall be your sufficient
4 warrant.

5 (insert name) is hereby designated as our agent
6 or one of our agents to file this petition.

7 (insert name) is hereby designated as our agent
8 or one of our agents to file this petition.

9 (insert name) is hereby designated as our agent
10 or one of our agents to file this petition.

11 Signed.

12 Name. Street Address.
13
14
15
16 State of New Jersey,) ss. County of
17)

18 , being duly sworn according to law, says: That he
19 is the person who procured the signatures on this sheet, and that he
20 knows that the signatures thereon are in the handwriting of the signers,
21 and to the best of his knowledge and belief are the signatures of the
22 persons purporting to sign the same.

23 Subscribed and sworn to before me this day of, A.D.
24 19 "
25 (cf: R.S.40:76-3)

26
27 130. R.S.40:76-12 is amended to read as follows:
28 40:76-12. When it has been determined, by either the municipal
29 clerk or a judge of the Superior Court, that the petition conforms to
30 the provisions of this chapter, the clerk shall forthwith call a special
31 election, to be held [not later than August fifteenth,] on the day of the
32 general election in any year, for the submission of the question of the
33 abandonment of the commission form of government, to the legal
34 voters of the municipality by proceeding in the manner hereinafter in
35 this chapter provided.
36 (cf: P.L.1953, c.37, s.248)

37
38 131. R.S.40:76-13 is amended to read as follows:
39 40:76-13. The [clerk shall fix a day for holding the special election,
40 which shall be a Tuesday not more than thirty nor less than twenty
41 days] date of the special election shall be the Tuesday next after the
42 first Monday in November occurring not less than 54 days after the
43 date of the certificate of notice provided for in section 40:76-15 of this
44 title.
45 (cf: R.S.40:76-13)

46

1 132. R.S.40:76-19 is amended to read as follows:

2 40:76-19. The special election shall be held at the usual place or
3 places of holding the annual election in the municipality [if the same
4 be practicable, but if not practicable the clerk shall provide a suitable
5 voting place in each election district in the municipality. The polls shall
6 remain open during the hours from seven o'clock in the forenoon until
7 nine o'clock at night,]and the election shall be conducted, by the
8 election officers then holding office for the purpose of conducting
9 elections in such municipality, in the manner prescribed by the laws
10 relating to elections.

11 (cf: R.S.40:76-19)

12

13 133. R.S.40:76-21 is amended to read as follows:

14 40:76-21. [The municipal clerk shall provide ballots for each voter
15 at such special election, to be printed on plain, substantial, white
16 paper. The number of ballots to be provided by the clerk for each
17 voting district in the municipality shall be at least fifteen per cent more
18 than the total number of persons that voted in such district at the last
19 preceding general election.]The ballot shall be in substantially the
20 following form:

21 "To vote upon the public question printed below, if in favor thereof
22 mark a cross (X) or plus (+) in the square at the left of the word YES,
23 and if opposed thereto mark a cross (X) or plus (+) in the square at
24 the left of the word NO.

25 " "Shall the(name
26 of municipality) abandon its government under
27 YES chapters 70 to 76 of the title Municipalities
28 and Counties of the Revised Statutes
29 (£ 40:70-1 et seq.), commonly known as the
30 "Walsh Act",and resume the form of government
31 NO under the law under which it was operating at
32 the time when such commission form of
33 government was adopted, subject to any
34 amendments andsupplements to such laws which
35 have been passed in the interim?" "

36 (cf: R.S.40:76-21)

37

38 134. R.S.40:80-1 is amended to read as follows:

39 40:80-1. The legal voters of any municipality may adopt this
40 subtitle at a special election to be held in such municipality, to be
41 called by the municipal clerk upon request or petition in writing of the
42 legal voters of the municipality not less in number than fifteen per
43 centum (15%) of the number of persons who voted at the last
44 preceding general election held for the purpose of electing all of the
45 members of the general assembly as shown by the official canvass. [At
46 this election no other proposition shall be voted upon.]

1 (cf: P.L.1950, c.65, s.2)

2

3 135. R.S.40:80-2 is amended to read as follows:

4 40:80-2. Upon the filing of such petition or request in writing with
5 the municipal clerk, he shall forthwith call an election, to be held on
6 the [fourth Tuesday following the date of the filing of the petition with
7 him, but such special election shall not be held within four weeks of
8 the municipal election] day of the general election next occurring. The
9 clerk shall cause public notice of the time and place of holding such
10 election to be given by advertisement signed by himself and posted in
11 at least twenty conspicuous places distributed throughout the
12 municipality, and published for at least two issues on different days
13 previous to the time of such election in at least one newspaper which
14 has been so published in such municipality for at least six months last
15 past, and if there be no such newspaper then in a newspaper having a
16 general circulation therein.

17 (cf: R.S.40:80-2)

18

19 136. R.S.40:80-4 is amended to read as follows:

20 40:80-4. The election shall be held at the usual place or places for
21 holding the general election[, if the same is practicable. If not
22 practicable, the municipal clerk shall provide a suitable voting place in
23 each election district in such municipality].

24 (cf: R.S.40:80-4)

25

26 137. R.S.40:80-6 is amended to read as follows:

27 40:80-6. The [polls shall remain open from seven o'clock in the
28 forenoon until nine o'clock at night, and the] election shall be
29 conducted by the same election officers and in the manner prescribed
30 by the laws regulating elections, and such officers shall report to the
31 municipal clerk immediately after completing the count of the ballots
32 a true and correct statement in writing under their hands of the results
33 of such election.

