

CHAPTER 72

AN ACT concerning publication of required legal notices, supplementing Title 35 of the Revised Statutes, and amending various parts of the statutory law.

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

C.35:3-1 Definitions.

1. As used in P.L.2025, c.72 (C.35:3-1 et al.):

"Electronic format" means an Internet website and other technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities that is operated by or for a newspaper for publication.

"IP address" means an Internet Protocol address.

"Legal notice" means any resolution, official proclamation, notice, or advertisement of any sort, kind, or character, including proposals for bids on public work and otherwise, required by law or by the order or rule of any court to be published by a public entity, corporation, an individual, or any other entity.

"Local government unit" means a county, municipality, or other political subdivision of the State, or any agency, board, commission, utilities authority or other authority, or other entity thereof, or a person who is a local government unit officer or employee.

"Online news publication" means a news publication in electronic format that contains news on matters of public concern and has published news predominantly in the English language at least once per week for at least one year continuously.

"Print newspaper" means a news publication in print form that contains news on matters of public concern and has published news predominantly in the English language at least once per week for at least one year continuously.

"Public entity" means the State, any State agency, and any local government unit, district, public authority, public agency, and any other political subdivision or political body in the State.

"Secretary" means the Secretary of State.

"State agency" means any of the principal departments in the Executive Branch of the State Government and any division, board, bureau, office, commission, or other instrumentality within or created by a department and, to the extent consistent with law, any interstate agency to which New Jersey is a party and any independent State authority, commission, instrumentality, or agency. A local government unit shall not be deemed an agency or instrumentality of the State.

C.35:3-2 Public entities to publish, advertise legal notices on official Internet website.

2. a. After March 1, 2026, whenever a public entity is required by law or by order or rule of any court to publish or advertise a legal notice, the public entity shall publish or advertise the legal notice on the public entity's official Internet website. The public entity's official Internet website shall be accessible and available to the public free of charge. A direct hyperlink to legal notices published on the public entity's official Internet website shall be conspicuously placed on the website's homepage.

b. No later than March 1, 2026, the Secretary of State, with support from the Office of Information Technology and any other State agency the secretary deems necessary, shall establish an Internet webpage on which shall be included hyperlinks to the legal notices webpage of each public entity created pursuant to subsection a. of this section. The legal notices hyperlink webpage established by the secretary shall be accessible and available to the public free of charge and shall be accessible by direct hyperlink conspicuously placed on the

Secretary of State's Internet homepage. Each public entity shall submit the hyperlink to the Secretary of State and provide any updates thereto prior to effectuation.

c. No later than March 1, 2026, a public entity shall maintain an Internet archive of legal notices that are no longer displayed, which shall be kept for at least one year. The archive shall not be subject to any records retention schedule adopted by the State Records Committee nor to the "Destruction of Public Records Law (1953)," P.L.1953, c.410 (C.47:3-15 et seq.). A public entity shall display a legal notice on its legal notices Internet webpage for at least one week, or other time period as required by law, before transferring the publication to the public entity's Internet archive. A local government unit shall initially publish an Internet archive no later than July 1, 2026 and shall maintain the archive thereafter.

d. A local government unit may, in addition to the publication on its official Internet website pursuant to subsection a. of this section, publish or advertise a legal notice separately on an eligible online news publication that meets the criteria of subsection b. of section 3 of P.L.2025, c.72 (C.35:3-3). The local government unit shall provide a notice in a prominent location on its official Internet website if it publishes or advertises its legal notices in an online news publication and shall publish a hyperlink to the online news publication.

C.35:3-3 Non-public entities, publishing, advertising legal notices, online publication, eligibility.

3. a. (1) After March 1, 2026, whenever a corporation, individual, or any other entity that is not a public entity is required by law or by the order or rule of any court to publish or advertise a legal notice, the corporation, individual, or other entity shall publish or advertise the legal notice on an online news publication that satisfies the requirements of subsection b. of this section.

