

5:32-5  
REGISTERED MUNICIPAL CLERKS

**5:32-5.1 Certification of Registered Municipal Clerks**

(a) No person shall be appointed or reappointed as a municipal clerk by a municipality unless they have been issued a registered municipal clerk certificate by the Director of the Division of Local Government Services.

(b) Candidates for registered municipal clerk certification shall first successfully complete an examination administered by the Division. The examination shall be held on a semi-annual basis.

(c) Candidates for the registered municipal clerk certification exam shall meet the age, citizenship, character and education/experience requirements set forth in sections (a) and (b) of N.J.S.A. 40A:9-133.2. In addition, candidates for examination shall furnish proof of successfully completing the following courses, provided by Rutgers, the State University of New Jersey or similar courses offered at a college or university approved by the Division:

1. Introduction to the Duties of the Municipal Clerk
2. Advanced Duties of the Municipal Clerk
3. Local Elections Administration
4. Information & Records Management
5. Municipal Finance Administration for Municipal Clerks or Municipal Finance Administration for Purchasing Agents

(d) Upon approval of the Director, any of the training courses set forth in section (c) may be combined, or may be incorporated into a new or existing undergraduate or graduate-level course.

(e) Applicants for registered municipal clerk examination and certification shall submit to the Division an application form approved by the Director. The application submission shall include proof(s) of meeting the requirements set forth in N.J.S.A. 40A:9-133.2. At the discretion of the Director, additional information and documentation may be required upon receipt of an application. Each completed application shall be filed with the Division at

least 30 calendar days prior to the date of examination, and shall be accompanied by a fee in the amount of \$50, payable to the State Treasurer.

(f) The Director shall determine the content of the examination, which shall be of such character as to fairly test and determine the ability to perform the duties of registered municipal clerk. Examinations shall be written, unless the Director determines that the exam shall contain both written and oral components.

(g) Upon a finding by the Director that a candidate has successfully completed the examination, a registered municipal clerk certificate shall be issued to the applicant, upon a payment of a fee of \$50 payable to the State Treasurer.

### **5:32-5.2 Renewal of Registered Municipal Clerk Certificates**

(a) Renewal of a registered municipal clerk certificate shall be required every two years, subject to the applicant's fulfillment of continuing education requirements, the submission of an application for renewal, and payment of a \$ 50.00 fee payable to the State Treasurer. Renewal of registered municipal clerk certificates shall be requested on a renewal form approved by and submitted to the Director.

1. Applicants shall obtain a minimum of 20 continuing education contact hours in the subject areas of elections, finance, licensing, records, ethics, and professional development. Said credits shall be approved by the Director as relevant to the subject matter area and the duties of a registered municipal clerk pursuant to N.J.S.A. 40A:9-133(e), with the following minimum contact hours for each subject area:

- i. Two contact hours in the subject area of elections;
- ii. Two contact hours in the subject area of finance;
- iii. Three contact hours in the subject area of ethics;
- iv. Two contact hours in the subject area of licensing;
- v. Two contact hours in the subject area of records; and
- vi. Two contact hours in subject area of professional development

2. If an applicant has earned at least 20 continuing education contact hours within the renewal period, but has not achieved the minimum number of contact hours in a given subject area, the Director has discretion to waive the required minimum upon written application and good cause shown, provided that the applicant has earned at least one contact hour in the subject area..
3. At the option of the applicant, contact hours in the subject area of information technology approved by the Director for relevance to the subject matter area and the duties of a chief financial officer may be applied toward the 20 continuing education contact hours, required under (a)1 above, in addition to the required minimum contact hours.
4. An individual who holds a registered municipal clerk certificate and allows such certificate to lapse by failing to renew shall be required to apply to take the qualifying examination required pursuant to N.J.S.A. 40A:9-133.2, and pay the requisite fee for such application and certificate in order to obtain a new registered municipal clerk certificate, except that, when an individual applies within six months of the expiration of the certificate, the application may be made in the same manner as a renewal but the application shall be accompanied by the fee required for a new application.
5. Within twelve months of the expiration of the certificate, an application may be made in the same manner as renewal only if the Director determines that either of the following circumstances prevents a certificate holder from earning the required continuing education units within six months of the expiration of the certificate:
  - i. A flood, hurricane, superstorm, tornado or other natural disaster, and a state of emergency has been declared as a result thereof by the Governor, or
  - ii. A medical event or condition

**5:32-5.3 Vacancy in the office of municipal clerk by reason of departure of a registered municipal clerk**

(a) When a vacancy occurs in the office of municipal clerk by reason of departure of a registered municipal clerk, the municipality's governing body may appoint, for a period not to exceed one year commencing from the date of the vacancy, a person who does not possess a registered municipal clerk certificate to serve as acting municipal clerk. With the approval of the Director based upon (a)2 and 3 below, a municipality may appoint or reappoint an acting municipal clerk for up to two additional one-year terms following the end of the first temporary appointment. No municipality shall have an acting municipal clerk for more than three consecutive years.

1. Prior to the end of the first year appointment of an acting municipal clerk, the governing body shall request, in writing, permission from the Director to appoint or reappoint an acting municipal clerk for an additional one-year term. A questionnaire approved by the Director shall be completed and included with the written request. A request for Director approval of a third one-year term shall follow the same procedure. The completed questionnaire and any documents submitted in support of said questionnaire shall be exempt from disclosure under the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)
2. Before granting approval to appoint or reappoint an acting municipal clerk for a second or third consecutive one-year term, the Director shall be satisfied that the individual is of good moral character and can satisfactorily fulfill the duties of a municipal clerk. Any request to the Director shall provide the following information:
  - i. The candidate's efforts to seek a registered municipal clerk certificate;
  - ii. Whether, as a condition of hiring, the municipality performed a criminal background check, credit check and judgement search, along with the results thereof. For requests to reappoint the same individual to another one-year term, any updates to such information shall be disclosed;
  - iii. An explanation of any repeat comments on the most recent Annual Audit, attributable to the office of municipal clerk;
  - iv. An explanation of any Open Public Records Act complaints involving the acting municipal clerk; and
  - v. An explanation of any complaints against the office of municipal clerk from a member of the public or other persons that are of a serious nature, such as those involving potential, ongoing, or prior litigation
3. The Director may request from the municipality's governing body such other information as may be necessary to determine the individual's good moral character and ability to fulfill the duties of a municipal clerk.