34 (cf: R.S.40:80-6)

35

36 138. R.S.40:81-1 is amended to read as follows:

37 40:81-1. The municipal council shall consist of three, five, seven
38 or nine members as authorized on the effective date of this 1981
39 amendatory act.

40 After the effective date of this 1981 amendatory act, the legal
41 voters of any municipality may, by petition and referendum, increase
42 or decrease the number of the municipal council to three, five, seven
43 or nine members. Upon the submission of a petition signed by a
44 number of the legal voters of the municipality equal in number to at
45 least 15% of the total votes cast in the municipality at the last election
46 at which members of the General Assembly were elected, the

1 proposition to increase or decrease the membership of the municipal
2 council shall be submitted to the voters at the next general election.
3 The proposition shall not be submitted more than once in any 3-year
4 period.

5 The signatures, verification, authentication, inspection, certification,
6 amendment and submission of the petition shall be the same as for
7 petitions to recall councilmen and shall be filed and certified to by the
8 municipal clerk at least 60 days before the general election at which
9 the proposition shall be submitted to a vote.

10 The question of the increase in the number of commissioners shall
11 be submitted to the voters at the election in substantially the following
12 form:

13 "Shall the membership of the municipal council of (name of
14 municipality) be (insert "increased" or "decreased" as appropriate)
15 from to members?" (insert current number) (insert proposed number)

16 A canvass and return of the vote upon the proposition shall be made
17 by the election officers in the same manner as for officers voted for at
18 the election, and a majority of all the votes cast upon the proposition
19 in favor of the proposition shall be sufficient to make the change.

20 When the legal voters shall have voted to increase or decrease the
21 membership of the municipal council as provided in this section, the
22 increase or decrease shall take effect for the next regular [municipal]
23 election of councilmen.

24 (cf: P.L.1981, c.427, s.2)

25

26 139. R.S.40:81-4 is amended to read as follows:

27 40:81-4. The members of the first municipal council shall be
28 elected at the [municipal] general election held [on the fourth
29 Tuesday] after the adoption of this subtitle and shall serve as members
30 of the council from twelve o'clock noon of the [fourth] second
31 Tuesday following such election until twelve o'clock noon of [July 1]
32 January 1 in the fourth year thereafter, save in those cases in which the
33 terms of some of the members of the council shall expire at twelve
34 o'clock noon on [July 1] January 1 in each year in accordance with the
35 provisions of article 3 of chapter 84 of this title (R.S.40:84-9 et seq.),
36 and until their successors shall have been elected and duly qualified,
37 unless their places shall have become vacant. The election shall be
38 conducted pursuant to the "Uniform Nonpartisan Elections Law,"
39 P.L.1981, c.379 (C.40:45-5 et seq.).

40 (cf: P.L.1981, c.379, s.21)

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

2 40:81-5. [Except as otherwise provided by referendum of the
3 voters, on] On the [second] Tuesday next after the first Monday of
4 [May] November of the fourth year following such first election and
5 on [the second Tuesday of May of] that same day every fourth year
6 thereafter, there shall be elected the number of electors hereinbefore
7 prescribed of like qualifications to serve as members of the municipal
8 council for the term of 4 years and until their successors shall have
9 been elected and duly qualified or unless their places become vacant.
10 The term of office of councilmen subsequently elected shall commence
11 on [July 1] January 1 next ensuing their election at 12 o'clock noon.
12 Elections shall be conducted pursuant to the "Uniform Nonpartisan
13 Elections Law," P.L.1981, c.379 (C.40:45-5 et al.).
14 (cf: P.L.1981, c.427, s.3)

15

16 141. Section 4 of P.L.1981, c.427 (C.40:81-5.1) is amended to read
17 as follows:

18 4. Where the members of the municipal council in any municipality
19 adopting the municipal manager form of government have 4-year
20 terms of office pursuant to R.S. 40:81-5, the legal voters of the
21 municipality, by petition and referendum, may provide that the terms
22 of office of the members of the municipal council shall expire in
23 staggered years as provided in this section.

24 a. An election upon the proposition to elect members of the
25 municipal council to terms of office which expire in staggered years
26 shall be ordered by the municipal council upon the submission of a
27 petition signed by a number of the legal voters of the municipality
28 equal to not less than 15% of the total votes cast in the municipality
29 at the last preceding election at which members of the General
30 Assembly were elected. The proposition shall be submitted at the next
31 general election. The proposition shall not be submitted more than
32 once in any 3-year period;

33 b. The signatures, verification, authentication, inspection,
34 certification, amendment and submission of the petition shall be the
35 same as for petitions to recall councilmen and shall be filed and
36 certified to by the municipal clerk at least 60 days before the general
37 election at which the proposition shall be submitted to a vote;

38 c. The question of the election of members of the municipal council
39 to staggered terms of office shall be submitted to the voters at such
40 election in substantially the following form:

41 "Shall the terms of office of members of the municipal council of
42 expire in staggered years?" (name of municipality)

43 d. A canvass and return of the vote upon the proposition shall be
44 made by the election officers in the same manner as for officers voted
45 for at the election, and a majority of all the votes cast upon the
46 proposition in favor of the proposition shall be sufficient to make the