(2) The corporation, individual, or other entity shall select an online news publication based on the geographic target as established or implied under the law, court order, or court rule requiring publication.

b. To be an eligible online news publication under subsection a. of this section, an online news publication shall:

(1) use a domain name for the Internet website that will be easily recognizable and understandable to users of the website as belonging to that online news publication;

(2) maintain the online news publication on the Internet in a manner that is fully accessible and searchable by members of the public at all times, other than during routine maintenance or circumstances outside of the operator's control;

(3) ensure that legal notices published or advertised on the online news publication comply with the requirements that would apply to the legal notices if they were published in a physical newspaper, as applicable;

(4) maintain an archive for at least one year of notices that are no longer displayed on the online news publication;

(5) display a legal notice for at least one week, or other time period as required by law, before placing it in archive;

(6) enable legal notices, both those currently displayed and those archived, to be accessed by key word, by party name, by case number, by county, or other useful identifiers;

(7) maintain an adequate security system and develop a contingency plan for coping with and recovering from power outages, systemic failures, and other unforeseen circumstances;

(8) not charge a fee or require registration or a subscription to view legal notices;

(9) maintain media liability insurance of up to \$1 million;

(10) have been in continuous operation for at least three years, which can be satisfied by the online news publication itself or by a company that has a controlling or majority interest in the online news publication; and

(11) (a) provide the number of monthly unique website visits and monthly unique website visits by users in this State and in each county, as evidenced by IP address or other appropriate identifier, which shall be prominently displayed on the Internet homepage of the online news publication along with the criteria provided in this subsection, or a hyperlink to a webpage displaying such criteria, and whether the online news publication meets each criteria.

(b) (i) To qualify as an online news publication eligible to publish legal notices for municipal-wide circulation, the online news publication shall receive 4,000 unique monthly visits on average as calculated annually, no less than 50 percent of which shall be from IP addresses within the applicable municipality or within a 10-mile radius of the municipality.

(ii) To qualify as an online news publication eligible to publish legal notices for county-wide circulation, the online news publication shall receive 50,000 unique monthly visits on average as calculated annually, no less than 50 percent of which shall be from IP addresses within the applicable county or within a 10-mile radius of the county.

(iii) To qualify as an online news publication eligible to publish legal notices for State-wide circulation, the online news publication shall receive 350,000 unique monthly visits on average as calculated annually, no less than 50 percent of which shall be from IP addresses within the State.

c. The price to be paid for publishing all public notices or legal notices in an online news publication pursuant to P.L.2025, c.72 (C.35:3-1 et al.), shall not exceed the rates established pursuant to R.S.35:2-1.

d. Unless otherwise provided pursuant to applicable law or court rule or order, an online news publication that receives a legal notice for publication pursuant to this section shall publish the notice within 24 hours of receipt.

e. An online news publication that falsely represents that it meets the criteria established pursuant to subsection b. of this section and accepts legal notices for publication shall be deemed to have committed an unlawful practice under P.L.1960, c.39 (C.56:8-1 et seq.) and liable to enforcement by the Attorney General pursuant to the provisions of P.L.1960, c.39 (C.56:8-1 et seq.).

C.35:3-4 Public entity, corporation, individual required to publish, advertise legal notices, applicable law, compliance.

4. a. A public entity, corporation, or individual required by law or by the order or rule of any court to publish or advertise a legal notice shall publish or advertise the notice in accordance with the applicable law or court order or rule.

b. A public entity, corporation, or individual shall be deemed to satisfy their legal obligations to provide a legal notice upon publication of the notice as required pursuant to P.L.2025, c.72 (C.35:3-1 et al.).

c. Legal notices published on a public entity's Internet website or the Internet website of an online news publication in accordance with P.L.2025, c.72 (C.35:3-1 et al.) shall not be deemed defective if at least one of the following circumstances exist:

(1) there is an error in the content or form of the legal notice published or advertised on a public entity's Internet website or online news publication due to a clerical, administrative, or any other error outside of the control of the public entity, corporation, or individual required by law or court order or rule to publish the legal notice;

(2) there is a temporary outage, technical malfunction, disruption, or service interruption preventing the publishing, posting, or display of a legal notice on the public entity's Internet website or online news publication;

(3) the operator of the public entity's Internet website or the online news publication imposes standard restrictions that prevent access to the website or online news publication;

(4) the public entity's Internet website or the online news publication is subject to a cyberattack or cybersecurity incident, including, but not limited to, ransomware or a data breach, causing the failure to timely or accurately publish the legal notice; or

(5) any other circumstances preventing the publishing, posting, or display of a legal notice on the public entity Internet website or online news publication that are outside of the control of the public entity, corporation, or individual required by law or court order or rule to publish the legal notice.

