

19:60-7 et al.
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2013 **CHAPTER:** 172

NJSA: 19:60-7 et al. (Changes deadline for filing nominating petitions for school board candidates to last Monday in July; revises procedure for filling school board candidate vacancy; and revises certain other election procedures)

BILL NO: S2086 (Substituted for A3424)

SPONSOR(S) Whelan and others

DATE INTRODUCED: June 18, 2012

COMMITTEE: **ASSEMBLY:** Education

SENATE: Education

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** December 19, 2013

SENATE: November 18, 2013

DATE OF APPROVAL: December 27, 2013

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted)

S2086

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: No

A3424

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/RWH

P.L.2013, CHAPTER 172, *approved December 27, 2013*
Senate, No. 2086 (*First Reprint*)

1 AN ACT concerning ¹petitions of nomination for candidates
2 seeking election as members of boards of education] elections¹
3 and amending ¹[P.L.1995, c.278] various parts of the statutory
4 law¹.

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

8
9 1. Section 7 of P.L.1995, c.278 (C.19:60-7) is amended to read
10 as follows:

11 7. Each candidate to be voted upon at a school election shall be
12 nominated directly by petition, and the procedures for such
13 nomination shall, to the extent not inconsistent with the provisions
14 of P.L.1995, c.278 (C.19:60-1 et al.), conform to the procedure for
15 nominating candidates by direct petition under chapter 13 of Title
16 19 of the Revised Statutes. Notwithstanding the provisions of
17 R.S.19:13-5, however, a petition of nomination for such office shall
18 be signed by at least 10 persons, one of whom may be the
19 candidate, and filed with the secretary of the board of education on
20 or before four p.m. of the 50th day preceding the date of the April
21 school election or with the county clerk on or before four p.m. of
22 the ¹[64th day]¹ [of the holding of the primary election for the
23 general election for candidates seeking election as a member of a
24 board of education at] ¹last Monday in July¹ preceding the
25 November school election, as applicable. The signatures need not
26 all appear upon a single petition and any number of petitions may
27 be filed on behalf of any candidate but no petition shall contain the
28 endorsement of more than one candidate.

29 Any candidate may withdraw as a candidate in a school election
30 by filing a notice in writing, signed by the candidate, of such
31 withdrawal with the secretary of the board of education before the
32 44th day before the date of the April election or with the county
33 clerk on the 60th day before the date of the November election, as
34 applicable, and thereupon the name of that candidate shall be
35 withdrawn by the secretary of the board of education and shall not
36 be printed on the ballot.

37 A vacancy created by a declination of nomination or withdrawal
38 by, or death of, a nominee, or in any other manner, shall be
39 ¹[ineligible to be]¹ filled under the provisions of R.S.19:13-19 ¹[or
40 otherwise]¹.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SED committee amendments adopted June 6, 2013.

1 Whenever written objection to a petition of nomination
2 hereunder shall have been made and timely filed with the secretary
3 of the board of education or with the county clerk, as may be
4 appropriate, the board of education shall file its determination of the
5 objection on or before the 44th day preceding the April school
6 election or the county clerk shall file the clerk's determination of
7 the objection on or before the ~~10th~~ ¹~~61st~~ 10th¹ day ~~after the~~
8 last day for the filing of petitions for candidates seeking election as
9 a member of a board of education at] ¹~~preceding~~ after the last
10 day for the filing of petitions for candidates seeking election as a
11 member of a board of education at¹ the November school election,
12 as applicable. The last day upon which a candidate may file with the
13 Superior Court a verified complaint setting forth any invasion or
14 threatened invasion of the candidate's rights under the candidate's
15 petition of nomination shall be the 46th day before the April
16 election or the ~~12th~~ ¹~~52nd~~ 12th¹ day ~~after the last day for the~~
17 filing of petitions for candidates seeking election as a member of a
18 board of education at] ¹~~preceding~~ after the last day for the filing
19 of petitions for candidates seeking election as a member of a board
20 of education at¹ the November election, as applicable. The last day
21 upon which a candidate whose petition of nomination or any
22 affidavit thereto is defective may amend such petition or affidavit
23 shall be the 44th day before the April election or the ~~10th~~ ¹~~54th~~
24 10th¹ day ~~after the last day for the filing of petitions for candidates~~
25 seeking election as a member of a board of education at]
26 ¹~~preceding~~ after the last day for the filing of petitions for
27 candidates seeking election as a member of a board of education at¹
28 the November election, as applicable.

