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"New Law for November School Elections," NJ SPOTLIGHT, 1-18-12

LAW/RWH

§1 - C.19:60-1.1
§§41-44 -
C.18A:7F-5.4 to
18A:7F-5.7
§45 –
C.18A:12-15.1

P.L.2011, CHAPTER 202, *approved January 17, 2012*
Senate, No. 3148 (*Second Reprint*)

1 AN ACT concerning the operation of school districts, revising
2 various parts of the statutory law, and supplementing chapter 7F
3 of Title 18A of the New Jersey Statutes and chapter 60 of Title
4 19 of the Revised Statutes.

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

8
9 1. (New section) a. (1) The question of moving the date of a
10 school district's annual school election to the first Tuesday after the
11 first Monday in November, to be held simultaneously with the
12 general election, shall be submitted to the legal voters of ²**[the]** a
13 local or regional school² district ², other than a Type II district with
14 a board of school estimate,² whenever a petition signed by not less
15 than 15% of the ¹number of¹ legally qualified voters who voted in
16 the district at the last preceding general election held for the
17 election of ¹**[all of the members of the General Assembly]** electors
18 for President and Vice-President of the United States¹ is filed with
19 the board of education. The question shall be submitted to the
20 voters of the district at the next ²**[annual school election, special**
21 **school election, or]**² general election ²**[as determined by the board**
22 **of education]**², provided that at least 60 days have lapsed since the
23 date of the filing of the petition. In the event that the question is
24 not approved by the voters, no petition may be filed to submit the
25 question to the voters within one year after an election shall have
26 been held pursuant to any petition filed pursuant to this subsection.

27 The date of the annual school election may be moved to the first
28 Tuesday after the first Monday in November without voter
29 approval, upon the adoption of a resolution by the board of
30 education of a ²**[Type II school district without a board of school**
31 **estimate]** local or regional school district, other than a Type II

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 SSG committee amendments adopted December 15, 2011.

²Assembly floor amendments adopted January 9, 2012.

1 district with a board of school estimate,² or the governing body ²or
2 bodies² of the municipality ²or municipalities² constituting the
3 district.

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

14 (3) ²[In the case of local school districts which are constituent
15 districts of a limited purpose regional school district, each of those
16 local school districts shall approve moving the date of the election
17 to November, by any of the procedures established pursuant to this
18 subsection, for any of those local school districts to move the date
19 of the annual school election to the day of the general election. In]
20 In addition to the process set forth in paragraph (1) of this
21 subsection, in² the event that all the constituent districts ²of a
22 limited purpose regional school district² approve moving the date of
23 ²[the election] their annual school elections to November, by any
24 of the procedures established pursuant to this subsection², then the
25 ¹[date of the]¹ annual school election for the limited purpose
26 regional school district shall also be conducted simultaneously with
27 the general election.

28 (4) In the event that the date of a school district's annual school
29 election is moved to the day of the general election pursuant to this
30 subsection, the board of education and the county board of elections
31 shall enter into an agreement, pursuant to guidelines established by
32 the Secretary of State, under which the board of education shall pay
33 any agreed upon increase in the costs, charges, and expenses that
34 may be associated with holding the school election simultaneously
35 with the general election.

36 b. (1) In the case of a school district that has moved the date of
37 its annual school election to November pursuant to subsection a. of
38 this section, the question of moving the date of the school district's
39 annual school election to the third Tuesday in April shall be
40 submitted to the legal voters of ²[the] a local or regional school²
41 district², other than a Type II district with a board of school
42 estimate,² whenever a petition signed by not less than 15% of the
43 ¹number of¹ legally qualified voters who voted in the district at the
44 last preceding general election held for the election of ¹[all of the
45 members of the General Assembly] electors for President and Vice-
46 President of the United States¹ is filed with the board of education.
47 The question shall be submitted to the voters of the district at the

1 next ²[annual school election, special school election, or]² general
2 election ²[as determined by the board of education]² , provided that
3 at least 60 days have lapsed since the date of the filing of the
4 petition.

5 The date of the annual school election may be moved to the third
6 Tuesday in April without voter approval, upon the adoption of a
7 resolution by the board of education of a ²[Type II school district
8 without a board of school estimate] local or regional school district,
9 other than a Type II district with a board of school estimate,² or the
10 governing body ²or bodies² of the municipality ²or municipalities²
11 constituting the district.

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

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

22 (3) ²[In the case of local school districts which are constituent
23 districts of a limited purpose regional school district, each of those
24 local school districts shall approve moving the date of the election
25 to April, by any of the procedures established pursuant to this
26 subsection, for any of those local school districts to move the date
27 of the annual school election to the third Tuesday in April. In] In
28 addition to the process set forth in paragraph (1) of this subsection,
29 in² the event that all the constituent districts ²of a limited purpose
30 regional school district² approve moving the date of ²[the election]
31 their annual school elections to the third Tuesday in April, by any
32 of the procedures established pursuant to this subsection², then the
33 ¹[date of the]¹ annual school election for the limited purpose
34 regional school district shall also be conducted on the third Tuesday
35 in April.

36
37 2. Section 5 of P.L.1996, c.138 (C.18A:7F-5) is amended to
38 read as follows:

39 5. As used in this section, "cost of living" means the CPI as
40 defined in section 3 of P.L.2007, c.260 (C.18A:7F-45).

41 a. Within 30 days following the approval of the Educational
42 Adequacy Report, the commissioner shall notify each district of the
43 base per pupil amount, the per pupil amounts for full-day preschool,
44 the weights for grade level, county vocational school districts, at-
45 risk pupils, bilingual pupils, and combination pupils, the cost
46 coefficients for security aid and for transportation aid, the State
47 average classification rate and the excess cost for general special

1 education services pupils, the State average classification rate and
2 the excess cost for speech-only pupils, and the geographic cost
3 adjustment for each of the school years to which the report is
4 applicable.

5 Annually, within two days following the transmittal of the State
6 budget message to the Legislature by the Governor pursuant to
7 section 11 of P.L.1944, c.112 (C.52:27B-20), the commissioner
8 shall notify each district of the maximum amount of aid payable to
9 the district in the succeeding school year pursuant to the provisions
10 of P.L.2007, c.260 (C.18A:7F-43 et al.), and shall notify each
11 district of the district's adequacy budget for the succeeding school
12 year.

13 For the 2008-2009 school year and thereafter, unless otherwise
14 specified within P.L.2007, c.260 (C.18A:7F-43 et al.), aid amounts
15 payable for the budget year shall be based on budget year pupil
16 counts, which shall be projected by the commissioner using data
17 from prior years. Adjustments for the actual pupil counts of the
18 budget year shall be made to State aid amounts payable during the
19 school year succeeding the budget year. Additional amounts
20 payable shall be reflected as revenue and an account receivable for
21 the budget year.

22 Notwithstanding any other provision of this act to the contrary,
23 each district's State aid payable for the 2008-2009 school year, with
24 the exception of aid for school facilities projects, shall be based on
25 simulations employing the various formulas and State aid amounts
26 contained in P.L.2007, c.260 (C.18A:7F-43 et al.). The
27 commissioner shall prepare a report dated December 12, 2007
28 reflecting the State aid amounts payable by category for each
29 district and shall submit the report to the Legislature prior to the
30 adoption of P.L.2007, c.260 (C.18A:7F-43 et al.). Except as
31 otherwise provided pursuant to this subsection and paragraph (3) of
32 subsection d. of section 5 of P.L.2007, c.260 (C.18A:7F-47), the
33 amounts contained in the commissioner's report shall be the final
34 amounts payable and shall not be subsequently adjusted other than
35 to reflect the phase-in of the required general fund local levy
36 pursuant to paragraph (4) of subsection b. of section 16 of
37 P.L.2007, c.260 (C.18A:7F-58) and to reflect school choice aid to
38 which a district may be entitled pursuant to section 20 of that act.
39 The projected pupil counts and equalized valuations used for the
40 calculation of State aid shall also be used for the calculation of
41 adequacy budget, local share, and required local share. For 2008-
42 2009, extraordinary special education State aid shall be included as
43 a projected amount in the commissioner's report dated December
44 12, 2007 pending the final approval of applications for the aid. If
45 the actual award of extraordinary special education State aid is
46 greater than the projected amount, the district shall receive the
47 increase in the aid payable in the subsequent school year pursuant
48 to the provisions of subsection c. of section 13 of P.L.2007, c.260

1 (C.18A:7F-55). If the actual award of extraordinary special
2 education State aid is less than the projected amount, other State aid
3 categories shall be adjusted accordingly so that the district shall not
4 receive less State aid than as provided in accordance with the
5 provisions of sections 5 and 16 of P.L.2007, c.260 (C.18A:7F-47
6 and C.18A:7F-58).

