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"Christie signs 10 bills into law," NorthJersey.com, August 18, 2016

"Christie signs legislation boosting benefits for children of fallen troopers," Burlington County Times, August 19, 2016

"Signed into law on Thursday," Herald News, August 19, 2016

"Christie signs off on Nov. 8 Perth Amboy Board of Ed election," myCentralJersey.com, August 19, 2016

RWH/JA

P.L.2016, CHAPTER 27, *approved August 18, 2016*
Senate, No. 2099 (*Second Reprint*)

1 AN ACT concerning ²the date of² annual school district elections
2 and ²[amending P.L.2011, c.202 and P.L.2012, c.78] creating
3 the School District Annual Election Study Commission².
4

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

8 ²[1. Section 1 of P.L.2011, c.202, (C.19:60-1.1) is amended to
9 read as follows:

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

26 The date of the annual school election may be moved to the first
27 Tuesday after the first Monday in November without voter
28 approval, upon the adoption of a resolution by the board of
29 education of a local or regional school district, other than a Type II
30 district with a board of school estimate, or the governing body or
31 bodies of the municipality or municipalities constituting the district.
32 Prior to holding a meeting for the adoption of the resolution to
33 move the date of the annual school election, the governing body or
34 bodies of the municipality or municipalities constituting the district
35 shall provide adequate notice of the meeting to the affected board or
36 boards of education.

37 (2) In the event that the date of a school district's annual school
38 election is moved to the day of the general election, the annual

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 floor amendments adopted May 9, 2016.

²Assembly AJU committee amendments adopted June 20, 2016.

1 school election in November shall be held for the purpose of
2 submitting a proposal to the voters for approval of additional funds
3 pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996,
4 c.138 (C.18A:7F-5), for the purpose of electing members of the
5 board of education, and for any other purpose authorized by law. A
6 vote shall not be required on the district's general fund tax levy for
7 the budget year, other than the general fund tax levy required to
8 support a proposal for additional funds.

9 (3) In addition to the process set forth in paragraph (1) of this
10 subsection, in the event that all the constituent districts of a limited
11 purpose regional school district approve moving the date of their
12 annual school elections to November, by any of the procedures
13 established pursuant to this subsection, then the annual school
14 election for the limited purpose regional school district shall also be
15 conducted simultaneously with the general election.

16 (4) In the event that the date of a school district's annual school
17 election is moved to the day of the general election pursuant to this
18 subsection, the board of education and the county board of elections
19 shall enter into an agreement, pursuant to guidelines established by
20 the Secretary of State, under which the board of education shall pay
21 any agreed upon increase in the costs, charges, and expenses that
22 may be associated with holding the school election simultaneously
23 with the general election.

24 b. [(1) In the case of a school district that has moved the date of
25 its annual school election to November pursuant to subsection a. of
26 this section, the question of moving the date of the school district's
27 annual school election to the third Tuesday in April shall be
28 submitted to the legal voters of a local or regional school district,
29 other than a Type II district with a board of school estimate,
30 whenever a petition signed by not less than 15% of the number of
31 legally qualified voters who voted in the district at the last
32 preceding general election held for the election of electors for
33 President and Vice-President of the United States is filed with the
34 board of education. The question shall be submitted to the voters of
35 the district at the next general election, provided that at least 60
36 days have lapsed since the date of the filing of the petition.

37 The date of the annual school election may be moved to the third
38 Tuesday in April without voter approval, upon the adoption of a
39 resolution by the board of education of a local or regional school
40 district, other than a Type II district with a board of school estimate,
41 or the governing body or bodies of the municipality or
42 municipalities constituting the district. Prior to holding a meeting
43 for the adoption of the resolution to move the date of the annual
44 school election, the governing body or bodies of the municipality or
45 municipalities constituting the district shall provide adequate notice
46 of the meeting to the affected board or boards of education.

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

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

11 (3) In addition to the process set forth in paragraph (1) of this
12 subsection, in the event that all the constituent districts of a limited
13 purpose regional school district approve moving the date of their
14 annual school elections to the third Tuesday in April, by any of the
15 procedures established pursuant to this subsection, then the annual
16 school election for the limited purpose regional school district shall
17 also be conducted on the third Tuesday in April. **】** (Deleted by
18 amendment, P.L. , c.) (pending before the Legislature as this bill)

19 c. Notice, in writing, to change the date of a school election
20 from the third Tuesday in April to the first Tuesday in November
21 shall be given to the county clerk no less than 60 days prior to the
22 third Tuesday in April to take effect for that year's election. **【**For a
23 change from the first Tuesday in November to the third Tuesday in
24 April, notice must be given to the county clerk no less than 85 days
25 prior to the third Tuesday in April to take effect for that year's
26 election.**】** Timely notice shall also be given by the board of
27 education or municipal governing body adopting such resolution to
28 any other affected boards of education and municipal governing
29 bodies.