29 ¹In each school district in which candidates for the office of
30 member of a board of education will seek election at the November
31 school election, the school business administrator thereof shall
32 certify to the county clerk no later than the day of the holding of the
33 primary election for the general election next occurring a statement
34 designating the public offices to be filled at such election, and the
35 number of such offices to be filled.¹

36 (cf: P.L.2011, c.202, s.36)

37

38 ¹2. N.J.S.18A:12-15 is amended to read as follows:

39 18A:12-15. Vacancies in the membership of the board shall be
40 filled as follows:

41 a. By the county superintendent, if the vacancy is caused by the
42 absence of candidates for election to the school board or by the
43 removal of a member because of lack of qualifications, or is not
44 filled within 65 days following its occurrence;

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

1 c. By special election, if in the annual school election two or
2 more candidates qualified by law for membership on the school
3 board receive an equal number of votes. Such special election shall
4 be held only upon recount and certification by the county board of
5 elections of such election result, shall be restricted to such
6 candidates, shall be held within 60 days of the annual school
7 election, and shall be conducted in accordance with procedures for
8 annual and special school elections set forth in Title 19 of the
9 Revised Statutes. The vacancy shall be filled by the county
10 superintendent if in such special election two or more candidates
11 qualified by law for membership on the school board receive an
12 equal number of votes;

13 d. By special election if there is a failure to elect a member at
14 the annual school election due to improper election procedures.
15 Such special election shall be restricted to those persons who were
16 candidates at such annual school election, shall be held within 60
17 days of such annual school election, and shall be conducted in
18 accordance with the procedures for annual and special school
19 elections set forth in Title 19 of the Revised Statutes;

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

22 f. By a majority vote of the remaining members of the board
23 after the vacancy occurs in all other cases.

24 Each member so appointed shall serve until the organizational
25 meeting following the next annual election unless ~~he~~ the member
26 is appointed to fill a vacancy occurring within the 60 days
27 immediately preceding such election if the annual election is held in
28 April, or occurring after the third Monday in July if the election is
29 held in November, to fill a term extending beyond such election, in
30 which case ~~he~~ the member shall serve until the organizational
31 meeting following the second annual election next succeeding the
32 occurrence of the vacancy, and any vacancy for the remainder of the
33 term shall be filled at the annual election or the second annual
34 election next succeeding the occurrence of the vacancy, as the case
35 may be.¹

36 (cf: P.L.1996, c.153, s.1.)

37

38 ¹3. N.J.S.18A:13-34 is amended to read as follows:

39 18A:13-34. If the boards of education of two or more local
40 districts, or the board of education of a consolidated district, or of a
41 district comprising two or more municipalities, and the
42 commissioner or his representative, after consultation, study and
43 investigation, shall determine, that it is advisable for such districts
44 to join and create, or for such district to become

45 (a) an all purpose regional school district for all the school
46 purposes of such districts or district, or

47 (b) a limited purpose regional school district to provide and
48 operate, in the territory comprised within such local districts or

1 district, one or more of the following: elementary schools, junior
2 high schools, high schools, vocational schools, special schools,
3 health facilities or particular educational services or facilities, that
4 board or boards shall by resolution frame and adopt a proposal to
5 that effect stating also the manner in which the amounts to be raised
6 for annual or special appropriations for such proposed regional
7 school district, including the amounts to be raised for interest upon,
8 and the redemption of bonds payable by the regional district, shall
9 be apportioned upon the basis of:

10 a. the portion of each municipality's equalized valuation
11 allocated to the regional district, calculated as described in the
12 definition of equalized valuation in section 3 of P.L.1990, c.52
13 (C.18A:7D-3);

14 b. the proportional number of pupils enrolled from each
15 municipality on the 15th day of October of the prebudget year in the
16 same manner as would apply if each municipality comprised
17 separate constituent school districts; or