7 In the event that the commissioner determines, following the
8 enactment of P.L.2007, c.260 (C.18A:7F-43 et al.) but prior to the
9 issuance of State aid notices for the 2008-2009 school year, that a
10 significant district-specific change in data warrants an increase in
11 State aid for that district, the commissioner may adjust the State aid
12 amount provided for the district in the December 12, 2007 report to
13 reflect the increase.

14 b. Each district shall have a required local share. For districts
15 that receive educational adequacy aid pursuant to subsection b. of
16 section 16 of P.L.2007, c.260 (C.18A:7F-58), the required local
17 share shall be calculated in accordance with the provisions of that
18 subsection.

19 For all other districts, the required local share shall equal the
20 lesser of the local share calculated at the district's adequacy budget
21 pursuant to section 9 of P.L.2007, c.260 (C.18A:7F-51), or the
22 district's budgeted local share for the prebudget year.

23 In order to meet this requirement, each district shall raise a
24 general fund tax levy which equals its required local share.

25 No municipal governing body or bodies or board of school
26 estimate, as appropriate, shall certify a general fund tax levy which
27 does not meet the required local share provisions of this section.

28 c. Annually, on or before March 4, each district board of
29 education shall adopt, and submit to the commissioner for approval,
30 together with such supporting documentation as the commissioner
31 may prescribe, a budget that provides for a thorough and efficient
32 education. Notwithstanding the provisions of this subsection to the
33 contrary, the commissioner may adjust the date for the submission
34 of district budgets if the commissioner determines that the
35 availability of preliminary aid numbers for the subsequent school
36 year warrants such adjustment.

37 Notwithstanding any provision of this section to the contrary, for
38 the 2005-2006 school year each district board of education shall
39 submit a proposed budget in which the advertised per pupil
40 administrative costs do not exceed the lower of the following:

41 (1) the district's advertised per pupil administrative costs for the
42 2004-2005 school year inflated by the cost of living or 2.5 percent,
43 whichever is greater; or

44 (2) the per pupil administrative cost limits for the district's
45 region as determined by the commissioner based on audited
46 expenditures for the 2003-2004 school year.

47 The executive county superintendent of schools may disapprove
48 the school district's 2005-2006 proposed budget if he determines

1 that the district has not implemented all potential efficiencies in the
2 administrative operations of the district. The executive county
3 superintendent shall work with each school district in the county
4 during the 2004-2005 school year to identify administrative
5 inefficiencies in the operations of the district that might cause the
6 superintendent to reject the district's proposed 2005-2006 school
7 year budget.

8 For the 2006-2007 school year and each school year thereafter,
9 each district board of education shall submit a proposed budget in
10 which the advertised per pupil administrative costs do not exceed
11 the lower of the following:

12 (1) the district's prior year per pupil administrative costs; except
13 that the district may submit a request to the commissioner for
14 approval to exceed the district's prior year per pupil administrative
15 costs due to increases in enrollment, administrative positions
16 necessary as a result of mandated programs, administrative
17 vacancies, nondiscretionary fixed costs, and such other items as
18 defined in accordance with regulations adopted pursuant to section
19 7 of P.L.2004, c.73. In the event that the commissioner approves a
20 district's request to exceed its prior year per pupil administrative
21 costs, the increase authorized by the commissioner shall not exceed
22 the cost of living or 2.5 percent, whichever is greater; or

23 (2) the prior year per pupil administrative cost limits for the
24 district's region inflated by the cost of living or 2.5 percent,
25 whichever is greater.

26 d. (1) A [district shall submit, as appropriate, to the board of
27 school estimate or to the voters of the district at the annual school
28 budget election conducted pursuant to the provisions of P.L.1995,
29 c.278 (C.19:60-1 et al.), a] district's general fund tax levy [which
30 does] shall not exceed the district's adjusted tax levy as calculated
31 pursuant to sections 3 and 4 of P.L.2007, c.62 (C.18A:7F-38 and
32 18A:7F-39).

33 (2) (Deleted by amendment, P.L.2007, c.260).

34 (3) (Deleted by amendment, P.L.2007, c.260).

35 (4) Any debt service payment made by a school district during
36 the budget year shall not be included in the calculation of the
37 district's adjusted tax levy.

38 (5) (Deleted by amendment, P.L.2007, c.260).

39 (6) (Deleted by amendment, P.L.2007, c.260).

40 (7) (Deleted by amendment, P.L.2004, c.73).

41 (8) (Deleted by amendment, P.L.2010, c.44)

42 (9) Any district may submit at the annual school budget
43 election, in accordance with subsection c. of section 4 of P.L.2007,
44 c.62 (C.18A:7F-39), a separate proposal or proposals for additional
45 funds, including interpretive statements, specifically identifying the
46 program purposes for which the proposed funds shall be used, to the
47 voters, who may, by voter approval, authorize the raising of an
48 additional general fund tax levy for such purposes. In the case of a

1 district with a board of school estimate, one proposal for the
2 additional spending shall be submitted to the board of school
3 estimate. Any proposal or proposals submitted to the voters or the
4 board of school estimate shall not: include any programs and
5 services that were included in the district's prebudget year net
6 budget unless the proposal is approved by the commissioner upon
7 submission by the district of sufficient reason for an exemption to
8 this requirement; or include any new programs and services
9 necessary for students to achieve the thoroughness standards
10 established pursuant to subsection a. of section 4 of P.L.2007, c.260
11 (C.18A:7F-46).

12 The executive county superintendent of schools may prohibit the
13 submission of a separate proposal or proposals to the voters or
14 board of school estimate if he determines that the district has not
15 implemented all potential efficiencies in the administrative
16 operations of the district, which efficiencies would eliminate the
17 need for the raising of an additional general fund tax levy.

18 (10) Notwithstanding any provision of law to the contrary, if a
19 district proposes a budget with a general fund tax levy and
20 equalization aid which exceed the adequacy budget, the following
21 statement shall be published in the legal notice of public hearing on
22 the budget pursuant to N.J.S.18A:22-28, posted at the public
23 hearing held on the budget pursuant to N.J.S.18A:22-29, and
24 printed on the sample ballot required pursuant to section 10 of
25 P.L.1995, c.278 (C.19:60-10):

26 "Your school district has proposed programs and services in
27 addition to the core curriculum content standards adopted by the
28 State Board of Education. Information on this budget and the
29 programs and services it provides is available from your local
30 school district."

31 (11) Any reduction that may be required to be made to programs
32 and services included in a district's prebudget year net budget in
33 order for the district to limit the growth in its budget between the
34 prebudget and budget years by its tax levy growth limitation as
35 calculated pursuant to sections 3 and 4 of P.L.2007, c.62
36 (C.18A:7F-38 and 18A:7F-39), shall only include reductions to
37 excessive administration or programs and services that are
38 inefficient or ineffective.

39 e. (1) Any general fund tax levy rejected by the voters for a
40 proposed budget that includes a general fund tax levy and
41 equalization aid in excess of the adequacy budget shall be submitted
42 to the governing body of each of the municipalities included within
43 the district for determination of the amount that should be expended
44 notwithstanding voter rejection. In the case of a district having a
45 board of school estimate, the general fund tax levy shall be
46 submitted to the board for determination of the amount that should
47 be expended. If the governing body or bodies or board of school
48 estimate, as appropriate, reduce the district's proposed budget, the

1 district may appeal any of the reductions to the commissioner on the
2 grounds that the reductions will negatively impact on the stability of
3 the district given the need for long term planning and budgeting. In
4 considering the appeal, the commissioner shall consider enrollment
5 increases or decreases within the district; the history of voter
6 approval or rejection of district budgets; the impact on the local
7 levy; and whether the reductions will impact on the ability of the
8 district to fulfill its contractual obligations. A district may not
9 appeal any reductions on the grounds that the amount is necessary
10 for a thorough and efficient education.