30 (cf: P.L.2013, c.172, s.5)**】**²

31

32 ²**【**2.Section 1 of P.L.2012, c.78, (C.19:60-1.2) is amended to
33 read as follows:

34 1. a. Notwithstanding any other law or regulation to the
35 contrary, a Type II district with a board of school estimate may
36 move the date of the school district's annual school election
37 pursuant to the provisions of section 1 of P.L.2011, c.202 (C.19:60-
38 1.1).

39 b. Notwithstanding any other law or regulation to the contrary,
40 in the event that the date of the annual school election is moved to
41 the day of the general election in a Type II district with a board of
42 school estimate, the election shall be held for the purpose of
43 electing members of the board of education and for any other
44 purpose authorized by law. The board of school estimate shall not
45 determine the district's general fund tax levy for the budget year,
46 other than the general fund tax levy required to support a proposal
47 for additional funds pursuant to paragraph (9) of subsection d. of
48 section 5 of P.L.1996, c.138 (C.18A:7F-5).

1 c. **【Notwithstanding any other law or regulation to the**
 2 **contrary, in a Type II district with a board of school estimate that**
 3 **has moved the date of its annual school election to November and**
 4 **subsequently moves the annual school election to the third Tuesday**
 5 **in April, a vote shall be held for the purpose of electing members of**
 6 **the board of education and for any other purpose authorized by law.**
 7 **The board of school estimate shall determine the district's general**
 8 **fund tax levy for the budget year, including any proposal for**
 9 **additional funds pursuant to paragraph (9) of subsection d. of**
 10 **section 5 of P.L.1996, c.138 (C.18A:7F-5).】** (Deleted by
 11 amendment, P.L. , c.) (pending before the Legislature as this bill)
 12 (cf: P.L.2012, c.78, s.1)²】

13
 14 ²**【3.】** 1.² When the date of an annual school election has been
 15 moved pursuant to section 1 of P.L.2011, c.202 (C.19:60-1.1) to the
 16 first Tuesday after the first Monday in November from the third
 17 Tuesday in April for a school district, or a Type II school district
 18 with a board of school estimate, ²**【prior to the effective date of P.L.**
 19 **, c. (pending before the Legislature as this bill),】²** any petition
 20 filed or resolution adopted by a board of education or a municipal
 21 government, or action taken by a Type II school district with a
 22 board of school estimate, after ²**【January 1, 2016】** June 1, 2016²
 23 but prior to ²**【the effective date of P.L. , c. (pending before the**
 24 **Legislature as this bill)】** May 31, 2018² pursuant to subsection b. of
 25 section 1 of P.L.2011, c.202 (C.19:60-1.1) to move the election
 26 from the first Tuesday after the first Monday in November to the
 27 third Tuesday in April shall be invalid and without effect ²**【¹,**
 28 except that this section shall not apply to any school district that has
 29 held an election in April, pursuant to subsection b. of section 1 of
 30 P.L.2011, c.202 (C.19:60-1.1), after January 1, 2016 but prior to the
 31 effective date of P.L. , c. (pending before the Legislature as this
 32 bill)¹】². No action shall be taken by any public employee or official
 33 after the effective date of P.L. , c. (pending before the Legislature
 34 as this bill) to effectuate or implement the purpose of such a
 35 petition, resolution, or action, including any proceeding in progress
 36 for the holding of an election in April for a school district or a Type
 37 II school district with a board of school estimate. Appropriate
 38 written notices shall be given to relevant boards of education,
 39 boards of school estimate, municipal governing bodies, and petition
 40 circulators by the appropriate board or governing body that a
 41 petition or resolution has been invalidated by this section.

42
 43 ²2. a. There is established a School District Annual Election
 44 Study Commission. The purpose of the commission shall be to
 45 study: (1) the voter turnout data and the fiscal impact and cost
 46 savings of moving the date of the annual school election for school
 47 districts to the first Tuesday after the first Monday in November, to

1 be held simultaneously with the general election; (2) the voter
2 turnout estimates and implications and the fiscal impact and cost
3 savings of moving the date of the annual school election for school
4 districts from the first Tuesday after the first Monday in November
5 to the third Tuesday in April; and (3) the implications of moving the
6 annual election as described in (1) and (2) on proposed school
7 budgets.

8 b. The commission shall consist of 10 members as follows:
9 Two members, to be appointed by the Governor, including the
10 Secretary of State who shall serve ex officio, or the Secretary's
11 designee;

12 Two members, to be appointed by the President of the Senate,
13 including one member upon the recommendation of the New Jersey
14 School Boards Association;

15 Two members, to be appointed by the Speaker of the General
16 Assembly, including one member upon the recommendation of the
17 New Jersey League of Municipalities;

18 Two members, to be appointed by the Minority Leader of the
19 Senate, including one member upon the recommendation of the
20 New Jersey Association of Election Officials; and

21 Two members, to be appointed by the Minority Leader of the
22 General Assembly, including one member upon the
23 recommendation of the New Jersey Association of Counties.