1 change;

2 e. When the legal voters shall have voted to have the terms of
3 office of members of the municipal council expire in staggered years,
4 there shall be elected at the next regular [municipal] election of
5 councilmen the following:

6 (1) If the municipal council consists of three members, two of the
7 members shall be elected for 4 years, and one for 2 years, the
8 respective terms of each to be designated on the ballot;

9 (2) If the municipal council consists of five members, two of the
10 members shall be elected for 4 years, and three for 2 years, the
11 respective terms of each to be designated on the ballot;

12 (3) If the municipal council consists of seven members, three of the
13 members shall be elected for 4 years, and four for 2 years, the
14 respective terms of each to be designated on the ballot;

15 (4) If the municipal council consists of nine members, four of the
16 members shall be elected for 4 years, and five for 2 years, the
17 respective terms of each to be designated on the ballot.

18 Each council member elected thereafter shall serve for a 4-year term
19 of office.

20 (cf: P.L.1981, c.427, s.4)

21

22 142. R.S.40:81-7 is amended to read as follows:

23 40:81-7. [Four] Two weeks after their election in the case of the
24 first municipal council elected, and on [July 1] January 1 following all
25 subsequent municipal elections, the members-elect of the municipal
26 council shall assemble at the usual place of meeting of the governing
27 body of the municipality and organize and elect one of their number as
28 mayor. The mayor shall be chosen by ballot by majority vote of all
29 members of the municipal council. If the members shall be unable,
30 within five ballots to be taken within 2 days of said organization
31 meeting, to elect a mayor, then the member who in the election for
32 members of the municipal council received the highest vote, in accord
33 with the manner of canvassing the ballots as herein set forth, shall be
34 the mayor. Should such person decline to accept the office, then the
35 person receiving the next highest vote shall be the mayor, and so on,
36 until the office is filled.

37 (cf: P.L.1981, c.379, s.24)

38

39 143. R.S.40:84-2 is amended to read as follows:

40 40:84-2. The first municipal election for councilmen shall be held
41 on the [fourth] Tuesday next after the first Monday in November
42 occurring after the adoption of this subtitle and thereafter an election
43 shall be held on the [second Tuesday in May] that same day in the
44 fourth succeeding year and in each fourth year thereafter. Elections
45 shall be conducted pursuant to the "Uniform Nonpartisan Elections

1 Law," P.L.1981, c.379 (C.40:45-5 et seq.).
2 (cf: P.L.1981,c.379,s.25)

3

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

5 40:84-11. In cases provided for in this article the municipal
6 election to be held in accordance with the "Uniform Nonpartisan
7 Elections Law," P.L.1981, c.379 (C.40:45-5 et seq.) shall be held on
8 the [second] Tuesday next after the first Monday in [May in]
9 November each year, and the number of persons to be elected at
10 municipal elections shall be equal to the number of vacancies which are
11 then to be filled, and the terms of office of the persons so elected shall
12 be 3 years and until their successors are elected and qualified.

13 (cf: P.L.1981, c.379, s.26)

14

15 145. R.S.40:84-13 is amended to read as follows:

16 40:84-13. If the petition shall be sufficient the municipal clerk shall
17 notify the councilman or councilmen whose recall is sought thereby
18 within two days. If such notice cannot be served upon the councilman
19 or councilmen affected, then service shall be made by leaving the same
20 at his residence with a member of his family or attendant, and if access
21 cannot be had to his residence, then by posting the same at the door
22 thereof. If within five days after the service of the notice by the
23 municipal clerk the councilman or councilmen sought to be recalled by
24 such petition do not resign, or having tendered their resignation it shall
25 not have been accepted by the municipal council, then the municipal
26 clerk shall order and fix a date for holding a recall election, as herein
27 provided. The election shall [not be less than forty nor more than fifty
28 days from the filing of the petition] be held on the day of the general
29 election next occurring. Notice of the filing of the petition and of the
30 election as fixed shall be posted for public view in the office of the
31 municipal clerk and he shall also insert the notice forthwith in a
32 newspaper published in the municipality, or if there be no such
33 newspaper, then in a newspaper having general circulation in such
34 municipality.

35 (cf: R.S.40:84-13)

36

37 146. R.S.40:84-14 is amended to read as follows:

38 40:84-14. The ballots at the recall election shall conform to the
39 requirements of this subtitle respecting the election for councilmen at
40 the [municipal] general election[, except that for the words "municipal
41 election" there shall be substituted the words "recall election"]. The
42 recall features of the ballot shall appear at the top thereof and shall be
43 separated from the portion of the ballot for the election of councilmen
44 by a heavy black line. The proposal for recall shall be placed on the
45 ballot in the following manner:

46 "Shall (here insert name of councilman) be removed from the office

1 of councilman by recall?" This matter shall occupy two lines in
2 bold-faced type. Immediately below the above wording shall appear
3 the phrase "for recall" , and immediately underneath such phrase the
4 words "against recall" . Immediately at the left of each of these two
5 phrases shall be printed a square, in which the voter may make a cross
6 (x) or plus (+) mark. Immediately below the foregoing shall appear
7 the following:

8 "Indicate your vote by placing a cross (x) or plus (+) mark in one
9 of the squares above."