11 (2) Any general fund tax levy rejected by the voters for a
12 proposed budget that includes a general fund tax levy and
13 equalization aid at or below the adequacy budget shall be submitted
14 to the governing body of each of the municipalities included within
15 the district for determination of the amount that should be expended
16 notwithstanding voter rejection. In the case of a district having a
17 board of school estimate, the general fund tax levy shall be
18 submitted to the board for determination. Any reductions may be
19 appealed to the commissioner on the grounds that the amount is
20 necessary for a thorough and efficient education or that the
21 reductions will negatively impact on the stability of the district
22 given the need for long term planning and budgeting. In
23 considering the appeal, the commissioner shall also consider the
24 factors outlined in paragraph (1) of this subsection.

25 In addition, the municipal governing body or board of school
26 estimate shall be required to demonstrate clearly to the
27 commissioner that the proposed budget reductions shall not
28 adversely affect the ability of the school district to provide a
29 thorough and efficient education or the stability of the district given
30 the need for long term planning and budgeting.

31 (3) In lieu of any budget reduction appeal provided for pursuant
32 to paragraphs (1) and (2) of this subsection, the State board may
33 establish pursuant to the "Administrative Procedure Act," P.L.1968,
34 c.410 (C.52:14B-1 et seq.), an expedited budget review process
35 based on a district's application to the commissioner for an order to
36 restore a budget reduction.

37 (4) When the voters, municipal governing body or bodies, board
38 of education in the case of a school district in which the annual
39 school election has been moved to November pursuant to subsection
40 a. of section 1 of P.L. , c. (C.) (pending before the
41 Legislature as this bill), or the board of school estimate authorize
42 the general fund tax levy, the district shall submit the resulting
43 budget to the commissioner within 15 days of the [action of the
44 voters or municipal governing body or bodies, whichever is later, or
45 of the board of school estimate as the case may be] authorization.

46 f. (Deleted by amendment, P.L.2007, c.260).

47 g. (Deleted by amendment, P.L.2007, c.260).

48 (cf: P.L.2010, c.44, s.2)

1 3. Section 4 of P.L.2007, c.62 (C.18A:7F-39) is amended to
2 read as follows:

3 4. a. (Deleted by amendment, P.L.2010, c.44)

4 b. (Deleted by amendment, P.L.2010, c.44)

5 c. A school district may submit to the voters at the **[April]**
6 annual school election, or on such other date as is set by regulation
7 of the commissioner, a proposal or proposals to increase the
8 adjusted tax levy by more than the allowable amount authorized
9 pursuant to section 3 of P.L.2007, c.62 (C.18A:7F-38). The
10 proposal or proposals to increase the adjusted tax levy shall be
11 approved if a majority of people voting shall vote in the affirmative.
12 In the case of a school district with a board of school estimate, the
13 additional adjusted tax levy shall be authorized only if a quorum is
14 present for the vote and a majority of those board members who are
15 present vote in the affirmative to authorize the additional adjusted
16 tax levy.

17 (1) A proposal or proposals submitted to the voters or the board
18 of school estimate to increase the tax levy pursuant to this
19 subsection shall not include any programs or services necessary for
20 students to achieve the core curriculum content standards.

21 (2) All proposals to increase the tax levy submitted pursuant to
22 this subsection shall include interpretive statements specifically
23 identifying the program purposes for which the proposed funds
24 shall be used and a clear statement on whether approval will affect
25 only the current year or result in a permanent increase in the levy.
26 The proposals shall be submitted and approved pursuant to sections
27 5 and 6 of P.L.1996, c.138 (C.18A:7F-5 and 18A:7F-6).

28 d. (Deleted by amendment, P.L.2010, c.44)

29 e. A school district that has not been granted approval to
30 exceed the cap pursuant to subsection c. of this section, may add to
31 its adjusted tax levy in any one of the next three succeeding budget
32 years, the amount of the difference between the maximum
33 allowable amount to be raised by taxation for the current school
34 budget year and the actual amount to be raised by taxation for the
35 current school budget year.

36 (cf: P.L.2010, c.44, s.5)

37

38 4. N.J.S.18A:8-20 is amended to read as follows:

39 18A:8-20. The first board of education of the new district and
40 the first board of education of the remaining district shall each
41 prepare and submit, if applicable, to the voters of the district, as
42 required by law, the first budgets for said district and they shall
43 make proper provision for an election to be conducted, in
44 accordance with the provisions of P.L.1995, c.278 (C.19:60-1 et
45 al.), for the members of the board of education of the district to
46 replace the appointed members of the board, for such terms that
47 three members of the board of the district, as thereafter constituted,
48 will be elected each year, at an annual election to be held in the

1 district at the same time as that on which the next annual election
2 for the original district would have been held.

3 (cf: P.L.1995, c.278, s.26)

4

5 5. N.J.S.18A:8-36 is amended to read as follows:

6 18A:8-36. At **[all elections]** any election in which an
7 appropriation must be authorized **[by]**, a majority of the total votes
8 cast thereon in all of the territory of the consolidated school district
9 shall be necessary for the authorization.

10 (cf: P.L.1995, c.278, s.27)

11

12 6. N.J.S.18A:9-10 is amended to read as follows:

13 18A:9-10. If the membership of the board in any such district so
14 becoming a type II district is less than nine, it shall be increased to
15 nine by the election of added members at the next annual school
16 election, unless the adopting election shall have been held more
17 than 130 days or less than 60 days before the date fixed for such
18 annual school election, in which case they shall be elected at a
19 special school election which shall be called by the members of the
20 board so holding over**[**, if the adopting election was held more than
21 130 days before the annual school election, then not less than 60 or
22 more than 70 days after the adopting election, or if the adopting
23 election was held less than 60 days before the annual school
24 election, then not less than 60 or more than 70 days after such
25 annual school election, excluding in each instance from the
26 calculation of the period which will elapse between such 60 and 70
27 days any period which would elapse between the twenty-first day
28 before and the twenty-first day after any day fixed according to law
29 for the holding of any primary election for the general election or
30 general election or municipal election held within the district**]**.

31 (cf: P.L.1995, c.278, s.28)

32

33 7. N.J.S.18A:10-3 is amended to read as follows:

34 18A:10-3. Each board of education shall organize annually at a
35 regular meeting held not later than at 8 p.m. at which time new
36 members shall take office:

37 a. In type I districts on May 16, or on the following day if that
38 day be Sunday;

39 b. In all type II districts with an April school election on any
40 day of the first or second week following the **[annual]** April school
41 election.

42 c. In all type II districts with a November school election on
43 any day of the first week in January at which time new members
44 shall take office.

45 If the organization meeting cannot take place on that day by
46 reason of lack of a quorum or for any other reason, said meeting
47 shall be held within three days thereafter.

48 (cf: P.L.1987, c. 289, s. 2)

1 8. N.J.S.18A:13-8 is amended to read as follows:

2 18A:13-8. The board of education of a regional district shall
3 consist of nine members unless it consists of more than nine
4 constituent districts, in which case the membership shall be the
5 same as the number of constituent districts, plus one. If there are
6 nine or less constituent districts, the members of the board of
7 education of the regional district shall be apportioned by the
8 executive county superintendent or executive county
9 superintendents of the county or counties in which the constituent
10 districts are situate, among said districts as nearly as may be
11 according to the number of their inhabitants except that each
12 constituent district shall have at least one member.