18 c. any combination of apportionment based upon equalized
19 valuations pursuant to subsection a. of this section or pupil
20 enrollments pursuant to subsection b. of this section, and each such
21 board shall **【call for a special school election to be held upon】**
22 submit on the same day in each municipality in its district **【and**
23 **shall submit thereat】** at a special election or at the general election
24 the question whether or not the proposal shall be approved, briefly
25 describing the contents of the resolution and stating the date of its
26 adoption and they may submit also, at the special election, as part of
27 such proposal, any other provisions which may be submitted, at
28 such a special election, under the provisions of this chapter but no
29 such special election shall be held on any day before April 15 or
30 after December 1 of any calendar year. Except as otherwise
31 provided herein, the special election shall be conducted in
32 accordance with the provisions of P.L.1995, c.278 (C.19:60-1 et
33 al.).¹

34 (cf: P.L.1995, c.278, s.33)

35

36 ^{14.} R.S.19:13-16 is amended to read as follows:

37 19:13-16. When a person nominated as herein provided by direct
38 petition or State convention for election to public office at the
39 general election shall, at least **【60】** 70 days before the day of the
40 general election, in a writing signed by him and duly acknowledged,
41 notify the officer with whom the original petition or certificate of
42 nomination was filed that he declines the nomination, the
43 nomination shall be void.¹

44 (cf: P.L.1985, c.92, s.12)

45

46 ^{15.} Section 1 of P.L.2011, c.202 (C.19:60-1.1) is amended to
47 read as follows:

1 1. a. (1) The question of moving the date of a school district's
2 annual school election to the first Tuesday after the first Monday in
3 November, to be held simultaneously with the general election,
4 shall be submitted to the legal voters of a local or regional school
5 district, other than a Type II district with a board of school estimate,
6 whenever a petition signed by not less than 15% of the number of
7 legally qualified voters who voted in the district at the last
8 preceding general election held for the election of electors for
9 President and Vice-President of the United States is filed with the
10 board of education. The question shall be submitted to the voters of
11 the district at the next general election, provided that at least 60
12 days have lapsed since the date of the filing of the petition. In the
13 event that the question is not approved by the voters, no petition
14 may be filed to submit the question to the voters within one year
15 after an election shall have been held pursuant to any petition filed
16 pursuant to this subsection.

17 The date of the annual school election may be moved to the first
18 Tuesday after the first Monday in November without voter
19 approval, upon the adoption of a resolution by the board of
20 education of a local or regional school district, other than a Type II
21 district with a board of school estimate, or the governing body or
22 bodies of the municipality or municipalities constituting the district.
23 Prior to holding a meeting for the adoption of the resolution to
24 move the date of the annual school election, the governing body or
25 bodies of the municipality or municipalities constituting the district
26 shall provide adequate notice of the meeting to the affected board or
27 boards of education.

28 (2) In the event that the date of a school district's annual school
29 election is moved to the day of the general election, the annual
30 school election in November shall be held for the purpose of
31 submitting a proposal to the voters for approval of additional funds
32 pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996,
33 c.138 (C.18A:7F-5), for the purpose of electing members of the
34 board of education, and for any other purpose authorized by law. A
35 vote shall not be required on the district's general fund tax levy for
36 the budget year, other than the general fund tax levy required to
37 support a proposal for additional funds.

38 (3) In addition to the process set forth in paragraph (1) of this
39 subsection, in the event that all the constituent districts of a limited
40 purpose regional school district approve moving the date of their
41 annual school elections to November, by any of the procedures
42 established pursuant to this subsection, then the annual school
43 election for the limited purpose regional school district shall also be
44 conducted simultaneously with the general election.

45 (4) In the event that the date of a school district's annual school
46 election is moved to the day of the general election pursuant to this
47 subsection, the board of education and the county board of elections
48 shall enter into an agreement, pursuant to guidelines established by

1 the Secretary of State, under which the board of education shall pay
2 any agreed upon increase in the costs, charges, and expenses that
3 may be associated with holding the school election simultaneously
4 with the general election.