10 (cf: R.S.40:84-14)

11

12 147. R.S.40:84-17 is amended to read as follows:

13 40:84-17. The municipal clerk shall cause to be made due
14 publication of notice of arrangements for holding all recall elections
15 and they shall be conducted as are other [municipal] elections.

16 (cf: R.S.40:84-17)

17

18 148. Section 1 of P.L.1979, c.268 (C.40A:4-45.3a) is amended to
19 read as follows:

20 1. The provisions of any other law to the contrary notwithstanding,
21 any referendum conducted by a municipality pursuant to subsection i.
22 of section 3 of P.L.1976, c.68 (C.40A:4-45.3), for the purpose of
23 requesting approval for increasing the municipal budget by more than
24 5% over the previous year's final appropriations, shall be held on the
25 [last] Tuesday [in the month of February] next after the first Monday
26 in June of the year in which the proposed increase is to take effect.
27 The municipal budget proposing such increase shall be introduced and
28 approved in the manner otherwise provided in N.J.S.40A:4-5 at least
29 20 days prior to the date on which such referendum is to be held, and
30 shall be published in the manner otherwise provided in N.J.S.40A:4-6
31 at least 12 days prior to said referendum date. Notice shall be
32 published pursuant to section 7 of P.L.1953, c.211 (C.19:57-7) on the
33 next day following the introduction of the budget. This section shall
34 apply only to municipalities that operate on the January 1 to December
35 31 fiscal year.

36 (cf: P.L.1991, c.75, s.21)

37

38 149. Section 1 of P.L.1983, c. 69 (C.40A:4-45.3a1) is amended to
39 read as follows:

40 1. Notwithstanding the provisions of Title 19 of the Revised
41 Statutes to the contrary, referenda conducted by any municipality
42 pursuant to subsection i. of section 3 of P.L.1976, c.68
43 (C.40A:4-45.3), for the purpose of increasing the municipal budget
44 by more than 5% over the previous year's final appropriations, may be
45 conducted with respect to the provision of polling places and the
46 compensation of election workers in the same manner as is provided

1 for school elections under [Title 18A of the New Jersey Statutes] Title
2 19 of the Revised Statutes .

3 (cf: P.L.1983, c.69, s.1)

4

5 150. N.J.S.40A:14-41 is amended to read as follows:

6 40A:14-41 No municipality having a volunteer fire department
7 shall establish a paid fire department and convert its volunteer force
8 into a paid fire department unless and until the ordinance providing
9 therefor shall have been submitted to and adopted by the legal voters
10 of said municipality at [an] the general election [called for the purpose
11 as herein provided] next occurring after the adoption of the ordinance.

12 The municipal clerk shall give public notice thereof at least 20 days
13 prior to such election, by publishing in a newspaper circulating within
14 the municipality, and posting in 10 conspicuous places, in said
15 municipality, such notice of the election including a copy of the
16 ordinance for the proposed establishment of a paid fire department and
17 the conversion thereof into a paid fire department.

18 The question to the legal voters of the municipality of the adoption
19 of said ordinance shall be submitted as a public question in
20 substantially the following form:

21 "Shall the (insert the title of the ordinance) be adopted?"

22 The ballot shall contain two squares to the left of the question, one
23 with the word "Yes" , the other with the word "No" , respectively, to
24 the right of the squares. The ballot shall contain instructions to voters
25 to vote by marking a cross (x), or plus sign (+) or check mark (X)
26 in the square according to their choice. If voting machines are used a
27 vote of "Yes" or "No" shall be equivalent to such markings,
28 respectively.

29 The municipal clerk shall forthwith canvass the returns of the
30 election and shall certify the results of his canvass to the governing
31 body of said municipality. If a majority of the legal voters voting on
32 the question shall vote "Yes" , the ordinance shall become operative
33 and the governing body may then proceed to establish a paid fire
34 department and to convert the volunteer force into said department
35 according to the provisions of the ordinance. Except as otherwise
36 provided herein, this section shall not be construed to repeal any
37 existing law, regulating the tenure, hours of service or compensation
38 of the officers and members of any municipal fire department or force,
39 for the organization or maintenance of any volunteer company or
40 department therein, or providing for the creation or maintenance of
41 fire districts therein.

42 (cf: N.J.S.40A:14-41)

43

44 151. N.J.S.40A:14-47 is amended to read as follows:

45 40A:14-47. In municipalities, except cities of the first class,
46 wherein a proposal for a 2-platoon system shall have been adopted the

1 governing body of the municipality, or the board or officer in charge
2 of a paid or part-paid fire department and force, shall divide the paid
3 members and officers of the said department and force into 2 platoons,
4 one designated as a day force, the other as a night force. Each force,
5 respectively, shall alternate the hours of duty on every fourth day. The
6 hours of duty of the day force shall be from 8:00 A.M. to 6:00 P.M.
7 and the night force from 6:00 P.M. to 8:00 A.M. the following
8 morning, except that on every fourth day, for the purpose of such
9 alternation the number of said hours of duty may be exceeded but one
10 force shall be off duty at all times, except as otherwise provided by
11 law.