24 Vacancies in the membership of the commission shall be filled in
25 the same manner provided for the original appointments.

26 c. All appointments to the commission shall be made not later
27 than the 30th day after the effective date of this act. The
28 commission shall convene its first meeting within 15 days following
29 the date on which the majority of its members have been appointed.

30 The members of the commission shall select a chairperson and a
31 vice-chairperson from among the membership.

32 A majority of the authorized membership of the commission
33 shall constitute a quorum for the transaction of any business.

34 The chairperson may appoint a secretary who need not be a
35 member of the commission. The Department of State shall provide
36 professional and clerical support to the commission.

37 The members shall serve without compensation, but may be
38 reimbursed for expenses incurred in the performance of their duties,
39 except for the Secretary of State, within the limits of funds
40 appropriated or made available for such a purpose.

41 The commission shall hold at least one public hearing in a place
42 and at a time convenient for the participation of members of the
43 public. The public hearing shall take place in a county in the central
44 region of this State.

45 The commission shall also be entitled to call to its assistance and
46 avail itself of the services of the employees of any State department,
47 board, bureau, commission, or agency as it may require and as may
48 be available to it for its purposes.

1 d. The commission shall issue, within 10 months from the date of
2 its first meeting, a final report to the Governor, and the Legislature
3 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), detailing
4 its findings. Following the issuance of its final report, the
5 commission shall convene at the call of the chairperson to consider
6 and respond to any written request submitted to it by a legislator or
7 officer or employee of the Executive Branch of State government
8 on any issue or item.

9 The commission shall expire six months after the date of
10 issuance of its final report.²

11

12 ²[4.] 3.² This act shall take effect immediately.

13

14

15

16

17 Places two-year moratorium on moving date of Type II school
18 district's annual school election from day of general election in
19 November back to third Tuesday in April; creates study
20 commission.

SENATE, No. 2099

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED MAY 2, 2016

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Senator Whelan

SYNOPSIS

Removes authorization for moving date of Type II school district's annual school election from day of general election in November back to third Tuesday in April.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning annual school district elections and amending
2 P.L.2011, c.202 and P.L.2012, c.78.

3

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

6

7 1. Section 1 of P.L.2011, c.202, (C.19:60-1.1) is amended to
8 read as follows:

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

25 The date of the annual school election may be moved to the first
26 Tuesday after the first Monday in November without voter
27 approval, upon the adoption of a resolution by the board of
28 education of a local or regional school district, other than a Type II
29 district with a board of school estimate, or the governing body or
30 bodies of the municipality or municipalities constituting the district.
31 Prior to holding a meeting for the adoption of the resolution to
32 move the date of the annual school election, the governing body or
33 bodies of the municipality or municipalities constituting the district
34 shall provide adequate notice of the meeting to the affected board or
35 boards of education.

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

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

8 (4) In the event that the date of a school district's annual school
9 election is moved to the day of the general election pursuant to this
10 subsection, the board of education and the county board of elections
11 shall enter into an agreement, pursuant to guidelines established by
12 the Secretary of State, under which the board of education shall pay
13 any agreed upon increase in the costs, charges, and expenses that
14 may be associated with holding the school election simultaneously
15 with the general election.

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

29 The date of the annual school election may be moved to the third
30 Tuesday in April without voter approval, upon the adoption of a
31 resolution by the board of education of a local or regional school
32 district, other than a Type II district with a board of school estimate,
33 or the governing body or bodies of the municipality or
34 municipalities constituting the district. Prior to holding a meeting
35 for the adoption of the resolution to move the date of the annual
36 school election, the governing body or bodies of the municipality or
37 municipalities constituting the district shall provide adequate notice
38 of the meeting to the affected board or boards of education.

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

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

1 (3) In addition to the process set forth in paragraph (1) of this
2 subsection, in the event that all the constituent districts of a limited
3 purpose regional school district approve moving the date of their
4 annual school elections to the third Tuesday in April, by any of the
5 procedures established pursuant to this subsection, then the annual
6 school election for the limited purpose regional school district shall
7 also be conducted on the third Tuesday in April. **】** (Deleted by
8 amendment, P.L. , c.) (pending before the Legislature as this bill)

9 c. Notice, in writing, to change the date of a school election
10 from the third Tuesday in April to the first Tuesday in November
11 shall be given to the county clerk no less than 60 days prior to the
12 third Tuesday in April to take effect for that year's election. **【**For a
13 change from the first Tuesday in November to the third Tuesday in
14 April, notice must be given to the county clerk no less than 85 days
15 prior to the third Tuesday in April to take effect for that year's
16 election.**】** Timely notice shall also be given by the board of
17 education or municipal governing body adopting such resolution to
18 any other affected boards of education and municipal governing
19 bodies.

