

SENATE, No. 1355

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MARCH 22, 2004

Sponsored by:

Senator LEONARD LANCE

District 23 (Warren and Hunterdon)

SYNOPSIS

Changes date for election of fire district commissioners from third Saturday in February to day of general election.

CURRENT VERSION OF TEXT

As introduced.



S1355 LANCE

1 AN ACT concerning fire district elections, amending various sections
2 of the statutory law and repealing N.J.S.40A:14-73 and
3 N.J.S.40A:14-75 through N.J.S.40A:14-77, inclusive.

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

7
8 1. R.S.19:14-4 is amended to read as follows:

9 19:14-4. In the center of the ballot immediately below the
10 perforated line shall be printed in bold-faced type the words "Official
11 general election ballot." Below these words and extending across the
12 ballot shall appear the words: "Name of (municipality),
13 ward, fire district, election district,
14 date of election, John Doe, county clerk."

15 The blank spaces shall be filled in with the name of the proper
16 municipality, the ward and district numbers and the date of the
17 election. For school elections the name of the school district and of
18 the municipality or municipalities comprising the district shall also be
19 indicated thereon. The name of the county clerk shall be a facsimile
20 of his signature. Below the last stated words extending across the
21 ballot and at the extreme left shall be printed the words "Instructions
22 to the voter," and immediately to the right there shall be a bracket
23 embracing the following instructions numbered consecutively:

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

26 (2) To mark a cross x, plus +, check or when writing a name on
27 this ballot use only ink or pencil.

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

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

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

41 (6) Do not mark this ballot in any other manner than above
42 provided for and make no erasures. Should this ballot be wrongly
43 marked, defaced, torn or any erasure made thereon or otherwise

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

Matter underlined thus is new matter.

1 rendered unfit for use return it and obtain another. In presidential
2 years, the following instructions shall be printed upon the general
3 election ballot:

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

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

14 (cf: P.L.1995, c.278, s.17)

15

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

17 19:14-8. In the columns of each of the political parties which made
18 nominations at the next preceding primary election and in the personal
19 choice column, within the space between the two-point hair line rules,
20 there shall be printed the title of each office to be filled at such
21 election, except as hereinafter provided.

22 Such titles of office shall be arranged in the following order:
23 electors of President and Vice-President of the United States; member
24 of the United States Senate; Governor; member of the House of
25 Representatives; member of the State Senate; members of the General
26 Assembly; county executive, in counties that have adopted the county
27 executive plan of the "Optional County Charter Law," P.L.1972, c.154
28 (C.40:41A-1 et seq.); sheriff; county clerk; surrogate; register of deeds
29 and mortgages; county supervisor; members of the board of chosen
30 freeholders; coroners; mayor and members of municipal governing
31 bodies[.]; ~~members of the board of fire commissioners~~, and any other
32 titles of office. Above each of such titles of office, except the one at
33 the top, shall be printed a two-point diagram rule in place of the
34 two-point hair line rule. Below the titles of such offices shall be
35 printed the names of the candidates for the offices.

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

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

43 Immediately to the left of the name of each candidate, at the
44 extreme left of each column, including the personal choice column,
45 shall be printed a square, one-quarter of an inch in size, formed by

1 two-point diagram rules. In the personal choice column no names of
2 candidates shall be printed.

3 To the right of the title of each office in the party columns and the
4 personal choice column shall be printed the words "Vote for ,"
5 inserting in words the number of persons to be elected to such office.
6 (cf: P.L.1995, c.191, s.1)

7

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

9 19:14-10. In the column or columns designated as nominations by
10 petition, within the space between the two-point hair line rules, there
11 shall be printed the title of each office for which nominations by
12 petition have been made.