13 In making the apportionment of the membership of a regional
14 board of education among the several school districts uniting to
15 create a regional school district having nine or less constituent
16 districts, as required by section 18A:13-36, there shall be subtracted
17 from the number of inhabitants of a constituent school district, as
18 shown by the last federal census officially promulgated in this
19 State, the number of such inhabitants who according to the records
20 of the Federal Bureau of the Census were patients in, or inmates of,
21 any State or federal hospital or prison, or who are military
22 personnel stationed at, or civilians residing within the limits of, any
23 United States Army, Navy or Air Force installation, located in such
24 constituent school district.

25 If there are more than nine constituent districts, the members on
26 the board shall be apportioned among the constituent districts and
27 the weight of their votes in all proceedings of the board shall be
28 determined by the appropriate executive county superintendent or
29 superintendents through the following procedure:

30 a. The number of inhabitants of each constituent district shall
31 be determined as shown by the last federal census officially
32 promulgated in this State.

33 b. A representative ratio shall be calculated by adding the
34 number of inhabitants of all constituent districts and dividing the
35 sum by the board size.

36 c. All constituent districts shall be listed in ascending order of
37 their number of inhabitants. If the first constituent district in said
38 list has a number of inhabitants which is less than the representative
39 ratio, it shall be combined with the constituent district contiguous to
40 it having the smallest number of inhabitants. This process shall be
41 repeated for each successively larger constituent district or
42 combination of constituent districts until all remaining constituent
43 districts or combinations of constituent districts shall have a number
44 of inhabitants equal to, or exceeding the representative ratio. The
45 districts formed in this manner shall be known as representative
46 districts.

47 d. There shall be established a priority list according to the
48 method of equal proportions for the apportionment of the members

1 of the regional district board of education among the representative
2 districts.

3 e. The members of the regional district board of education shall
4 be apportioned among the representative districts according to the
5 method of equal proportions, and where a representative district is
6 composed of more than one constituent district, members shall be
7 elected at large from within the representative district.

8 f. The number of inhabitants of each representative district
9 shall be divided by the number of members assigned to that district
10 to find the number of inhabitants per members.

11 g. The vote to be cast by each member of the regional district
12 board of education in all proceedings of the board shall be
13 determined by dividing the number of inhabitants per member in the
14 representative district from which the member is elected by the
15 representative ratio for the regional district, and rounding off the
16 quotient to the nearest tenth of a full vote.

17 Wherever any statute or bylaw of the board requires decision in
18 any matter by vote of a majority of the board members, or of the
19 members present, this shall be interpreted as meaning a majority of
20 the weighted votes of all members, or of the members present, as
21 the case may be.

22 h. Whenever the above reapportionment procedure is used for a
23 regional district having more than nine constituent districts, the
24 terms of office of all incumbent board of education members shall
25 terminate on the day on which the annual organization meeting of
26 the board is held pursuant to N.J.S.18A:13-12 following
27 certification by the executive county superintendent of the
28 representative districts and the number of members to be elected
29 from each; provided, that if the reapportionment results in any
30 representative district retaining its former boundaries and the same
31 number of board members, that the members elected from such a
32 district shall serve the full term for which they were elected. All
33 other board members shall be elected in an election to be held on
34 the **[third Tuesday in April]** date of the annual school election at
35 least 60 days following certification by the executive county
36 superintendent for initial terms of office to be designated in advance
37 by the executive county superintendent so that, as nearly as
38 possible, one-third of the board shall be elected in each future year,
39 to serve for three-year terms, and where a representative district has
40 more than one member, their terms of office shall terminate in
41 different years.

42 If any constituent district is a consolidated district, or a district
43 composed of two or more municipalities, and

44 a. The original district is a limited purpose regional district and
45 such constituent district has such population that it is entitled to
46 have apportioned to it a number of members equal to or greater than
47 the number of districts making up such constituent district, or

48 b. The regional district is an all purpose district,

1 the membership of the regional board of education from such
2 district shall be apportioned, and from time to time reapportioned,
3 and the members from the district shall be elected, as their
4 respective terms expire, in the same manner as though each of the
5 municipalities making up such constituent district were constituent
6 districts of the regional district.

7 (cf: P.L.1992, c.159, s.9)

8

9 9. N.J.S.18A:13-10 is amended to read as follows:

10 18A:13-10. The board of education of each regional district
11 shall provide for the holding, in accordance with the provisions of
12 P.L.1995, c.278 (C.19:60-1 et al.), of an annual school election for
13 the regional district **【on the third Tuesday in April】**.

14 At such election there shall be elected for terms of three years,
15 **【beginning on any day of the first or second week following such**
16 **election,】** the members of the regional boards of education to
17 succeed those members of the board whose terms shall expire in
18 that year, except as is in this chapter provided for the election of the
19 first elected members of the board. The term of a member of a
20 regional board of education elected in April shall begin on any day
21 of the first or second week following the election. The term of a
22 member of a regional board of education elected in November shall
23 begin on any day of the first week in January.

24 (cf: P.L.1995, c.278, s.32)

25

26 10. N.J.S.18A:13-12 is amended to read as follows:

27 18A:13-12. The board shall hold a regular meeting forthwith
28 after its first appointment, and annually thereafter on any day of the
29 first or second week following the annual school election in April,
30 at which it shall organize by the election, from among its members,
31 of a president and vice president, who shall serve until the
32 organization meeting next succeeding the election of their
33 respective successors as members of the board. In the case of a
34 regional district in which the annual school election is in
35 November, the organization meeting shall be held on any day of the
36 first week in January. If any board shall fail to organize within
37 **【said two weeks】** the designated period, the executive county
38 superintendent of the county, or the executive county
39 superintendents of the counties, in which the constituent districts
40 are situate, shall appoint, from among the members of the board, a
41 president and vice president to serve until the organization meeting
42 next succeeding the next election.

43 (cf: P.L.1987, c.289, s.6)

44

45 11. N.J.S.18A:13-13 is amended to read as follows:

46 18A:13-13. The board shall appoint a secretary who may or may
47 not be a member of the board, for the term of one year beginning on
48 July 1, or January 15 in the case of a regional district in which the

1 annual school election is in November, following his appointment
2 but he shall continue to serve after the expiration of his term until
3 his successor is appointed and qualified. In a district which does not
4 have a treasurer of school moneys, the secretary shall give bond in
5 such amount and with such surety as the board shall direct. The
6 board shall be guided in its determination of the amount of coverage
7 necessary by a schedule of minimum limits promulgated by the
8 State Board of Education.

9 (cf: P.L.2010, c.39, s.6).

10

11 12. N.J.S.18A:13-14 is amended to read as follows:

12 18A:13-14. The board may appoint a treasurer of school moneys
13 who shall not be a member or employee of the board and it shall fix
14 his salary. His term of office shall expire annually on June 30 of
15 each year, **[but if]** or January 15 of each year in the case of a
16 regional district in which the annual school election is in
17 November. If a municipal officer is appointed treasurer, his term
18 shall cease if he ceases to hold his municipal office and in either
19 case, the treasurer shall continue in office after the expiration of his
20 term until his successor is qualified. He shall give bond in such
21 amount, and with such surety, as the board shall direct. The board
22 in its determination of the amount shall be guided by a schedule of
23 minimum limits to be promulgated by the State board.

24 (cf: P.L.2010, c.39, s.7).

25

26 13. N.J.S.18A:13-17 is amended to read as follows:

27 18A:13-17. a. The regional board of education shall, at each
28 annual April school election, submit to the voters of the regional
29 district the amount of money fixed and determined in its budget to
30 be voted upon for the use of the regional schools of the district for
31 the ensuing school year and may submit thereat any other question
32 authorized by this law to be submitted at such an election. The
33 board may, in submitting to the voters the amount of money to be
34 voted upon for the use of the regional schools of the district,
35 identify the amount of money determined to be the constituent
36 municipality's share. The board shall follow the procedures
37 established in section 5 of P.L.1996, c.138 (C.18A:7F-5) and
38 N.J.S.18A:22-33.