12 The 2-platoon system shall be inoperative unless and until a
13 proposal for such a system shall have been submitted to and adopted
14 by the legal voters of the municipality at a [primary or] general
15 election [or at an election held for that purpose]. It may be submitted
16 as a public question, in the manner prescribed by law, by resolution of
17 the governing body, or by filing with the governing body of the
18 municipality a petition for such submission signed by at least 10% of
19 the legal voters of the municipality in substantially the following form:

20 "(Insert the name of the municipality and state the question.)" The
21 ballot shall contain 2 squares to the left of the question, one with the
22 word "Yes" , the other with the word "No" , respectively, to the right
23 thereof. The ballot shall also contain instructions to voters to vote by
24 marking a cross (x), or plus sign (+) or check mark (X) in the
25 square according to their choice. If voting machines are used a vote
26 of "Yes" or "No" shall be equivalent to such markings, respectively.

27 The municipal clerk shall forthwith canvass the returns of the
28 election and shall certify the results thereof to the governing body of
29 the municipality. If a majority of the legal voters voting on the
30 question shall vote "Yes" , the 2-platoon system shall become
31 operative and the governing body or the board or officer in charge of
32 said paid or part-paid fire department and force shall then proceed to
33 establish such system.

34 This section shall not be construed to repeal or modify in any form
35 any existing law relating to salaries, annual vacations, sick or disability
36 leave of any of the members or officers of the paid or part-paid fire
37 department or force.

38 (cf: N.J.S.40A:14-47)

39

40 152. N.J.S.40A:14-49 is amended to read as follows:

41 40A:14-49. The governing body of any municipality, by ordinance,
42 may adopt a schedule of hours of actual duty for the members and
43 officers of a paid or part-paid fire department and force based upon an
44 average of 56 hours per week in any 6-week cycle, but in cases of
45 emergency the officials in charge shall have authority to retain any
46 uniformed member or officer on duty during the period of the

1 emergency, and in any such case and within 12 months thereafter such
2 member or officer shall be given hours off from the average of 56
3 hours per week in any 6-week cycle to compensate him for the extra
4 hours served by him during such emergency.

5 Any such ordinance shall be inoperative unless and until it shall be
6 submitted to and adopted by the legal voters of the municipality at a
7 [primary or] general election [or an election held for such purpose].

8 Said adoption may be submitted as a public question in the manner
9 prescribed by law, by resolution of the governing body or by filing
10 with the governing body a petition for such submission, signed by at
11 least 10% of the registered voters of the municipality. The question
12 shall be submitted substantially on the ballot as follows:

13 Insert the name of the municipality and state the question. "Shall
14 the ordinance providing that the uniformed members and officers of its
15 fire department and force shall be maintained in such manner as to
16 provide that no member or officer thereof shall be required to remain
17 on duty in excess of 56 hours per week in any 6-week cycle except in
18 cases of emergency be adopted?"

19 If a majority of the legal voters voting on such question vote in
20 favor of the adoption, the ordinance on and after January 1 following
21 such election shall become operative.

22 (cf: N.J.S.40A:14-49)

23

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

25 40A:14-70. In any municipality not having a paid or part-paid fire
26 department and force, the governing body, upon application of at least
27 5% of the registered voters or 20 legal voters, whichever is the
28 greater, shall consider the designation of a fire district. Upon receipt
29 of the application, the governing body shall fix a time and place for a
30 hearing thereon. The municipal clerk shall advertise the notice of the
31 hearing in a newspaper circulating in the county wherein the
32 municipality is located at least once and not less than 10 days prior to
33 the hearing. After the hearing the governing body shall determine the
34 question of designation of a fire district. If the governing body
35 decides that the designation of a fire district is appropriate, it, by
36 ordinance, shall designate a territorial location or locations for use as
37 a fire district or fire districts and, by resolution, provide for the
38 election of a board of fire commissioners for the district or each
39 district, to consist of five persons, residents therein, and specify the
40 date[,]and time [and place] for the election of the first board.

41 The district or each district shall be assigned a number and the
42 commissioners thereof and their successors shall be a body corporate,
43 to be known as "the commissioners of fire district No. in . . .
44 . . . (name of municipality), county of (name of county)."
45 The said body corporate shall have the power to acquire, hold, lease,
46 sell or otherwise convey in its corporate name such real and personal

1 property as the purposes of the corporation shall require. All sales and
2 leases of real and personal property shall be in accordance with the
3 provisions of section 13 or 14, as appropriate, of the "Local Lands and
4 Buildings Law," P.L.1971, c.199 (C.40A:12-13 or 40A:12-14). Said
5 body corporate may adopt and use a corporate seal, sue or be sued and
6 shall have such powers, duties and functions as are usual and necessary
7 for said purposes.

8 [On the date and at the time and place specified for the election of
9 the first board the clerk of the municipality shall conduct the election
10 and shall preside at the meeting until the board shall have been
11 elected.]

12 At the first meeting of a newly elected board of fire commissioners
13 of a district the board shall choose a chairman [and fix the place for
14 the annual election]. The members of the board shall divide
15 themselves by lot into three classes: the first to consist of two
16 members whose terms shall expire at 12 o'clock noon on the first
17 Tuesday in [March] December of the year following the year in which
18 the first board is elected; the second, two members whose terms shall
19 expire at 12 o'clock noon on the first Tuesday in [March] December
20 of the second year following that year; and the third, one member
21 whose term shall expire at 12 o'clock noon on the first Tuesday in
22 [March] December of the third year following that year. The terms of
23 fire commissioners in each class, other than members of the first board,
24 shall expire at 12 o'clock noon on the first Tuesday in [March]
25 December of the third year following the year in which they were
26 elected.