C.35:3-5 Legal notice published by public entities, advertisement, content requirements.

5. a. Starting on January 1, 2026 and at least twice per month through December 31, 2026, a public entity required by law or by the order or rule of any court to publish or advertise a legal notice, or that elects to publish or advertise a legal notice before that date pursuant to P.L.2025, c.72 (C.35:3-1 et al.), shall provide an advertisement in an online news publication that meets the requirements of subsection b. of section 3 of P.L.2025, c.72 (C.35:3-3), that:

(1) states that the complete text of each legal notice may be obtained or viewed by the public on the official Internet website of each public entity; and

(2) provides the hyperlink to the Secretary of State's legal notices hyperlink Internet webpage established pursuant to subsection b. of section 2 of P.L.2025, c.72 (C.35:3-2).

b. Until the Secretary of State establishes the legal notices hyperlinks Internet webpage pursuant to subsection b. of section 2 of P.L.2025, c.72 (C.35:3-2), a public entity that elects to comply with the provisions of P.L.2025, c.72 (C.35:3-1 et al.) shall be deemed to have satisfied the requirements of P.L.2025, c.72 (C.35:3-1 et al.) without publication of the public entity's hyperlink on the Internet webpage to be established pursuant to subsection b. of section 2 of P.L.2025, c.72 (C.35:3-2).

6. R.S.40:53-2 is amended to read as follows:

Public notices generally; publication.

40:53-2. a. All ordinances or other public notices which any municipality, except cities, may be required by any law to publish, where the manner of publication is not otherwise specifically provided for, shall until March 1, 2026 be published either in at least one newspaper published and circulating in the municipality, and if there be no such newspaper, then in at least one newspaper published in the county in which the municipality is located and circulating in the municipality or consistent with section 2 of P.L.2025, c.72 (C.35:3-2).

b. After March 1, 2026, all ordinances or other public notices which any municipality, except cities, may be required by any law to publish, where the manner of publication is not otherwise specifically provided for, shall be published consistent with section 2 of P.L.2025, c.72 (C.35:3-2).

7. N.J.S.40A:2-19 is amended to read as follows:

Publications.

40A:2-19. 1. a. Publications required by this chapter shall, until March 1, 2026, either in the case of a municipality, be in a newspaper published and circulating in the municipality, if there be one, and if not, in a newspaper published in the county and circulating in the municipality. In the case of a county, publications shall be in a newspaper published at the county seat, if there be one, and if not, in a newspaper published and circulating in the county.

For the purposes of this section, a newspaper shall not be deemed to be published during any period of time in which the publication of such newspaper shall be interrupted by any involuntary suspension of publication resulting from loss, destruction, mechanical or electric failure of typesetting equipment or printing presses or the unavailability due to conditions beyond the control of the publisher, of paper or other materials and supplies necessary for operation, or resulting from a labor dispute with a recognized labor union or be published consistent with section 2 or 3, as applicable, of P.L.2025, c.72 (C.35:3-2 or C.35:3-3).

b. After March 1, 2026 publications required by this chapter shall be published consistent with section 2 or 3, as applicable, of P.L.2025, c.72 (C.35:3-2 or C.35:3-3).

8. R.S.35:1-2.2 is amended to read as follows:

Publication by counties, municipalities, individuals or corporations; additional qualifications of newspaper.