39 b. In the case of a regional district in which the annual school
40 election is in November, the regional board of education shall fix
41 and determine the district's budget for the ensuing school year and
42 may submit at the annual school election any question authorized
43 by law to be submitted at such an election. The board shall follow
44 the procedures established in section 5 of P.L.1996, c.138
45 (C.18A:7F-5), N.J.S.18A:22-33, and section 41 of P.L. _____,
46 c. (C. _____) (pending before the Legislature as this bill).

47 (cf: P.L.2001, c.26, s.1)

1 14. N.J.S.18A:13-19 is amended to read as follows:

2 18A:13-19. If the voters reject any of the items submitted at the
3 annual April school election, within two days thereafter the board
4 of education of the regional district shall certify to the governing
5 body of each municipality, included within the regional district, the
6 item or items so rejected, and such governing bodies, after
7 consultation with the board, and no later than May 19 shall
8 determine the amount or amounts for the ensuing school year and
9 cause the same to be certified by the respective municipal clerks to
10 the board of education of the regional district. The board and the
11 governing bodies shall follow the procedures established in section
12 5 of P.L.1996, c.138 (C.18A:7F-5) and N.J.S.18A:22-37.
13 (cf: P.L.1996, c.138, s.48)

14

15 15. N.J.S.18A:13-40 is amended to read as follows:

16 18A:13-40. The board of education of a newly created regional
17 district may, prior to taking charge and control of the educational
18 facilities of the regional district, do all other acts and things which
19 may be necessary for the proper organization and functioning of the
20 public schools of the regional district during its first year, including
21 the making of contracts for the employment of necessary personnel
22 and for other proper purposes, the preparation and , if applicable,
23 submission to the voters of the regional district for their approval or
24 disapproval of the budget and the appropriations for the conduct of
25 the public schools of the regional district during its first school
26 year, the authorization of the purchase of real and personal
27 property, and the construction, enlargement and repair of buildings,
28 for school purposes, and the appropriations of the funds necessary
29 to carry out the same and the authorization of the issuance and sale
30 of bonds in order to provide for the payment therefor in whole or in
31 part and the calling and holding of special elections when necessary
32 for any such purposes and to carry out any or all of said purposes.

33 (cf: N.J.S.18A:13-40)

34

35 16. N.J.S.18A:13-46 is amended to read as follows:

36 18A:13-46. The executive county superintendent of the county
37 in which any new constituent district of an enlarged regional district
38 shall be situate shall, not later than 30 days after the election for the
39 enlargement thereof, appoint one member of the enlarged board of
40 education of the regional district from among the qualified citizens
41 of each such new constituent district and the members so appointed
42 shall serve until the first Monday succeeding the first annual April
43 school election of the enlarged regional district and their successors
44 shall be elected at said election. In the case of a regional district in
45 which the annual school election is in November, the members so
46 appointed shall serve until the first week in January next succeeding
47 the first annual November school election of the enlarged regional
48 district and their successors shall be elected at that election. If by

1 reason of the enlargement of the district it becomes necessary to
2 reapportion the membership of the enlarged board of education the
3 executive county superintendent or superintendents of the county or
4 counties in which the constituent local districts of the enlarged
5 district are situate shall reapportion the membership of the enlarged
6 board of education in accordance with the provisions of sections
7 18A:13-8 and 18A:13-36, and at the same time shall designate the
8 number of members to be elected from each constituent school
9 district at the succeeding annual school election to be held therein
10 upon the expiration of the terms of office of the members of the
11 regional board then in office, in such manner that the representation
12 of the constituent districts shall be established in accordance with
13 such reapportionment at the earliest possible time but the members
14 then in office shall continue in office for the terms for which they
15 were elected or appointed notwithstanding such reapportionment.
16 (cf: N.J.S.18A:13-46)

17

18 17. N.J.S.18A:17-5 is amended to read as follows:

19 18A:17-5. Each secretary shall be appointed by the board, by a
20 recorded roll call majority vote of its full membership, for a term to
21 expire not later than June 30 , or January 15 in the case of a school
22 district in which the annual school election is in November. of the
23 calendar year next succeeding that in which the board shall have
24 been organized, but he shall continue to serve after the expiration of
25 his term until his successor is appointed and qualified. The
26 secretary may be appointed from among the members of the board
27 and, subject to the provisions of this Title and any other law, the
28 board shall fix his compensation; provided, however, that the
29 secretary shall not receive compensation from the board for any
30 period during which he is an elected or appointed member of the
31 board.

32 In case of a vacancy in the office of secretary, the vacancy shall
33 be filled by the board within 60 days after the vacancy occurs and if
34 the board does not make such appointment within such time the
35 executive county superintendent shall appoint a secretary who shall
36 receive the same compensation as his predecessor in office received
37 and shall serve until a secretary is appointed by the board.

38 (cf: P.L.1968, c.271, s.1)

39

40 18. N.J.S.18A:22-26 is amended to read as follows:

41 18A:22-26. At or after the public hearing but not later than April
42 8, the board of school estimate of a type II district having a board of
43 school estimate shall fix and determine by a recorded roll call
44 majority vote of its full membership the amount of money necessary
45 to be appropriated for the use of the public schools in the district for
46 the ensuing school year, exclusive of the amount which shall be
47 apportioned to it by the commissioner for the year pursuant to the
48 provisions of section 5 of P.L.1996, c.138 (C.18A:7F-5) and shall

1 make a certificate of the amount signed by at least a majority of all
2 members of the board, which shall be delivered to the board of
3 education and a copy thereof, certified under oath to be correct and
4 true by the secretary of the board of school estimate, shall be
5 delivered to the county board of taxation on or before April 15 in
6 each year and a duplicate of the certificate shall be delivered to the
7 board or governing body of each of the municipalities within the
8 territorial limits of the district having the power to make
9 appropriations of money raised by taxation in the municipalities or
10 political subdivisions and to the executive county superintendent of
11 schools and the amount shall be assessed, levied and raised under
12 the procedure and in the manner provided by law for the levying
13 and raising of special school taxes **【voted to be raised at an annual**
14 **or special election of the legal voters】** in other type II districts and
15 shall be paid to the board secretary or treasurer of school moneys,
16 as appropriate, of the district for such purposes.

17 Within 15 days after receiving the certificate the board of
18 education shall notify the board of school estimate, the governing
19 body of each municipality within the territorial limits of the school
20 district, and the commissioner if it intends to appeal to the
21 commissioner the board of school estimate's determination as to the
22 amount of money requested pursuant to the provisions of section 5
23 of P.L.1996, c.138 (C.18A:7F-5), necessary to be appropriated for
24 the use of the public schools of the district for the ensuing school
25 year.

26 (cf: P.L.2010, c.39, s.21)

27

28 19. N.J.S.18A:22-32 is amended to read as follows:

29 18A:22-32. At or after the public hearing on the budget but not
30 later than 18 days prior to the April school election, the board of
31 education of each type II district having no board of school estimate
32 shall fix and determine by a recorded roll call majority vote of its
33 full membership the amount of money to be raised pursuant to
34 section 5 of P.L.1996, c.138 (C.18A:7F-5) and any additional
35 **【amounts】** funds to be voted upon by the legal voters of the district
36 at the **【annual】** April or November school election pursuant to
37 paragraph (9) of subsection d. of section 5 of that act, which sum or
38 sums shall be designated in the notice calling the election as
39 required by law.