20 (cf: P.L.2013, c.172, s.5)

21

22 2. Section 1 of P.L.2012, c.78, (C.19:60-1.2) is amended to
23 read as follows:

24 1. a. Notwithstanding any other law or regulation to the
25 contrary, a Type II district with a board of school estimate may
26 move the date of the school district's annual school election
27 pursuant to the provisions of section 1 of P.L.2011, c.202 (C.19:60-
28 1.1).

29 b. Notwithstanding any other law or regulation to the contrary,
30 in the event that the date of the annual school election is moved to
31 the day of the general election in a Type II district with a board of
32 school estimate, the election shall be held for the purpose of
33 electing members of the board of education and for any other
34 purpose authorized by law. The board of school estimate shall not
35 determine the district's general fund tax levy for the budget year,
36 other than the general fund tax levy required to support a proposal
37 for additional funds pursuant to paragraph (9) of subsection d. of
38 section 5 of P.L.1996, c.138 (C.18A:7F-5).

39 c. **【**Notwithstanding any other law or regulation to the
40 contrary, in a Type II district with a board of school estimate that
41 has moved the date of its annual school election to November and
42 subsequently moves the annual school election to the third Tuesday
43 in April, a vote shall be held for the purpose of electing members of
44 the board of education and for any other purpose authorized by law.
45 The board of school estimate shall determine the district's general
46 fund tax levy for the budget year, including any proposal for
47 additional funds pursuant to paragraph (9) of subsection d. of

1 section 5 of P.L.1996, c.138 (C.18A:7F-5).] (Deleted by
2 amendment, P.L. , c.) (pending before the Legislature as this bill)
3 (cf: P.L.2012, c.78, s.1)

4
5 3. When the date of an annual school election has been moved
6 pursuant to section 1 of P.L.2011, c.202 (C.19:60-1.1) to the first
7 Tuesday after the first Monday in November from the third Tuesday
8 in April for a school district, or a Type II school district with a
9 board of school estimate, prior to the effective date of P.L. , c.
10 (pending before the Legislature as this bill), any petition filed or
11 resolution adopted by a board of education or a municipal
12 government, or action taken by a Type II school district with a
13 board of school estimate, after January 1, 2016 but prior to the
14 effective date of P.L. , c. (pending before the Legislature as this
15 bill) pursuant to subsection b. of section 1 of P.L.2011, c.202
16 (C.19:60-1.1) to move the election from the first Tuesday after the
17 first Monday in November to the third Tuesday in April shall be
18 invalid and without effect. No action shall be taken by any public
19 employee or official after the effective date of P.L. , c. (pending
20 before the Legislature as this bill) to effectuate or implement the
21 purpose of such a petition, resolution, or action, including any
22 proceeding in progress for the holding of an election in April for a
23 school district or a Type II school district with a board of school
24 estimate. Appropriate written notices shall be given to relevant
25 boards of education, boards of school estimate, municipal governing
26 bodies, and petition circulators by the appropriate board or
27 governing body that a petition or resolution has been invalidated by
28 this section.

29
30 4. This act shall take effect immediately.

31
32
33 STATEMENT

34
35 This bill removes the authorization in current law for moving the
36 date of a Type II school district's annual school election from the
37 day of the general election in November to the third Tuesday in
38 April. Therefore, once the date of a school district's annual election
39 has been moved to the date of the general election in November,
40 there will not be an opportunity to move the annual election back to
41 the third Tuesday in April, because the procedures for doing so
42 have been removed by this bill.

43 Moreover, this bill provides that when the date of an annual
44 school election has been moved November from April prior to the
45 effective date this bill, any petition filed, resolution adopted, or
46 action taken after January 1, 2016 but prior to the effective date of
47 this bill to move the election from November to April shall be
48 invalid and without effect. No action may be taken by any public

S2099 VITALE, TURNER

6

1 employee or official after the effective date of this bill to effectuate
2 or implement the purpose of such a petition, resolution, or action,
3 including any proceeding in progress for the holding of an election
4 in April.

5 Appropriate written notices are to be given to relevant boards of
6 education, boards of school estimate, municipal governing bodies,
7 and petition circulators by the appropriate board or governing body
8 that a petition or resolution has been invalidated by this section.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2099

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 20, 2016

The Assembly Judiciary Committee reports favorably and with committee amendments Senate Bill No. 2099 (1R).

Current law provides that the annual school election for a Type II school district is to occur on the third Tuesday in April, unless the date for that election has been moved to the general election in November.

This bill removes the provision in current law that permits a Type II school district to move the date of its annual school election from the day of the general election in November back to the third Tuesday in April. Under the bill, if the date of a school district's annual election has been moved to the date of the general election, it would not be possible to return the election to the third Tuesday in April.