35:1-2.2. a. Whenever, until March 1, 2026, by law, it is required that there be published by printing and publishing in a newspaper or newspapers, ordinances, resolutions, or notices or advertisements of any sort, kind, or character by any county, city, or other municipality or municipal corporation, or by any municipal board or official board, or body, or office, or officials, or by any person or corporation, the newspaper or newspapers shall, in addition to any other qualification now required by law, meet the following qualifications, namely: the newspaper or newspapers shall be entirely printed in the English language, shall be printed and published within the State of New Jersey, shall be a newspaper of general paid circulation possessing an average news content of not less than 35 percent, shall have been published continuously in the municipality where its publication office is situate for not less than two years and shall have been entered for two years as second-class mail matter under the postal laws and regulations of the United States. In case a newspaper cannot meet these qualifications itself but has acquired another newspaper which meets these qualifications, the acquiring newspaper shall be deemed to meet these qualifications if it is published in the same municipality and entered in the same post office as was the acquired newspaper. Continuous publication within the meaning of this section shall not be deemed interrupted by any involuntary suspension of publication for a period not exceeding six months resulting from loss, destruction, mechanical or electrical failure of typesetting equipment or printing presses or the unavailability, due to conditions beyond the control of the publisher, of paper or other materials and supplies necessary for operation, or resulting from a labor dispute with a recognized labor union, and any newspaper so affected shall not be disqualified hereunder in the event that publication is resumed within said period of six months.

For the purposes of this section and for the purpose of qualifying for legal advertisements generally, any newspaper which for not less than two years shall have been continuously printed in a building located within two municipalities and which for not less than two years shall have continuously maintained its editorial and business offices in said building shall be deemed to have been published continuously in each of said municipalities during that period and its publication office shall be deemed to have been situate in each municipality during that period.

In the event any newspaper which shall have been qualified to publish legal advertisements shall move its publication office to any municipality in the same county or in an adjacent county in this State and which shall otherwise continue to meet the qualifications of this section, it shall be qualified to publish legal advertisements which it was qualified to publish prior to moving said publication office for a period of two years after the date of the moving of its publication office or such period as the newspaper shall have the highest paid circulation of any newspaper within the county or municipality which shall use said newspaper for legal advertisements.

b. In lieu of the requirements of subsection a. of this section, whenever, until March 1, 2026, by law, it is required that there be published by printing and publishing in a newspaper or newspapers, ordinances, resolutions, or notices or advertisements of any sort, kind, or character by any county, city, or other municipality or municipal corporation, or by any municipal board or official board, or body, or office, or officials, or by any person or corporation, the newspaper or newspapers may be published consistent with section 2 or 3, as applicable, of P.L.2025, c.72 (C.35:3-2 or C.35:3-3).

c. After March 1, 2026 whenever, by law, it is required that there be published by printing and publishing in a newspaper or newspapers, ordinances, resolutions, or notices or advertisements of any sort, kind, or character by any county, city, or other municipality or municipal corporation, or by any municipal board or official board, or body, or office, or officials, or by any person or corporation, the newspaper or newspapers shall be published consistent with section 2 or 3, as applicable, of P.L.2025, c.72 (C.35:3-2 or C.35:3-3).

9. Section 1 of P.L.2024, c.106, is amended to read as follows:

1. a. Notwithstanding any law, rule, regulation, or municipal ordinance to the contrary, a newspaper utilized or permitted to be utilized by a person for the purpose of complying with any legal requirement, or a public body, as defined in section 3 of the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-8), from January 1, 2024 through December 31, 2024 for the purpose of complying with R.S.35:1-2.2 or any other requirements for issuing or publishing a public notice or legal advertisement, including, but not limited to, for providing adequate notice of a meeting, the solicitation of bids, qualifications, or proposals, or the publication of any ordinances, synopses, or summaries of official documents, shall be deemed eligible for the same purposes from January 1, 2025 to March 1, 2026 if the newspaper's publication is in print or electronic format. The price to be paid for publishing all public notices or legal advertisements in print or electronic format as described in this section shall not exceed the rates established pursuant to R.S.35:2-1. A fee shall not be charged, and registration shall not be required, for viewing public notices or legal advertisements published in an electronic format.

b. For the purposes of this section, "electronic format" means an Internet website and other technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities that is operated by or for a newspaper for publication.

10. This act shall take effect immediately.

Approved June 30, 2025.