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

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

31

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

33 40A:14-72. An election shall be held annually on the [third
34 Saturday in February] Tuesday next after the first Monday in
35 November in each established fire district for the election of members
36 of the board according to the expiration of terms using the same
37 registration and on the same official ballot required by law for the
38 election of State and county officers. The initial election for a newly
39 created fire district [may] shall take place on [another] that same date
40 [as a governing body may specify under N.J.S.40A:14-70, but the
41 annual election thereafter shall be held on the third Saturday in
42 February]. The place of the election shall be [determined by the
43 board] at the place where the general election is held and a notice
44 thereof, and of the closing date for the filing with the clerk of the
45 board of petitions of nomination for membership on the board, shall be
46 published at least once in a newspaper circulating in the district, at

1 least six weeks prior to the date [fixed for] of the election. Fire
2 districts located in the same municipality may combine the publication
3 of their notices of election. For the purpose of this section, "notices of
4 election" shall include the notices required to be published under
5 section 7 of P.L.1953, c.211 (C.19:57-7).

6 The legal voters thereat shall determine the amount of money to be
7 raised for the ensuing year and determine such other matters as may
8 be required.

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

10

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

12 40A:14-74. The municipal clerk [or the clerk of the board of fire
13 commissioners, as the case may be,]shall cause a further notice of the
14 holding of such election to be published at least once not later than 1
15 week prior thereto in a newspaper circulating in said fire district.

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

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

25

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

27 40A:14-78. Any appropriation or other matter to be voted upon
28 at such election shall be in the form of a question, placed upon the
29 ballot [immediately following the names of the candidates for members
30 of the board of fire commissioners,]in substantially the following form:

31 YES. (Question to be voted on)

32 NO.

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

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

37

38 157. N.J.S.40A:14-82 is amended to read as follows:

39 40A:14-82. The board of commissioners of a fire district having a
40 uniformed paid or part-paid fire department, by resolution, may adopt
41 a schedule of hours of actual duty for the members of such district fire
42 department based upon an average of 56 hours per week in any
43 6-week cycle, but in cases of emergency the official in charge shall
44 have authority to retain any uniformed member on duty during the
45 period of the emergency and in any such case and within 12 months
46 thereafter such member shall be given hours off from the average 56

1 hours per week in any 6-week cycle to compensate him for the extra
2 hours served by him during such emergency.

3 Any such resolution shall be inoperative unless and until it shall
4 have been submitted to and adopted by the legal voters within said fire
5 district at the annual election held for commissioners of the board[, or
6 at a special election for such purpose].

7 The resolution shall be submitted as a public question in the manner
8 prescribed by law, by resolution of said board, or by filing with the
9 clerk of the board of fire commissioners of such district a petition for
10 such submission, signed by at least 20% of the legal voters who voted
11 in the next preceding annual election for members of the board of fire
12 commissioners.

13 The question shall be submitted substantially as follows:

14 "Insert the name and number of the fire district and state the
15 question as to whether the fire department of the district shall be
16 maintained in such manner as to provide that no uniformed member
17 thereof shall be required to remain on duty in excess of 56 hours per
18 week in any 6-week cycle except in cases of emergency."

19 If a majority of the legal voters voting on such question vote in
20 favor of the adoption, the resolution on and after January 1 following
21 such election shall become operative.

22 (cf: N.J.S.40A:14-82)

23

24 158. N.J.S.40A:14-85 is amended to read as follows:

25 40A:14-85. The board of commissioners of a fire district may
26 purchase fire engines, apparatus or other appliances for the
27 extinguishment of fires and acquire lands or buildings or erect
28 buildings for the housing of such equipment, at a cost not exceeding
29 \$60,000.00 or 2% of the assessed valuation of the taxable property in
30 the district, whichever amount is larger, the money to be raised by a
31 bond issue. Any such bond issue shall be authorized by a resolution
32 of the commissioners specifying the amount and the purpose thereof.
33 The resolution shall be inoperative unless and until it shall have been
34 submitted to and approved by the legal voters within said fire district
35 at the annual election held for the election of commissioners and
36 appropriation of money for fire extinguishing purposes[, or at a special
37 election for such purpose].

38 The resolution shall be written or printed and the election shall be
39 upon notice stating the time and place. [If said election is to be the
40 annual one, the] The notices shall be posted by the clerk of the board
41 of fire commissioners in 10 public places, at least 10 days prior to the
42 date of the election. The board of commissioners and the clerk, in
43 their or his discretion, may advertise the election in a newspaper,
44 published in the fire district, if any, otherwise in a newspaper published
45 in the county of said district and circulating in such district. [When a
46 special election is specified notices shall be posted in 10 public places,

1 at least 21 days prior to the date of election, and the clerk of said
2 board shall advertise said notice in such a newspaper at least twice
3 prior to the election date.]

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

5

6 159. N.J.S.40A:16-4 is amended to read as follows:

7 40A:16-4. Whenever a vacancy occurs as provided in N.J.S.
8 40A:16-3 in the office of mayor or in the membership of the governing
9 body of a municipality holding regular municipal elections, the vacancy
10 shall be filled in the following manner:

11 a. If the vacancy occurs subsequent to September 1 of the last year
12 of the term of the officer whose office has become vacant, the office
13 may be filled for its unexpired term by appointment by the governing
14 body as hereinafter provided;

15 b. If the vacancy occurs at any other time, the vacancy shall be
16 filled for its unexpired term at the next general [or regular municipal]
17 election, [whichever occurs first,] to be held not less than 60 days after
18 the occurrence of the vacancy. The governing body may fill the
19 vacancy temporarily by appointment as hereinafter provided.