Moreover, the bill provides that when the date of an annual school election has been moved to November from April prior to the effective date this bill, any petition filed, resolution adopted, or action taken after January 1, 2016, but prior to the effective date of this bill, to move the election from November to April would be invalid and without effect, except that this provision does not apply to any school district that has held an election in April, pursuant to subsection b. of section 1 of P.L.2011, c.202 (C.19:60-1.1), after January 1, 2016 but prior to the effective date of P.L. , c. (pending before the Legislature as this bill). No action may be taken by a public employee or official after the effective date of the bill to effectuate or implement the purpose of such a petition, resolution, or action, including any proceeding in progress for the holding of an election in April.

Appropriate written notices are to be given to relevant boards of education, boards of school estimate, municipal governing bodies, and petition circulators by the appropriate board or governing body if a petition or resolution is invalidated by this section.

As reported by the committee, Senate Bill No. 2099 (2R) is identical to Assembly Bill No. 3728 (1R) which was also reported by the committee on this date.

COMMITTEE AMENDMENTS

The amendments impose a two-year moratorium, beginning June 1, 2016 and ending May 31, 2018, on moving or attempting to move the date of a school district's annual election from the date of the general election in November back to the third Tuesday in April. The amendments remove the sections in the bill that amended two provisions of law that provide for moving the date of a school district's annual election, and remove the provision of the bill exempting a school district that has held an election in April, pursuant to subsection b. of section 1 N.J.S.A.19:60-1.1, after January 1, 2016 but prior to the effective date of this bill, in accordance with the date changes pursuant to the moratorium.

The amendments also create a School District Annual Election Study Commission. The purpose of the commission is to study: (1) the voter turnout data and the fiscal impact and cost savings of moving the date of the annual school election for school districts to the first Tuesday after the first Monday in November, to be held simultaneously with the general election; (2) the voter turnout estimates and implications and the fiscal impact and cost savings of moving the date of the annual school election for school districts from the first Tuesday after the first Monday in November to the third Tuesday in April; and (3) the implications of moving the annual election as described in (1) and (2) on proposed school budgets.

The commission will consist of 10 members. Two members are to be appointed by the Governor, including the Secretary of State, serving ex officio, or the Secretary's designee; two members are to be appointed by the President of the Senate, including one member upon the recommendation of the New Jersey School Boards Association; two members are to be appointed by the Speaker of the General Assembly, including one member upon the recommendation of the New Jersey League of Municipalities; two members are to be appointed by the Minority Leader of the Senate, including one member upon the recommendation of the New Jersey Association of Election Officials; and two members are to be appointed by the Minority Leader of the General Assembly, including one member upon the recommendation of the New Jersey Association of Counties.

All appointments are to be made within 30 days of the operative date of this act. The commission is to convene its first meeting within 15 days following the date on which the majority of its members have been appointed.

The members of the commission will select a chairperson and a vice-chairperson from among the membership, and majority of the authorized membership of the commission shall constitute a quorum for the transaction of any business.

The commission must hold at least one public hearing in a place and at a time convenient for the participation of members of the

public, which is to take place in a county in the central region of this State.

The commission is to issue, within 10 months of its first meeting, a final report to the Governor and the Legislature detailing its findings. Following the issuance of its final report, the commission is to convene to consider and respond to any written request submitted to it by a legislator or officer or employee of the Executive Branch. The commission will expire six months after the date of issuance of its final report.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE, No. 2099

STATE OF NEW JERSEY

DATED: MAY 5, 2016

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Senate Bill No. 2099.

Current law provides that the annual school election for a Type II school district is to occur on the third Tuesday in April, unless the date for that election has been moved to the general election in November.

This bill removes the provision in current law that permits a Type II school district to move the date of its annual school election from the day of the general election in November back to the third Tuesday in April. Under the bill, if the date of a school district's annual election has been moved to the date of the general election, it would not be possible to return the election to the third Tuesday in April.

Moreover, the bill provides that when the date of an annual school election has been moved to November from April prior to the effective date this bill, any petition filed, resolution adopted, or action taken after January 1, 2016, but prior to the effective date of this bill, to move the election from November to April would be invalid and without effect. No action may be taken by a public employee or official after the effective date of the bill to effectuate or implement the purpose of such a petition, resolution, or action, including any proceeding in progress for the holding of an election in April.

Appropriate written notices are to be given to relevant boards of education, boards of school estimate, municipal governing bodies, and petition circulators by the appropriate board or governing body if a petition or resolution is invalidated by this section.

STATEMENT TO
SENATE, No. 2099

with Senate Floor Amendments
(Proposed by Senator VITALE)

ADOPTED: MAY 9, 2016

This Senate floor amendment provides that section three of the bill does not apply to any school district that has held an election in April, pursuant to subsection b. of section 1 of P.L.2011, c.202 (C.19:60-1.1), after January 1, 2016 but prior to the effective date of P.L. , c. (pending before the Legislature as this bill).