40 (cf: P.L.1996, c.138, s.57)

41

42 20. N.J.S.18A:22-33 is amended to read as follows:

43 18A:22-33. a. The board of education of **【each】** a type II district
44 not having a board of school estimate shall at **【each annual】** the
45 April school election, submit to the voters of the district, the
46 amount of money fixed and determined in its budget pursuant to
47 section 5 of P.L.1996, c.138 (C.18A:7F-5), excluding therefrom the
48 sum or sums stated therein to be used for interest and debt

1 redemption charges, in the manner provided by law, to be voted
2 upon for the use of the public schools of the district for the ensuing
3 school year, which amount shall be stated in the notice of the
4 election, and the legal voters of the district shall determine at the
5 April election, by a majority vote of those voting upon the
6 proposition, the sum or sums, not exceeding those stated in the
7 notice of the election, to be raised by special district tax for said
8 purposes, in the district during the ensuing school year and the
9 secretary of the board of education shall certify the amount so
10 determined upon, if any, and the sums so stated for interest and debt
11 redemption charges, to the county board of taxation of the county
12 within two days following the certification of the election results
13 and the amount or amounts so certified shall be included in the
14 taxes assessed, levied and collected in the municipality or
15 municipalities comprising the district for such purposes; except
16 that, in the case of a district which , following the school election
17 and the approval by the voters of the sum to be raised by special
18 district tax for the schools of the district, determines that it has a
19 greater surplus account available for the school year than estimated
20 when the sum to be raised by special district tax was presented to
21 the voters, the secretary of the board of education, with the approval
22 of the commissioner, may between the date of the school election
23 and the delivery of tax bills pursuant to R.S.54:4-64 re-certify to the
24 county board of taxation the sum or sums to be raised by special
25 district tax in the district during the ensuing school year, if the sum
26 is lower than that approved by the voters in the school election, and
27 if the reduction is equivalent to the additional amount available in
28 the surplus account to be applied towards the district's budget. The
29 amount re-certified shall be included in the taxes assessed, levied
30 and collected in the municipality or municipalities comprising the
31 district.

32 b. In the case of a district in which the annual school election is
33 in November pursuant to subsection a. of section 1 of P.L. ,
34 c. (C.) (pending before the Legislature as this bill), by May 19
35 the secretary of the board of education shall certify the amount
36 fixed and determined by the school board pursuant to N.J.S.18A:22-
37 32 other than any additional funds to be voted upon by the legal
38 voters of the district and the sums so stated for interest and debt
39 redemption charges, to the county board of taxation of the county
40 and the amount or amounts so certified shall be included in the
41 taxes assessed, levied and collected in the municipality or
42 municipalities comprising the district for such purposes; except
43 that, in the case of a district which determines that it has a greater
44 surplus account available for the school year than estimated when
45 the sum to be raised by special district tax was certified to the
46 county board of taxation of the county, the secretary of the board of
47 education, with the approval of the commissioner, may between
48 May 19 and the delivery of tax bills pursuant to R.S.54:4-64 re-

1 certify to the county board of taxation the sum or sums to be raised
2 by special district tax in the district during the ensuing school year,
3 if the sum is lower than that initially certified to the county board
4 of taxation of the county, and if the reduction is equivalent to the
5 additional amount available in the surplus account to be applied
6 towards the district's budget. The amount re-certified shall be
7 included in the taxes assessed, levied and collected in the
8 municipality or municipalities comprising the district.

9 (cf: P.L.1999, c.346)

10

11 21. N.J.S.18A:22-37 is amended to read as follows:

12 18A:22-37. If the voters reject any of the items submitted at the
13 annual April school election, the board of education shall deliver
14 the proposed school budget pursuant to section 5 of P.L.1996, c.138
15 (C.18A:7F-5) to the governing body of the municipality, or of each
16 of the municipalities included in the district within two days
17 thereafter. The governing body of the municipality, or of each of
18 the municipalities, included in the district shall, after consultation
19 with the board, and by May 19, determine the amount which, in the
20 judgment of the body or bodies, is necessary to be appropriated for
21 each item appearing in the budget, pursuant to section 5 of
22 P.L.1996, c.138 (C.18A:7F-5) and certify to the county board of
23 taxation the totals of the amount so determined to be necessary for
24 each of the following:

- 25 a. General fund expenses of schools; or
26 b. Appropriations to capital reserve account.

27 Within 15 days after the governing body of the municipality or
28 of each of the municipalities included in the district shall make the
29 certification to the county board of taxation, the board of education
30 shall notify the governing body or bodies if it intends to appeal to
31 the commissioner pursuant to section 5 of P.L.1996, c.138
32 (C.18A:7F-5) the amount which the body or bodies determined to
33 be necessary to be appropriated for each item appearing in the
34 proposed school budget.

35 (cf: P.L.1996, c.138, s.59)

36

37 22. N.J.S.18A:22-38 is amended to read as follows:

38 18A:22-38. If the governing body or bodies fail to certify any
39 amount determined to be necessary pursuant to section 5 of
40 P.L.1996, c.138 (C.18A:7F-5) for any item rejected at the annual
41 April school election, or in the event that the governing bodies of
42 the municipalities comprising a school district, shall certify
43 different amounts, then the commissioner shall determine the
44 amount or amounts which in his judgment, are necessary to be
45 appropriated, for each of the items appearing in the budget,
46 submitted to the governing body or bodies, and certify to the county
47 board of taxation the totals of the amount determined to be
48 necessary for the general fund expenses of the schools; and the

1 amount certified shall be included in the taxes to be assessed, levied
2 and collected in the municipality or municipalities for those
3 purposes.

4 (cf: P.L.2007, c.260, s.54)

5

6 23. N.J.S.18A:22-41 is amended to read as follows:

7 18A:22-41. In any Type II district [in which the amount, with
8 any interest to be paid thereon, to be raised, levied and collected by
9 taxes for school purposes is determined by the voters of the district]
10 not having a board of school estimate , the board of education shall
11 cause the question, whether or not the amount so estimated shall be
12 so raised, to be submitted to the legal voters of the district at a
13 special school election, to be held on such date as shall be
14 determined upon by the board, and if at said election the question
15 shall be adopted, the secretary shall certify that the amount so
16 determined upon has been authorized to be raised in said manner to
17 the county board of taxation within five days after the date of the
18 holding of such election.

19 (cf: P.L.1993, c.83, s.14)

20

21 24. R.S.19:1-1 is amended to read as follows:

22 19:1-1. As used in this Title:

23 "Election" means the procedure whereby the electors of this
24 State or any political subdivision thereof elect persons to fill public
25 office or pass on public questions.

26 "General election" means the annual election to be held on the
27 first Tuesday after the first Monday in November and, where
28 applicable, includes annual school elections 'held on that date'.

29 "Primary election for the general election" means the procedure
30 whereby the members of a political party in this State or any
31 political subdivision thereof nominate candidates to be voted for at
32 general elections, or elect persons to fill party offices.

33 "Municipal election" means an election to be held in and for a
34 single municipality only, at regular intervals.

35 "Special election" means an election which is not provided for by
36 law to be held at stated intervals.

37 "Any election" includes all primary, general, municipal, school
38 and special elections, as defined herein.

39 "Municipality" includes any city, town, borough, village, or
40 township.

41 "School election" means any annual or special election to be held
42 in and for a local or regional school district established pursuant to
43 chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes.

44 "Public office" includes any office in the government of this
45 State or any of its political subdivisions filled at elections by the
46 electors of the State or political subdivision.

47 "Public question" includes any question, proposition or
48 referendum required by the legislative or governing body of this

1 State or any of its political subdivisions to be submitted by
2 referendum procedure to the voters of the State or political
3 subdivision for decision at elections.

4 "Political party" means a party which, at the election held for all
5 of the members of the General Assembly next preceding the holding
6 of any primary election held pursuant to this Title, polled for
7 members of the General Assembly at least 10% of the total vote cast
8 in this State.

9 "Party office" means the office of delegate or alternate to the
10 national convention of a political party or member of the State,
11 county or municipal committees of a political party.

12 "Masculine" includes the feminine, and the masculine pronoun
13 wherever used in this Title shall be construed to include the
14 feminine.

15 "Presidential year" means the year in which electors of President
16 and Vice-President of the United States are voted for at the general
17 election.

18 "Election district" means the territory within which or for which
19 there is a polling place or room for all voters in the territory to cast
20 their ballots at any election.

21 "District board" means the district board of registry and election
22 in an election district.

23 "County board" means the county board of elections in a county.

24 "Superintendent" means the superintendent of elections in
25 counties wherein the same shall have been appointed.

26 "Commissioner" means the commissioner of registration in
27 counties.

28 "File" or "filed" means deposited in the regularly maintained
29 office of the public official wherever said regularly maintained
30 office is designated by statute, ordinance or resolution.