5 b. (1) In the case of a school district that has moved the date of
6 its annual school election to November pursuant to subsection a. of
7 this section, the question of moving the date of the school district's
8 annual school election to the third Tuesday in April shall be
9 submitted to the legal voters of a local or regional school district,
10 other than a Type II district with a board of school estimate,
11 whenever a petition signed by not less than 15% of the number of
12 legally qualified voters who voted in the district at the last
13 preceding general election held for the election of electors for
14 President and Vice-President of the United States is filed with the
15 board of education. The question shall be submitted to the voters of
16 the district at the next general election, provided that at least 60
17 days have lapsed since the date of the filing of the petition.

18 The date of the annual school election may be moved to the third
19 Tuesday in April without voter approval, upon the adoption of a
20 resolution by the board of education of a local or regional school
21 district, other than a Type II district with a board of school estimate,
22 or the governing body or bodies of the municipality or
23 municipalities constituting the district. Prior to holding a meeting
24 for the adoption of the resolution to move the date of the annual
25 school election, the governing body or bodies of the municipality or
26 municipalities constituting the district shall provide adequate notice
27 of the meeting to the affected board or boards of education.

28 No resolution may be adopted and no petition may be filed
29 pursuant to this subsection until at least four annual school elections
30 have been held in November.

31 (2) In the event that the date of the annual school election is
32 moved to the third Tuesday in April, a vote shall be held on the
33 district's general fund tax levy for the budget year including any
34 proposal for additional funds pursuant to paragraph (9) of
35 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), the
36 election of members of the board of education, and for any other
37 purpose authorized by law.

38 (3) In addition to the process set forth in paragraph (1) of this
39 subsection, in the event that all the constituent districts of a limited
40 purpose regional school district approve moving the date of their
41 annual school elections to the third Tuesday in April, by any of the
42 procedures established pursuant to this subsection, then the annual
43 school election for the limited purpose regional school district shall
44 also be conducted on the third Tuesday in April.

45 c. Notice, in writing, to change the date of a school election
46 from the third Tuesday in April to the first Tuesday in November
47 shall be given to the county clerk no less than 60 days prior to the
48 third Tuesday in April to take effect for that year's election. For a

S2086 [1R]

7

1 change from the first Tuesday in November to the third Tuesday in
2 April, notice must be given to the county clerk no less than 85 days
3 prior to the third Tuesday in April to take effect for that year's
4 election. Timely notice shall also be given by the board of
5 education or municipal governing body adopting such resolution to
6 any other affected boards of education and municipal governing
7 bodies.¹

8 (cf: P.L.2012, c.78, s.8)

9

10 ¹**[2.]** 6.¹ This act shall take effect on January 1st following the
11 day of enactment.

12

13

14

15

16 Changes deadline for filing nominating petitions for school board
17 candidates to last Monday in July; revises procedure for filling
18 school board candidate vacancy; and revises certain other election
19 procedures.

SENATE, No. 2086

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED JUNE 18, 2012

Sponsored by:
Senator JIM WHELAN
District 2 (Atlantic)

SYNOPSIS

Changes deadline for filing nominating petitions for school board candidates to match filing deadline for nominating petitions for other candidates seeking elective public office.

CURRENT VERSION OF TEXT

As introduced.



S2086 WHELAN

2

1 AN ACT concerning petitions of nomination for candidates seeking
2 election as members of boards of education and amending
3 P.L.1995, c.278.

4

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

7

8 1. Section 7 of P.L.1995, c.278 (C.19:60-7) is amended to read
9 as follows:

10 7. Each candidate to be voted upon at a school election shall be
11 nominated directly by petition, and the procedures for such
12 nomination shall, to the extent not inconsistent with the provisions
13 of P.L.1995, c.278 (C.19:60-1 et al.), conform to the procedure for
14 nominating candidates by direct petition under chapter 13 of Title
15 19 of the Revised Statutes. Notwithstanding the provisions of
16 R.S.19:13-5, however, a petition of nomination for such office shall
17 be signed by at least 10 persons, one of whom may be the
18 candidate, and filed with the secretary of the board of education on
19 or before four p.m. of the 50th day preceding the date of the April
20 school election or with the county clerk on or before four p.m. of
21 the 64th day **[**of the holding of the primary election for the general
22 election for candidates seeking election as a member of a board of
23 education at **]** preceding the November school election, as
24 applicable. The signatures need not all appear upon a single petition
25 and any number of petitions may be filed on behalf of any candidate
26 but no petition shall contain the endorsement of more than one
27 candidate.