ASSEMBLY, No. 3728

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MAY 19, 2016

Sponsored by:
Assemblyman TROY SINGLETON
District 7 (Burlington)

SYNOPSIS

Removes authorization for moving date of Type II school district's annual school election from day of general election in November back to third Tuesday in April.

CURRENT VERSION OF TEXT

As introduced.



A3728 SINGLETON

2

1 AN ACT concerning annual school district elections and amending
2 P.L.2011, c.202 and P.L.2012, c.78.

3

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

6

7 1. Section 1 of P.L.2011, c.202 (C.19:60-1.1) is amended to
8 read as follows:

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

25 The date of the annual school election may be moved to the first
26 Tuesday after the first Monday in November without voter
27 approval, upon the adoption of a resolution by the board of
28 education of a local or regional school district, other than a Type II
29 district with a board of school estimate, or the governing body or
30 bodies of the municipality or municipalities constituting the district.
31 Prior to holding a meeting for the adoption of the resolution to
32 move the date of the annual school election, the governing body or
33 bodies of the municipality or municipalities constituting the district
34 shall provide adequate notice of the meeting to the affected board or
35 boards of education.

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

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

8 (4) In the event that the date of a school district's annual school
9 election is moved to the day of the general election pursuant to this
10 subsection, the board of education and the county board of elections
11 shall enter into an agreement, pursuant to guidelines established by
12 the Secretary of State, under which the board of education shall pay
13 any agreed upon increase in the costs, charges, and expenses that
14 may be associated with holding the school election simultaneously
15 with the general election.

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

29 The date of the annual school election may be moved to the third
30 Tuesday in April without voter approval, upon the adoption of a
31 resolution by the board of education of a local or regional school
32 district, other than a Type II district with a board of school estimate,
33 or the governing body or bodies of the municipality or
34 municipalities constituting the district. Prior to holding a meeting
35 for the adoption of the resolution to move the date of the annual
36 school election, the governing body or bodies of the municipality or
37 municipalities constituting the district shall provide adequate notice
38 of the meeting to the affected board or boards of education.

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

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

1 (3) In addition to the process set forth in paragraph (1) of this
2 subsection, in the event that all the constituent districts of a limited
3 purpose regional school district approve moving the date of their
4 annual school elections to the third Tuesday in April, by any of the
5 procedures established pursuant to this subsection, then the annual
6 school election for the limited purpose regional school district shall
7 also be conducted on the third Tuesday in April. **】** (Deleted by
8 amendment, P.L. _____, c. _____) (pending before the Legislature as
9 this bill)

10 c. Notice, in writing, to change the date of a school election
11 from the third Tuesday in April to the first Tuesday in November
12 shall be given to the county clerk no less than 60 days prior to the
13 third Tuesday in April to take effect for that year's election. **【**For a
14 change from the first Tuesday in November to the third Tuesday in
15 April, notice must be given to the county clerk no less than 85 days
16 prior to the third Tuesday in April to take effect for that year's
17 election.**】** Timely notice shall also be given by the board of
18 education or municipal governing body adopting such resolution to
19 any other affected boards of education and municipal governing
20 bodies.

21 (cf: P.L.2013, c.172, s.5)

22

23 2. Section 1 of P.L.2012, c.78 (C.19:60-1.2) is amended to read
24 as follows:

25 1. a. Notwithstanding any other law or regulation to the
26 contrary, a Type II district with a board of school estimate may
27 move the date of the school district's annual school election
28 pursuant to the provisions of section 1 of P.L.2011, c.202 (C.19:60-
29 1.1).

30 b. Notwithstanding any other law or regulation to the contrary,
31 in the event that the date of the annual school election is moved to
32 the day of the general election in a Type II district with a board of
33 school estimate, the election shall be held for the purpose of
34 electing members of the board of education and for any other
35 purpose authorized by law. The board of school estimate shall not
36 determine the district's general fund tax levy for the budget year,
37 other than the general fund tax levy required to support a proposal
38 for additional funds pursuant to paragraph (9) of subsection d. of
39 section 5 of P.L.1996, c.138 (C.18A:7F-5).