31 (cf: P.L.2011, c.134, s.1)

32

33 25. R.S.19:12-7 is amended to read as follows:

34 19:12-7. a. The county board in each county shall cause to be
35 published in a newspaper or newspapers which, singly or in
36 combination, are of general circulation throughout the county, a
37 notice containing the information specified in subsection b. hereof,
38 except for such of the contents as may be omitted pursuant to
39 subsection c. or d. hereof. Such notice shall be published once
40 during the 30 days next preceding the day fixed for the closing of
41 the registration books for the primary election, once during the
42 calendar week next preceding the week in which the primary
43 election for the general election is held, once during the 30 days
44 next preceding the day fixed for the closing of the registration
45 books for the general election, and once during the calendar week
46 next preceding the week in which the general election is held.

47 b. Such notice shall set forth:

48 (1) For the primary election for the general election:

1 (a) That a primary election for making nominations for the
2 general election, for the selection of members of the county
3 committees of each political party, and in each presidential year for
4 the selection of delegates and alternates to national conventions of
5 political parties, will be held on the day and between the hours and
6 at the places provided for by or pursuant to this Title.

7 (b) The place or places at which and hours during which a
8 person may register, the procedure for the transfer of registration,
9 and the date on which the books are closed for registration or
10 transfer of registration.

11 (c) The several State, county, municipal and party offices or
12 positions to be filled, or for which nominations are to be made, at
13 such primary election.

14 (d) The existence of registration and voting aids, including: (i)
15 the availability of registration and voting instructions at places of
16 registration as provided under R.S.19:31-6; and (ii), if available, the
17 accessibility of voter information to the deaf by means of a
18 telecommunications device.

19 (e) The availability of assistance to a person unable to vote due
20 to blindness, disability or inability to read or write.

21 (f) In the case of the notice published during the calendar week
22 next preceding the week in which the primary election is held, that
23 a voter who, prior to the election, shall have moved within the same
24 county without (i) filing, on or before the 21st day preceding the
25 election, a notice of change of residence with the commissioner of
26 registration of the county or the municipal clerk of the municipality
27 in which the voter resides on the day of the election, (ii) returning
28 the confirmation notice sent to the voter by the commissioner of
29 registration of the county, if such a notice has been sent to the voter,
30 or (iii) otherwise notifying the commissioner of registration of the
31 voter's change of address within the county shall be permitted to
32 correct the voter's registration and to vote in the primary election by
33 provisional ballot at the polling place of the district in which the
34 voter resides on the day of the election. The notice shall further
35 provide that the voter may contact the county commissioner of
36 registration or municipal clerk to determine the proper polling place
37 location for the voter.

38 (2) For the general election:

39 (a) That a general election will be held on the day and between
40 the hours and at the places provided for by or pursuant to this Title
41 and, where applicable, shall include 'annual' school elections 'held
42 on that date' .

43 (b) The place or places at which and hours during which a
44 person may register, the procedure for transfer of registration, and
45 the date on which the books are closed for registration or transfer of
46 registration.

47 (c) The several State, county and municipal offices, and where
48 applicable, school board offices to be filled, notice of any school

1 district propositions to be submitted to the people and, except as
2 provided in R.S.19:14-33 of this Title as to publication of notice of
3 any Statewide proposition directed by the Legislature to be
4 submitted to the people, the State, county and municipal public
5 questions to be voted upon at such general election.

6 (d) The existence of registration and voting aids, including: (i)
7 the availability of registration and voting instructions at places of
8 registration as provided under R.S.19:31-6; and (ii) the accessibility
9 of voter information to the deaf by means of a telecommunications
10 device.

11 (e) The availability of assistance to a person unable to vote due
12 to blindness, disability or inability to read or write.

13 (f) In the case of the notice published during the calendar week
14 next preceding the week in which the general election is held, that a
15 voter who, prior to the election, shall have moved within the same
16 county without (i) filing, on or before the 21st day preceding the
17 election, a notice of change of residence with the commissioner of
18 registration of the county or the municipal clerk of the municipality
19 in which the voter resides on the day of the election, (ii) returning
20 the confirmation notice sent to the voter by the commissioner of
21 registration of the county, if such a notice has been sent to the voter,
22 or (iii) otherwise notifying the commissioner of registration of the
23 voter's change of address within the county shall be permitted to
24 correct the voter's registration and to vote in the general election by
25 provisional ballot at the polling place of the district in which the
26 voter resides on the day of the election. The notice shall further
27 provide that the voter may contact the county commissioner of
28 registration or municipal clerk to determine the proper polling place
29 location for the voter.

30 (3) For a school election:

31 (a) The day, time and place thereof,

32 (b) The offices, if any, to be filled at the election,

33 (c) The substance of any public question to be submitted to the
34 voters thereat,

35 (d) That a voter who, prior to the election, shall have moved
36 within the same county without (i) filing, on or before the 21st day
37 preceding the election, a notice of change of residence with the
38 commissioner of registration of the county or the municipal clerk of
39 the municipality in which the voter resides on the day of the
40 election, (ii) returning the confirmation notice sent to the voter by
41 the commissioner of registration of the county, if such a notice has
42 been sent to the voter, or (iii) otherwise notifying the commissioner
43 of registration of the voter's change of address within the county
44 shall be permitted to correct the voter's registration and to vote in
45 the school election by provisional ballot at the polling place of the
46 district in which the voter resides on the day of the election,

47 (e) That if the voter has any questions as to where to vote on the
48 day of the election, the voter may contact the county commissioner

1 of registration or municipal clerk to determine the proper polling
2 place location for the voter; and

3 (f) Such other information as may be required by law.

4 c. If such publication is made in more than one newspaper, it
5 shall not be necessary to duplicate in the notice published in each
6 such newspaper all the information required under this section, so
7 long as:

8 (1) The municipal officers or party positions to be filled, or
9 nominations made, or municipal public questions to be voted upon
10 by the voters of any municipality, shall be set forth in at least one
11 newspaper having general circulation in such municipality;

12 (2) All offices to be filled, or nominations made therefor, or
13 public questions to be voted upon, by the voters of the entire State
14 or of the entire county shall be set forth in a newspaper or
15 newspapers which, singly or in combination, have general
16 circulation throughout the county;

17 (3) Information relating to nominations and elections in each
18 Legislative District comprised in whole or part in the county, shall
19 be published in at least a newspaper or newspapers which singly or
20 in combination, have general circulation in every municipality of
21 the county which is comprised in such legislative district.

22 d. Such part or parts of the original notices as published which
23 pertain to day of registration or primary election which has occurred
24 shall be eliminated from such notice in succeeding insertions.

25 e. (Deleted by amendment, P.L.1999, c.232.)

26 f. The cost of publishing the notices required by this section
27 shall be paid by the respective counties, unless otherwise provided
28 for by law.

29 g. Notices required to be published or posted pursuant to this
30 section shall set forth a general description of the contents of the
31 voter information notice provided for in section 1 of P.L.2005,
32 c.149 (C.19:12-7.1), how the notice may be viewed or obtained
33 prior to the day of an election, and that the notice will be posted in
34 each polling place on the day of an election.

35 (cf: P.L.2011, c.134, s.19)

36

37 26. R.S.19:14-4 is amended to read as follows:

38 19:14-4. In the center of the ballot immediately below the
39 perforated line shall be printed in bold-faced type the words
40 "Official general election ballot." Below these words and extending
41 across the ballot shall appear the words: "Name of (municipality),
42 ward, school district (if applicable),
43 election district, date of election,
44 John Doe, county clerk." The blank spaces shall be
45 filled in with the name of the proper municipality, the ward and
46 district numbers and the date of the election. For school elections
47 the name of the school district and of the municipality or
48 municipalities comprising the district shall also be indicated

1 thereon. The name of the county clerk shall be a facsimile of his
2 signature. Below the last stated words extending across the ballot
3 and at the extreme left shall be printed the words "Instructions to
4 the voter," and immediately to the right there shall be a bracket
5 embracing the following instructions numbered consecutively:

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

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

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

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

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

23 (6) Do not mark this ballot in any other manner than above
24 provided for and make no erasures. Should this ballot be wrongly
25 marked, defaced, torn or any erasure made thereon or otherwise
26 rendered unfit for use return it and obtain another. In presidential
27 years, the following instructions shall be printed upon the general
28 election ballot:

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

33 Below the above-stated instructions and information and, except
34 when compliance with **[section 19:14-15 of this Title]** R.S.19:14-
35 13 as to Statewide propositions otherwise requires, three inches
36 below the perforated line and parallel to it, there shall be printed a
37 six-point diagram rule extending across the ballot to within not less
38 than a half inch to the right and left edges of the paper.