28 Any candidate may withdraw as a candidate in a school election
29 by filing a notice in writing, signed by the candidate, of such
30 withdrawal with the secretary of the board of education before the
31 44th day before the date of the April election or with the county
32 clerk on the 60th day before the date of the November election, as
33 applicable, and thereupon the name of that candidate shall be
34 withdrawn by the secretary of the board of education and shall not
35 be printed on the ballot.

36 A vacancy created by a declination of nomination or withdrawal
37 by, or death of, a nominee, or in any other manner, shall be
38 ineligible to be filled under the provisions of R.S.19:13-19 or
39 otherwise.

40 Whenever written objection to a petition of nomination
41 hereunder shall have been made and timely filed with the secretary
42 of the board of education or with the county clerk, as may be
43 appropriate, the board of education shall file its determination of the
44 objection on or before the 44th day preceding the April school
45 election or the county clerk shall file the clerk's determination of

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 the objection on or before the ~~10th~~ 61st day ~~after the last day for~~
2 the filing of petitions for candidates seeking election as a member
3 of a board of education at] preceding the November school
4 election, as applicable. The last day upon which a candidate may
5 file with the Superior Court a verified complaint setting forth any
6 invasion or threatened invasion of the candidate's rights under the
7 candidate's petition of nomination shall be the 46th day before the
8 April election or the ~~12th~~ 52nd day ~~after the last day for the~~
9 filing of petitions for candidates seeking election as a member of a
10 board of education at] preceding the November election, as
11 applicable. The last day upon which a candidate whose petition of
12 nomination or any affidavit thereto is defective may amend such
13 petition or affidavit shall be the 44th day before the April election
14 or the ~~10th~~ 54th day ~~after the last day for the filing of petitions~~
15 for candidates seeking election as a member of a board of education
16 at] preceding the November election, as applicable.

17 (cf: P.L.2011, c.202, s.36)

18

19 2. This act shall take effect on January 1st following the day of
20 enactment.

21

22

23

STATEMENT

24

25 The purpose of this bill is to change the deadline for filing
26 petitions of nomination for candidates seeking election as members
27 of boards of education so that it matches the deadline for filing
28 petitions of nomination for other candidates seeking elective public
29 office in this State.

30 Specifically, the bill changes the filing deadline for candidates in
31 school board elections from no later than 4 p.m. of the day of the
32 holding of the primary election for the general election to no later
33 than 4 p.m. of the 64th day preceding the holding of the school
34 election at the general election. The bill also changes other
35 deadlines relating to petitions of nomination to make those
36 deadlines match the deadlines established in current law for
37 candidates for other elective public offices.

38 The bill would take effect on January 1st following the day of its
39 enactment.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 2086

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 6, 2013

The Senate Education Committee favorably reports Senate Bill No. 2086 with committee amendments.

As amended, this bill changes the deadline for filing petitions of nomination for candidates seeking election as members of boards of education at the November school election. Specifically, the bill changes the filing deadline for candidates in school board elections in November from no later than 4 p.m. of the day of the holding of the primary election for the general election to no later than 4 p.m. of the last Monday of July. The bill also provides that the school business administrator will certify to the county clerk no later than the day of the holding of the primary election a statement designating the public offices to be filled at the general election and the number of such offices to be filled.

The bill would take effect on January 1st following the day of its enactment.