40 c. **【**Notwithstanding any other law or regulation to the
41 contrary, in a Type II district with a board of school estimate that
42 has moved the date of its annual school election to November and
43 subsequently moves the annual school election to the third Tuesday
44 in April, a vote shall be held for the purpose of electing members of
45 the board of education and for any other purpose authorized by law.
46 The board of school estimate shall determine the district's general
47 fund tax levy for the budget year, including any proposal for
48 additional funds pursuant to paragraph (9) of subsection d. of

1 section 5 of P.L.1996, c.138 (C.18A:7F-5).] (Deleted by
2 amendment, P.L. , c.) (pending before the Legislature as
3 this bill)
4 (cf: P.L.2012, c.78, s.1)
5

6 3. When the date of an annual school election has been moved
7 pursuant to section 1 of P.L.2011, c.202 (C.19:60-1.1) to the first
8 Tuesday after the first Monday in November from the third Tuesday
9 in April for a school district, or a Type II school district with a
10 board of school estimate, prior to the effective date of P.L. ,
11 c. (pending before the Legislature as this bill), any petition
12 filed or resolution adopted by a board of education or a municipal
13 government, or action taken by a Type II school district with a
14 board of school estimate, after January 1, 2016 but prior to the
15 effective date of P.L. , c. (pending before the Legislature
16 as this bill) pursuant to subsection b. of section 1 of P.L.2011, c.202
17 (C.19:60-1.1) to move the election from the first Tuesday after the
18 first Monday in November to the third Tuesday in April shall be
19 invalid and without effect, except that this section shall not apply to
20 any school district that has held an election in April, pursuant to
21 subsection b. of section 1 of P.L.2011, c.202 (C.19:60-1.1), after
22 January 1, 2016 but prior to the effective date of P.L. ,
23 c. (pending before the Legislature as this bill). No action shall
24 be taken by any public employee or official after the effective date
25 of P.L. , c. (pending before the Legislature as this bill) to
26 effectuate or implement the purpose of such a petition, resolution,
27 or action, including any proceeding in progress for the holding of an
28 election in April for a school district or a Type II school district
29 with a board of school estimate. Appropriate written notices shall
30 be given to relevant boards of education, boards of school estimate,
31 municipal governing bodies, and petition circulators by the
32 appropriate board or governing body that a petition or resolution
33 has been invalidated by this section.
34

35 4. This act shall take effect immediately.
36
37

38 STATEMENT

39
40 This bill removes the authorization in current law for moving the
41 date of a Type II school district's annual school election from the
42 day of the general election in November to the third Tuesday in
43 April. Therefore, once the date of a school district's annual election
44 has been moved to the date of the general election in November,
45 there will not be an opportunity to move the annual election back to
46 the third Tuesday in April, because the procedures for doing so
47 have been removed by this bill.

A3728 SINGLETON

1 Moreover, this bill provides that when the date of an annual
2 school election has been moved November from April prior to the
3 effective date this bill, any petition filed, resolution adopted, or
4 action taken after January 1, 2016 but prior to the effective date of
5 this bill to move the election from November to April shall be
6 invalid and without effect; however, this provision does not apply
7 to any school district that has held an election in April, pursuant to
8 N.J.S.A.19:60-1.1, during that time. No action may be taken by any
9 public employee or official after the effective date of this bill to
10 effectuate or implement the purpose of such a petition, resolution,
11 or action, including any proceeding in progress for the holding of an
12 election in April.

13 Appropriate written notices are to be given to relevant boards of
14 education, boards of school estimate, municipal governing bodies,
15 and petition circulators by the appropriate board or governing body
16 that a petition or resolution has been invalidated by this section.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3728

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 20, 2016

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 3728.

Current law provides that the annual school election for a Type II school district is to occur on the third Tuesday in April, unless the date for that election has been moved to the general election in November.

This bill removes the provision in current law that permits a Type II school district to move the date of its annual school election from the day of the general election in November back to the third Tuesday in April. Under the bill, if the date of a school district's annual election has been moved to the date of the general election, it would not be possible to return the election to the third Tuesday in April.

Moreover, the bill provides that when the date of an annual school election has been moved to November from April prior to the effective date this bill, any petition filed, resolution adopted, or action taken after January 1, 2016, but prior to the effective date of this bill, to move the election from November to April would be invalid and without effect, except that this provision does not apply to any school district that has held an election in April, pursuant to subsection b. of section 1 of P.L.2011, c.202 (C.19:60-1.1), after January 1, 2016 but prior to the effective date of P.L. , c. (pending before the Legislature as this bill). No action may be taken by a public employee or official after the effective date of the bill to effectuate or implement the purpose of such a petition, resolution, or action, including any proceeding in progress for the holding of an election in April.

Appropriate written notices are to be given to relevant boards of education, boards of school estimate, municipal governing bodies, and petition circulators by the appropriate board or governing body if a petition or resolution is invalidated by this section.

As reported by the committee, Assembly Bill No. 3728 (1R) is identical to Senate Bill No. 2099 (2R) which was also reported by the committee on this date.

COMMITTEE AMENDMENTS

The amendments to the bill impose a two-year moratorium, beginning June 1, 2016 and ending May 31, 2018, on moving or

attempting to move the date of a school district's annual election from the date of the general election in November back to the third Tuesday in April. The amendments remove the sections in the bill that amended two provisions of law that provide for moving the date of a school district's annual election, and remove the provision of the bill exempting a school district that has held an election in April, pursuant to subsection b. of section 1 N.J.S.A.19:60-1.1, after January 1, 2016 but prior to the effective date of this bill, in accordance with the date changes pursuant to the moratorium.