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

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

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

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

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

40 (cf: P.L.1995, c.191, s.2)

41

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

43 19:14-16. The words to be printed on the perforated coupon shall
44 be printed in twelve-point bold-faced capital letters and the figures in
45 eighteen and twenty-two-point bold-faced type. At the head of the

S1355 LANCE

1 ballot the words "Official General Election Ballot" shall be printed in
2 at least thirty-point bold-faced capital letters. The name of
3 municipality, ward, fire district, election district, and date shall be
4 printed in twelve-point bold-faced capital letters. The words
5 "Instructions to the voter" shall be printed in twelve-point bold-faced
6 capitals and small letters, while the instructions embraced within the
7 brackets shall be printed in eight-point bold-faced capital and small
8 letters. The column designations shall be printed in eighteen-point
9 bold-faced capital letters and the accompanying instructions shall be
10 printed in eight-point capitals and small letters. The titles of office and
11 accompanying instructions shall be printed in ten-point bold-faced
12 capital and small letters. When there is no nomination made at the
13 primary for an office, the title shall be printed in the space where such
14 title should appear, and the words "No Nomination Made" in type
15 large enough to fill the entire space or spaces shall be printed therein.
16 The names of all candidates shall be printed in ten-point capital letters.
17 The designations following the candidates' names in the nomination by
18 petition column or columns shall be printed in ten-point capitals and
19 small letters, except that where they overrun the space within the
20 column the designations may be abbreviated, and all spaces between
21 the two-point hair line rules not occupied by the titles of office and
22 names of candidates shall be printed in with scroll or filling to guide
23 the voter against wrongly marking the ballot. On the foot of the ballot
24 the words "Public Questions to be Voted Upon" shall be printed in
25 eighteen-point bold-faced capital letters. The accompanying
26 instructions shall be printed in eight-point capital and small letters.
27 The public questions to be voted upon shall be printed in ten-point
28 capital and small letters, and the words "Yes" and "No" shall be
29 printed in twelve-point bold-faced capital letters.

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

31

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

33 19:14-22. The official general election sample ballots shall be as
34 nearly as possible facsimiles of the official general election ballot to be
35 voted at such election and shall have printed thereon, after the words
36 which indicate the number of the election district for which such
37 sample ballots are printed, the name or number of the fire district, the
38 street address or location of the polling place in the election district,
39 the hours between which the polls shall be open, and shall be printed
40 on paper different in color from the official general election ballot, and
41 have the following words printed in large type at the top:

42 "This ballot cannot be voted. It is a sample copy of the official
43 general election ballot used on election day."

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

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

2 40A:14-70. In any municipality not having a paid or part-paid fire
3 department and force, the governing body, upon application of at least
4 5% of the registered voters or 20 legal voters, whichever is the
5 greater, shall consider the designation of a fire district. Upon receipt
6 of the application, the governing body shall fix a time and place for a
7 hearing thereon. The municipal clerk shall advertise the notice of the
8 hearing in a newspaper circulating in the county wherein the
9 municipality is located at least once and not less than 10 days prior to
10 the hearing. After the hearing the governing body shall determine the
11 question of designation of a fire district. If the governing body
12 decides that the designation of a fire district is appropriate, it, by
13 ordinance, shall designate a territorial location or locations for use as
14 a fire district or fire districts and, by resolution, provide for the
15 election of a board of fire commissioners for the district or each
16 district, to consist of five persons, residents therein, and specify the
17 date[.] and time [and place] for the election of the first board.

18 The district or each district shall be assigned a number and the
19 commissioners thereof and their successors shall be a body corporate,
20 to be known as "the commissioners of fire district No. in
21 (name of municipality), county of (name of
22 county)." The said body corporate shall have the power to acquire,
23 hold, lease, sell or otherwise convey in its corporate name such real
24 and personal property as the purposes of the corporation shall require.
25 All sales and leases of real and personal property shall be in
26 accordance with the provisions of section 13 or 14, as appropriate, of
27 the "Local Lands and Buildings Law," P.L.1971, c.199 (C.40A:12-13
28 or 40A:12-14). Said body corporate may adopt and use a corporate
29 seal, sue or be sued and shall have such powers, duties and functions
30 as are usual and necessary for said purposes.

31 [On the date and at the time and place specified for the election of
32 the first board the clerk of the municipality shall conduct the election
33 and shall preside at the meeting until the board shall have been
34 elected.]