20 (cf: P.L.1980,c.101,s.1)

21

22 160. N.J.S.40A:16-14 is amended to read:

23 40A:16-14. If a governing body shall fail to fill a vacancy in the
24 office of mayor as provided in N.J.S.40A:16-4a or 40A:16-5a within
25 the 30-day period prescribed by N.J.S.40A:16-11 or 40A:16-12, the
26 municipal clerk shall forthwith fix the date for a special election to fill
27 the vacancy [to be held not less than 45 days nor more than 50 days
28 after the expiration of the time fixed for the filling of the vacancy. If
29 the date fixed for a special election shall fall within 20 days prior to
30 the holding of any general election, regular municipal election or any
31 other election within the municipality, the vacancy shall be filled at
32 that election. If the date fixed for a special election shall fall within 20
33 days after the holding of any general election, regular municipal
34 election or any other election within the municipality, then the special
35 election to fill the vacancy shall be held not less than 20 days nor more
36 than 25 days from the date of that election] on the day of the primary
37 or general election next occurring, whichever is sooner and occurs at
38 least 54 days after the period to fill the vacancy.

39 Notwithstanding the foregoing, if a vacancy in the office of mayor
40 occurs in the final 6 months of the term of the mayor, no special
41 election shall be held to fill the vacancy.

42 No appointment shall be made by a governing body to fill a vacancy
43 occurring in the office of a mayor after the fixing of a date for a

1 special election to fill the vacancy pursuant to this section.
2 (cf: P.L.1980,c.93,s.1)

3
4 161. N.J.S.40A:16-15 is amended to read as follows:

5 40A:16-15. If at any time after an election for the office of mayor
6 or for a member of the governing body and before the time fixed for
7 the commencement of the term of the office, the person elected to that
8 office dies, the municipal committee of the political party of which the
9 person elected was the nominee shall appoint another person to fill the
10 position until the next [regular municipal] primary election, at which
11 time a special election shall be held to fill the vacancy. If the person
12 elected was not the nominee of a political party, on or within 30 days
13 after the time fixed for the commencement of the term of office, the
14 governing body shall appoint a successor to fill the office until the next
15 [regular municipal] primary election, at which time a special election
16 shall be held to fill the vacancy without regard to party.

17 (cf: P.L.1993, c.341, s.1)

18

19 162. N.J.S.40A:16-16 is amended to read as follows:

20 40A:16-16. Whenever the office of mayor or of member of the
21 governing body shall be declared or deemed vacant pursuant to R.S.
22 19:3-25, the municipal clerk shall forthwith fix the date for a special
23 election to fill that office for its term or unexpired term, as the case
24 may be, [to be held not less than 45 days nor more than 50 days from
25 the date upon which the office was so declared or deemed to be
26 vacant] on the day of the primary election or general election next
27 occurring, whichever falls at least 54 days nearest to the date on which
28 the office has been declared vacant.

29 (cf: P.L.1980, c.93, s.3)

30

31 163. N.J.S.40A:16-17 is amended to read:

32 40A:16-17. If at any time after an election for the office of mayor
33 or for a member of the governing body and before the time fixed for
34 the commencement of the term of the office, it shall be determined that
35 the person elected to that office shall no longer have the qualifications
36 required for the office, the municipal clerk shall forthwith fix the date
37 for a special election to fill the office for its term or unexpired term,
38 as the case may be, [to be held not less than 45 days nor more than 50
39 days from] on the day of the primary election or general election next
40 occurring, whichever falls at least 54 days nearest to the date of such
41 determination.

42 (cf: P.L.1980, c.93, s.4)

43

44 164. N.J.S.40A:16-19 is amended to read as follows:

45 40A:16-19. The nomination of a successor to be elected at a
46 special election as provided in N.J.S.40A:16-14, 40A:16-15,

1 40A:16-16 and 40A:16-17 shall be made in the following manner:

2 a. [In municipalities holding elections for municipal officers at the
3 time of a general election, the] The municipal committees of the
4 political parties in the municipality shall, no later than 15 days from the
5 expiration of the time fixed in N.J.S.40A:16-14 for the filling of a
6 vacancy by appointment or from the happening of the events set forth
7 in N.J.S.40A:16-15, 40A:16-16 and 40A:16-17, select their
8 candidates for election to the office, and file a statement of their
9 selections with the municipal clerk. The statements so filed shall
10 conform to the provisions of R.S.19:13-20. Other candidates for
11 election to such office shall be nominated by petition in the manner set
12 forth in subsection b. of this section.