The amendments also create a School District Annual Election Study Commission. The purpose of the commission is to study: (1) the voter turnout data and the fiscal impact and cost savings of moving the date of the annual school election for school districts to the first Tuesday after the first Monday in November, to be held simultaneously with the general election; (2) the voter turnout estimates and implications and the fiscal impact and cost savings of moving the date of the annual school election for school districts from the first Tuesday after the first Monday in November to the third Tuesday in April; and (3) the implications of moving the annual election as described in (1) and (2) on proposed school budgets.

The commission will consist of 10 members. Two members are to be appointed by the Governor, including the Secretary of State, serving ex officio, or the Secretary's designee; two members are to be appointed by the President of the Senate, including one member upon the recommendation of the New Jersey School Boards Association; two members are to be appointed by the Speaker of the General Assembly, including one member upon the recommendation of the New Jersey League of Municipalities; two members are to be appointed by the Minority Leader of the Senate, including one member upon the recommendation of the New Jersey Association of Election Officials; and two members are to be appointed by the Minority Leader of the General Assembly, including one member upon the recommendation of the New Jersey Association of Counties.

All appointments are to be made within 30 days of the operative date of this act. The commission is to convene its first meeting within 15 days following the date on which the majority of its members have been appointed.

The members of the commission will select a chairperson and a vice-chairperson from among the membership, and majority of the authorized membership of the commission shall constitute a quorum for the transaction of any business.

The commission must hold at least one public hearing in a place and at a time convenient for the participation of members of the public, which is to take place in a county in the central region of this State.

The commission is to issue, within 10 months of its first meeting, a final report to the Governor and the Legislature detailing its findings.

Following the issuance of its final report, the commission is to convene to consider and respond to any written request submitted to it by a legislator or officer or employee of the Executive Branch. The commission will expire six months after the date of issuance of its final report.

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Governor Chris Christie Takes Action On Pending Legislation

Thursday, August 18 2016

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State of New Jersey
OFFICE OF THE GOVERNOR

Trenton, NJ – Governor Chris Christie announced action that has been taken on the following legislation:

BILLS SIGNED:

S-1379/A-3003 (Turner, Pennacchio/McKeon, Zwicker, Houghtaling, Jasey) - Concerns NJ Transit's treatment of people with guide or service dogs; establishes Access Link Customer Service Group

S-2061/A-3610 (Sweeney, Allen/Conaway, Singleton, Greenwald, Taliaferro, Quijano, Benson) - Increases accidental death benefit to 70% of final compensation for surviving children of SPRS or PFRS member; redefines child in SPRS

S-2099/A-3728 (Vitale, Turner/Singleton) - Places two-year moratorium on moving date of Type II school district's annual school election from day of general election in November back to third Tuesday in April; creates study commission

A-3841/S-2296 (Lampitt/Cunningham) - Allows School of Osteopathic Medicine at Rowan University to maintain principal clinical affiliation with either osteopathic or allopathic hospital

A-3851/S-2033 (Quijano, O'Scanlon/Weinberg, Oroho) - Authorizes certain local government entities to adopt policies for payment of certain claims through use of standard electronic funds transfer technologies

A-3882/S-2287 (Chaparro, Caride, Kennedy/Bateman, Smith) - Changes submission and notice requirements for short-term and long-term financing for environmental infrastructure projects

A-3883/S-2292 (Zwicker, Green, Andrzejczak, Tucker, Benson, Mukherji/Greenstein, Kyrillos) - Authorizes New Jersey Environmental Infrastructure Trust to expend certain sums to make loans for environmental infrastructure projects for FY2017

A-3884/S-2293 (Chiaravalloti, Mukherji, Caputo/Whelan, Gordon) - Appropriates funds to DEP for environmental infrastructure projects for FY2017

AJR-95 (Conaway, McKnight) - Designates August of each year as "Adult Vaccine Preventable Disease Awareness and Improvement Month" in New Jersey

AJR-101/SJR-61 (Prieto, Bramnick, Phoebus, Space/Sweeney, T. Kean) - Recognizes 100th anniversary of National Park Service on August 25, 2016

BILLS VETOED:

A-1944/S-1228 (Coughlin, Schaer, Eustace, Downey, Benson, Wimberly, McKeon, Jasey, Chiaravalloti/Vitale, Gill) - **CONDITIONAL** - Automatically registers or updates voter registration as part of driver's license application or renewal

A-3591/S-2116 (Zwicker, Holley, Muoio, Eustace, Barclay, McKnight, Mukherji/Beach, Gill) - **ABSOLUTE** - "New Voter Empowerment Act"; permits 17 year olds to vote in primary election if they turn 18 years old before next succeeding general election

Press Contact:
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