35 At the first meeting of a newly elected board of fire commissioners
36 of a district the board shall choose a chairman [and fix the place for
37 the annual election]. The members of the board shall divide
38 themselves by lot into three classes: the first to consist of two
39 members whose terms shall expire at 12 o'clock noon on the first
40 Tuesday in [March] December of the year following the year in which
41 the first board is elected; the second, two members whose terms shall
42 expire at 12 o'clock noon on the first Tuesday in [March] December
43 of the second year following that year; and the third, one member
44 whose term shall expire at 12 o'clock noon on the first Tuesday in
45 [March] December of the third year following that year. The terms
46 of fire commissioners in each class, other than members of the first

1 board, shall expire at 12 o'clock noon on the first Tuesday in [March]
2 December of the third year following the year in which they were
3 elected.

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

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

8

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

10 40A:14-71. Candidates for membership on the board shall be
11 nominated by verified petitions. Any such petition shall be in writing,
12 addressed to the municipal clerk [or the clerk of the board, as the case
13 may be], stating that the signers thereof are qualified voters and
14 residents in the district and requesting that the name of the candidate
15 be placed on the official ballot. Each petition shall be arranged to
16 contain double spacing between the signature lines of the petition, so
17 that each signer thereof is afforded sufficient space to provide his or
18 her printed name, address and signature. The petition shall state the
19 residence of the candidate and certify his qualification for membership.
20 The candidate's consent to his nomination shall be annexed to the
21 petition and shall constitute his agreement to serve in the event of his
22 election. The petition shall contain the name of only one candidate,
23 but several petitions may nominate the same person. Each petition
24 shall be signed by not less than 10 qualified voters and shall be filed at
25 least [28] 51 days before the date of the election.

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

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

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

38

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

40 40A:14-72. An election shall be held annually on the [third
41 Saturday in February] Tuesday next after the first Monday in
42 November in each established fire district for the election of members
43 of the board according to the expiration of terms using the same
44 registration and on the same official ballot required by law for the
45 election of State and county officers. The initial election for a newly

1 created fire district [~~may~~] shall take place on [~~another~~] that same
2 date [as a governing body may specify under N.J.S.40A:14-70, but the
3 annual election thereafter shall be held on the third Saturday in
4 February]. The place of the election shall be [determined by the
5 board] at the place where the general election is held and a notice
6 thereof, and of the closing date for the filing with the clerk of the
7 board of petitions of nomination for membership on the board, shall be
8 published at least once in a newspaper circulating in the district, at
9 least six weeks prior to the date [~~fixed for~~] of the election. Fire
10 districts located in the same municipality may combine the publication
11 of their notices of election. For the purpose of this section, "notices of
12 election" shall include the notices required to be published under
13 section 7 of P.L.1953, c.211 (C.19:57-7).

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

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

18

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

20 40A:14-74. The municipal clerk [or the clerk of the board of fire
21 commissioners, as the case may be,] shall cause a further notice of the
22 holding of such election to be published at least once not later than 1
23 week prior thereto in a newspaper circulating in said fire district.

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

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

33

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

35 40A:14-78. Any appropriation or other matter to be voted upon at
36 such election shall be in the form of a question, placed upon the ballot
37 [immediately following the names of the candidates for members of
38 the board of fire commissioners,] in substantially the following form:

39 YES. (Question to be voted on)

40 NO.

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

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

1 11. (New section) The term of office of any fire district
2 commissioner that expires at 12 o'clock noon on the first Tuesday in
3 March of the year in which P.L. , c. (C.) (now pending before
4 the Legislature as this bill) takes effect shall be extended until the first
5 Tuesday in December of that same year. Any candidate to fill the
6 office of commissioner that year shall be voted for at the general
7 election held that year and shall take office on the first Tuesday in
8 December next occurring.

9

10 12. N.J.S.40A:14-73 and N.J.S.40A:14-75 through N.J.S.40A:14-
11 77, inclusive, are repealed.

12

13 13. This act shall take effect on January 1 next following the date
14 of enactment.

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16

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STATEMENT

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19 The purpose of this bill is to change the date for the election of fire
20 district commissioners, in those municipalities with such officials, from
21 the third Saturday in February to the day of the general election.

22 The bill repeals N.J.S.40A:14-73 and N.J.S.40A-14-75 through
23 N.J.S.40A:14-77, inclusive, because these sections concern the form
24 of the ballot for fire district elections, use of voting machines, polling
25 hours and the manner of conducting such elections. These sections
26 will no longer be needed if this bill is enacted since the election of fire
27 district commissioners will occur simultaneously with other elections
28 conducted on the day of the general election.