13 b. [In municipalities holding regular municipal elections,
14 nomination shall be by petition in writing filed with the municipal
15 clerk. The petition shall be signed by a number of the registered and
16 qualified voters of the municipality if the successor is to be elected at
17 large, or of the ward if the successor is to be elected from a ward,
18 equal to at least 0.5% of the total number of votes cast in the
19 municipality, or ward, as the case may be, at the last preceding general
20 election at which members of the General Assembly were elected, but
21 in no case shall such petition be signed by fewer than 25 such voters.
22 The petition shall be filed with the municipal clerk no later than 15
23 days from the expiration of the time prescribed in N.J.S. 40A:16-14
24 for the filling of a vacancy by appointment or from the happening of
25 the events set forth in N.J.S. 40A:16-15, 40A:16-16 and 40A:16-17.
26 The municipal clerk shall forthwith examine the petition, and, if he
27 finds it to be defective in any particular, he shall return the petition to
28 the person nominated thereby setting forth his reasons in writing.
29 Within 3 days after its return, the petition as corrected may be refiled
30 with the municipal clerk.](Deleted by amendment, P.L. ____, c. __.)
31 (cf: N.J.S.40A:16-19)

32

33 165. N.J.S.40A:16-20 is amended to read as follows:

34 40A:16-20. The nomination of a successor to be elected at a
35 [regular municipal] primary or general election shall be made in the
36 manner provided in Title 19 of the Revised Statutes.
37 (cf: N.J.S.40A:16-20)

38

39 166. (New section) a. The term of office of any member of a school
40 board in a type II district which expires during the first week following
41 the annual school election in the year in which P.L. ____, c. __ (C. __)
42 (now pending before the Legislature as this bill) is enacted shall be
43 extended until the day designated in the first week in January of the
44 succeeding year. Any person running subsequently to fill the office of
45 member of a school board in a type II district shall be voted for at the
46 general election and take office on the day designated in the first week

1 in January next occurring.

2 b. The term of office of any member of a regional district board of
3 education which expires during the first week following the annual
4 school election in the year in which P.L. , c. (C.)(now
5 pending before the Legislature as this bill) is enacted shall be extended
6 until the day designated in the first week in January of the succeeding
7 year. Any person running subsequently to fill the office of member of
8 a regional district board of education shall be voted for at the general
9 election and take office on the day designated in the first week in
10 January next occurring.

11 c. The term of office of any municipal officer which expires on the
12 July 1 of the year in which P.L. , c. (C.)(now pending before
13 the Legislature as this act) is enacted shall be extended until January
14 1 of the year following enactment. Any person running subsequently
15 to fill that office shall be voted for at the general election and take
16 office on the January 1 next occurring.

17 d. The term of office of any fire district commissioner which expires
18 on the first Tuesday in March of the year in which P.L. , c.
19 (C.) (now pending before the Legislature as this act) is enacted
20 shall be extended until the first Tuesday in December of that same
21 year. Any person running subsequently to fill the office of
22 commissioner shall be voted for at the general election and take office
23 on the first Tuesday in December next occurring.

24

25 167. The following sections are hereby repealed:

26 N.J.S.18A:8-36;

27 P.L.1945, c.59 s.1-7 (C.19:48-3.15 to 3.21);

28 R.S.40:45-2;

29 P.L.1981, c.379, s.2 (C.40:45-6);

30 P.L.1981, c.379, s.11 (C.40:45-15);

31 P.L.1981, c.379, s.14 (C.40:45-18);

32 P.L.1951, c.280, s.14-17 (C.40:62-105.14 to 40:62-105.17);

33 P.L.1951, c.280, s.20-22 (C.40:62-105.20 to 40:62-105.22);

34 P.L.1967, c.184, s.9-12 (C.40:68-35 to 40:68-38);

35 R.S.40:75-40;

36 R.S.40:76-20;

37 P.L.1971, c.200, s.1 (C.40A:9-144);

38 N.J.S.40A:14-75 through 40A:14-77 inclusive;

39 R.S.54:4-45.

40

41 168. This act shall take effect on January 1st following the date of
42 enactment.

STATEMENT

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Under current State law, the election of public officials and votes on a variety of public questions relating to a county or municipality can and often do occur throughout the year.

The purpose of this bill is to limit the dates on which these many elections can occur to either the day of the primary election, which is the first Tuesday after the first Monday in June, or the day of the general election, which is the first Tuesday after the first Monday in November.

Specifically, under the bill:

1) the annual school elections would occur on the same day as the primary election, with new school board members taking office at the beginning of September; school budgets would be voted for at the same election and would include all of the revenues and expenditures featured in current school budgets;

2) the school fiscal year is changed to begin on September 1st and all school elections are placed under the jurisdiction of the county boards of election;

3) all elections in non-partisan municipalities, for both public offices and questions, would occur on the day of the general election;

4) the term "municipal election" is deleted from the statutes in order to eliminate confusion with the general election occurring on the same day;

5) current statutory provisions for run-off elections in non-partisan municipalities are eliminated, so that the candidate receiving the most votes in such an election is declared the winner;

6) the election of fire district commissioners in those municipalities with such districts is changed from the last Tuesday in February to the day of the general election;

7) public referenda, such as to change a municipality's form of government and elect new public officials, or referenda held to change a municipality's name or to block the ratification of an ordinance, would occur only on the day of the general election;

8) elections to fill vacancies which are not subject to the Municipal Vacancy Law would occur on the day of the primary or general election; and

9) changes are made to the form of the ballot used on the day of the general election, as provided for in Title 19 (Elections) of the Revised Statutes, in order to accommodate the additional offices and questions that will appear thereon.

1

2

3 Consolidates all elections to either day of primary or day of general
4 elections.