The committee amended the bill to:

- Change the date by which nominating petitions for candidates for school board membership must be filed for the November school election;
- Provide that a vacancy created by a declination of nomination or withdrawal or death of a nominee for school board membership must be filled under the provisions of R.S.19:13-19. Under R.S.19:13-19 a new petition of nomination must be filed no later than 64 days before the date of the election;
- Provide that certain dates regarding petitions of nomination will be the dates set forth in current law, rather than the adjusted dates provided in the bill as originally introduced;
- Require the school business administrator in a district with a November school election to certify to the county clerk no later than the day of the primary election for the general election a statement designating the public offices to be filled at the election and the number of the offices to be filled;

- Clarify the length of service for a school board member appointed to fill a seat that becomes vacant after the third Monday in July if the annual school election in the district occurs in November;
- Provide that when a person nominated for election to public office at the general election notifies the appropriate election officer at least 70 days before the election, rather than the current 60 days, that he declines the nomination, the nomination will be void;
- Provide that if a municipality determines to move the annual school election, then prior to holding the meeting for the adoption of a resolution to do so, the municipality must provide adequate notice of the meeting to the appropriate board of education; and
- Provide that an election on a proposal to create a new regional school district could be held at the date of the general election. Current law allows for the proposal to be voted upon only at a special election.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2086

STATE OF NEW JERSEY

DATED: NOVEMBER 25, 2013

The Assembly Education Committee reports favorably Senate Bill No. 2086 (1R).

This bill changes the deadline for filing petitions of nomination for candidates seeking election as members of boards of education at the November school election. Specifically, the bill changes the filing deadline for candidates in school board elections in November from no later than 4 p.m. of the day of the holding of the primary election for the general election to no later than 4 p.m. of the last Monday of July. The bill also provides that the school business administrator will certify to the county clerk no later than the day of the holding of the primary election a statement designating the public offices to be filled at the general election and the number of such offices to be filled.

The bill also does the following:

- provides that a vacancy created by a declination of nomination or withdrawal or death of a nominee for school board membership must be filled under the provisions of R.S.19:13-19. Under R.S.19:13-19 a new petition of nomination must be filed no later than 64 days before the date of the election;
- clarifies the length of service for a school board member appointed to fill a seat that becomes vacant after the third Monday in July if the annual school election in the district occurs in November;
- provide that when a person nominated for election to public office at the general election notifies the appropriate election officer at least 70 days before the election, rather than the current 60 days, that he declines the nomination, the nomination will be void;
- provides that if a municipality determines to move the annual school election, then prior to holding the meeting for the adoption of a resolution to do so, the municipality must provide adequate notice of the meeting to the appropriate board of education; and
- provides that an election on a proposal to create a new regional school district could be held at the date of the general election. Current law allows for the proposal to be voted upon only at a special election.

The bill would take effect on January 1st following the day of its enactment.

As reported by committee, this bill is identical to Assembly Bill No. 3424 with Assembly committee amendments, which also was reported by the committee on this same date.

ASSEMBLY, No. 3424

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED NOVEMBER 19, 2012

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

Assemblywoman Jasey

SYNOPSIS

Changes deadline for filing nominating petitions for school board candidates to match filing deadline for nominating petitions for other candidates seeking elective public office.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/26/2013)

1 AN ACT concerning petitions of nomination for candidates seeking
2 election as members of boards of education and amending
3 P.L.1995, c.278.

4

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

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9 as follows:

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11 nominated directly by petition, and the procedures for such
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14 nominating candidates by direct petition under chapter 13 of Title
15 19 of the Revised Statutes. Notwithstanding the provisions of
16 R.S.19:13-5, however, a petition of nomination for such office shall
17 be signed by at least 10 persons, one of whom may be the
18 candidate, and filed with the secretary of the board of education on
19 or before four p.m. of the 50th day preceding the date of the April
20 school election or with the county clerk on or before four p.m. of
21 the 64th day **of the holding of the primary election for the general**
22 **election for candidates seeking election as a member of a board of**
23 **education at** preceding the November school election, as
24 applicable. The signatures need not all appear upon a single petition
25 and any number of petitions may be filed on behalf of any candidate
26 but no petition shall contain the endorsement of more than one
27 candidate.

28 Any candidate may withdraw as a candidate in a school election
29 by filing a notice in writing, signed by the candidate, of such
30 withdrawal with the secretary of the board of education before the
31 44th day before the date of the April election or with the county
32 clerk on the 60th day before the date of the November election, as
33 applicable, and thereupon the name of that candidate shall be
34 withdrawn by the secretary of the board of education and shall not
35 be printed on the ballot.

36 A vacancy created by a declination of nomination or withdrawal
37 by, or death of, a nominee, or in any other manner, shall be
38 ineligible to be filled under the provisions of R.S.19:13-19 or
39 otherwise.

40 Whenever written objection to a petition of nomination
41 hereunder shall have been made and timely filed with the secretary
42 of the board of education or with the county clerk, as may be
43 appropriate, the board of education shall file its determination of the
44 objection on or before the 44th day preceding the April school
45 election or the county clerk shall file the clerk's determination of
46 the objection on or before the **10th** 61st day **after the last day for**

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 the filing of petitions for candidates seeking election as a member
2 of a board of education at] preceding the November school
3 election, as applicable. The last day upon which a candidate may
4 file with the Superior Court a verified complaint setting forth any
5 invasion or threatened invasion of the candidate's rights under the
6 candidate's petition of nomination shall be the 46th day before the
7 April election or the [12th] 52nd day [after the last day for the
8 filing of petitions for candidates seeking election as a member of a
9 board of education at] preceding the November election, as
10 applicable. The last day upon which a candidate whose petition of
11 nomination or any affidavit thereto is defective may amend such
12 petition or affidavit shall be the 44th day before the April election
13 or the [10th] 54th day [after the last day for the filing of petitions
14 for candidates seeking election as a member of a board of education
15 at] preceding the November election, as applicable.
16 (cf: P.L.2011, c.202, s.36)

17

18 2. This act shall take effect on January 1st following the day of
19 enactment.

20

21

22

STATEMENT

23

24 The purpose of this bill is to change the deadline for filing
25 petitions of nomination for candidates seeking election as members
26 of boards of education so that it matches the deadline for filing
27 petitions of nomination for other candidates seeking elective public
28 office in this State.

29 Specifically, the bill changes the filing deadline for candidates in
30 school board elections from no later than 4 p.m. of the day of the
31 holding of the primary election for the general election to no later
32 than 4 p.m. of the 64th day preceding the holding of the school
33 election at the general election. The bill also changes other
34 deadlines relating to petitions of nomination to make those
35 deadlines match the deadlines established in current law for
36 candidates for other elective public offices.

37 The bill would take effect on January 1st following the day of its
38 enactment.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3424

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 25, 2013

The Assembly Education Committee reports favorably Assembly Bill No. 3424 with committee amendments.

As amended, this bill changes the deadline for filing petitions of nomination for candidates seeking election as members of boards of education at the November school election. Specifically, the bill changes the filing deadline for candidates in school board elections in November from no later than 4 p.m. of the day of the holding of the primary election for the general election to no later than 4 p.m. of the last Monday of July. The bill also provides that the school business administrator will certify to the county clerk no later than the day of the holding of the primary election a statement designating the public offices to be filled at the general election and the number of such offices to be filled.

The bill would take effect on January 1st following the day of its enactment.

The committee amended the bill to:

- change the date by which nominating petitions for candidates for school board membership must be filed for the November school election;
- provide that a vacancy created by a declination of nomination or withdrawal or death of a nominee for school board membership must be filled under the provisions of R.S.19:13-19. Under R.S.19:13-19 a new petition of nomination must be filed no later than 64 days before the date of the election;
- provide that certain dates regarding petitions of nomination will be the dates set forth in current law, rather than the adjusted dates provided in the bill as originally introduced;
- require the school business administrator in a district with a November school election to certify to the county clerk no later than the day of the primary election for the general election a statement designating the public offices to be filled at the election and the number of the offices to be filled;

- clarify the length of service for a school board member appointed to fill a seat that becomes vacant after the third Monday in July if the annual school election in the district occurs in November;
- provide that when a person nominated for election to public office at the general election notifies the appropriate election officer at least 70 days before the election, rather than the current 60 days, that he declines the nomination, the nomination will be void;
- provide that if a municipality determines to move the annual school election, then prior to holding the meeting for the adoption of a resolution to do so, the municipality must provide adequate notice of the meeting to the appropriate board of education; and
- provide that an election on a proposal to create a new regional school district could be held at the date of the general election. Current law allows for the proposal to be voted upon only at a special election.

As amended and reported by committee, this bill is identical to Senate Bill No. 2086 (1R), which was also reported by the committee on this same date.