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

40

41 27. R.S.19:14-8 is amended to read as follows:

42 19:14-8. In the columns of each of the political parties which
43 made nominations at the next preceding primary election to the
44 general election and in the personal choice column, within the space
45 between the two-point hair line rules, there shall be printed the title
46 of each office to be filled at such election, except as hereinafter
47 provided.

1 Such titles of office shall be arranged in the following order:
2 electors of President and Vice-President of the United States;
3 member of the United States Senate; Governor; member of the
4 House of Representatives; member of the State Senate; members of
5 the General Assembly; county executive, in counties that have
6 adopted the county executive plan of the "Optional County Charter
7 Law," P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk;
8 surrogate; register of deeds and mortgages; county supervisor;
9 members of the board of chosen freeholders; coroners; mayor and
10 members of municipal governing bodies, and any other titles of
11 office. Candidates for members of a school board shall be listed in
12 a section of the ballot that is '[clearly]' separate from the section
13 featuring other candidates 'whenever possible' . Above each of
14 such titles of office, except the one at the top, shall be printed a
15 two-point diagram rule in place of the two-point hair line rule.
16 Below the titles of such offices shall be printed the names of the
17 candidates for the offices.

18 The arrangement of the names of candidates for any office for
19 which more than one are to be elected shall be determined in the
20 manner hereinafter provided, as in the case of candidates nominated
21 by petition.

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

25 Immediately to the left of the name of each candidate, at the
26 extreme left of each column, including the personal choice column,
27 shall be printed a square, one-quarter of an inch in size, formed by
28 two-point diagram rules. In the personal choice column no names
29 of candidates shall be printed.

30 To the right of the title of each office in the party columns and
31 the personal choice column shall be printed the words "Vote for,"
32 inserting in words the number of persons to be elected to such
33 office.

34 (cf: P.L.2011, c.134, s.21)

35

36 28. R.S.19:14-10 is amended to read as follows:

37 19:14-10. In the column or columns designated as nominations
38 by petition, within the space between the two-point hair line rules,
39 there shall be printed the title of each office for which nominations
40 by petition have been made.

41 Such titles of office shall be arranged in the following order:
42 electors of President and Vice-President of the United States;
43 member of the United States Senate; Governor and Lieutenant
44 Governor; member of the House of Representatives; member of the
45 State Senate; members of the General Assembly; county executive,
46 in counties that have adopted the county executive plan of the
47 "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et
48 seq.); sheriff; county clerk; surrogate; register of deeds and

1 mortgages; county supervisor; members of the board of chosen
2 freeholders; coroners; mayor and members of municipal governing
3 bodies; members of the school board, when appropriate, and any
4 other titles of office.

5 Above each of the titles of office, except the one on the top, shall
6 be printed a two-point diagram rule in place of the two-point hair
7 line rule. Below the titles of each of the offices shall be printed the
8 names of each of the candidates for each of such offices followed
9 by the designation or designations mentioned in the petitions filed.

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

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

18 To the right of the title of each office shall be printed the words
19 "Vote for " inserting in words the number of candidates to be
20 elected to such office.

21 (cf: P.L.2009, c.66, s.3)

22

23 29. R.S.19:14-16 is amended to read as follows:

24 19:14-16. The words to be printed on the perforated coupon
25 shall be printed in twelve-point bold-faced capital letters and the
26 figures in eighteen and twenty-two-point bold-faced type. At the
27 head of the ballot the words "Official General Election Ballot" shall
28 be printed in at least thirty-point bold-faced capital letters. The
29 name of municipality, ward, school district, election district, and
30 date, as appropriate, shall be printed in twelve-point bold-faced
31 capital letters. The words "Instructions to the voter" shall be
32 printed in twelve-point bold-faced capitals and small letters, while
33 the instructions embraced within the brackets shall be printed in
34 eight-point bold-faced capital and small letters. The column
35 designations shall be printed in eighteen-point bold-faced capital
36 letters and the accompanying instructions shall be printed in eight-
37 point capitals and small letters. The titles of office and
38 accompanying instructions shall be printed in ten-point bold-faced
39 capital and small letters. When there is no nomination made at the
40 primary for an office, the title shall be printed in the space where
41 such title should appear, and the words "No Nomination Made" in
42 type large enough to fill the entire space or spaces shall be printed
43 therein. The names of all candidates shall be printed in ten-point
44 capital letters. The designations following the candidates' names in
45 the nomination by petition column or columns shall be printed in
46 ten-point capitals and small letters, except that where they overrun
47 the space within the column the designations may be abbreviated,
48 and all spaces between the two-point hair line rules not occupied by

1 the titles of office and names of candidates shall be printed in with
2 scroll or filling to guide the voter against wrongly marking the
3 ballot. On the foot of the ballot the words "Public Questions to be
4 Voted Upon" shall be printed in eighteen-point bold-faced capital
5 letters. The accompanying instructions shall be printed in eight-
6 point capital and small letters. The public questions to be voted
7 upon shall be printed in ten-point capital and small letters, and the
8 words "Yes" and "No" shall be printed in twelve-point bold-faced
9 capital letters.
10 (cf: R.S.19:14-16)

11
12 30. R.S.19:14-22 is amended to read as follows:

13 19:14-22. The official general election sample ballots shall be as
14 nearly as possible facsimiles of the official general election ballot to
15 be voted at such election and shall have printed thereon, after the
16 words which indicate the number of the election district for which
17 such sample ballots are printed, the name of the school district,
18 when appropriate, the street address or location of the polling place
19 in the election district, the hours between which the polls shall be
20 open, and shall be printed on paper different in color from the
21 official general election ballot, and have the following words
22 printed in large type at the top: "This ballot cannot be voted. It is a
23 sample copy of the official general election ballot used on election
24 day."

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

26
27 31. R.S.19:15-2 is amended to read as follows:

28 19:15-2. The district boards shall open the polls for such
29 election at 6:00 A.M. and close them at 8:00 P.M., and shall keep
30 them open during the whole day of election between these hours;
31 except that for a school election held at a time other than at the time
32 of the general election the polls shall be open between the hours of
33 5:00 P.M. and 9:00 P.M. and during any additional time which the
34 school board may designate between the hours of 7:00 A.M. and
35 9:00 P.M.

36 The board may allow one member thereof at a time to be absent
37 from the polling place and room for a period not exceeding one
38 hour between the hours of 1:00 P.M. and 5:00 P.M. or for such
39 shorter time as it shall see fit.

40 At no time from the opening of the polls to the completion of the
41 canvass shall there be less than a majority of the board present in
42 the polling room or place, except that during a school election held
43 at a time other than at the time of the general election there shall
44 always be at least one member of each district election board
45 present or if more than two district board members are designated to
46 serve at the polling place, at least two members present.

47 (cf: P.L.2001, c.245, s.3)

1 32. R.S.19:45-6 is amended to read as follows:

2 19:45-6. The compensation of each member of the district
3 boards for all services performed by them under the provisions of
4 this Title shall be as follows:

5 In all counties, for all services rendered including the counting of
6 the votes, and in counties wherein voting machines are used, the
7 tabulation of the votes registered on the voting machines, and the
8 delivery of the returns, registry binders, ballot boxes and keys for
9 the voting machines to the proper election officials, \$200 each time
10 the primary election, the general election or any special election is
11 held under this Title; provided, however, that:

12 a. (1) The member of the board charged with the duty of
13 obtaining and signing for the signature copy registers shall receive
14 an additional \$12.50 per election, such remuneration being limited
15 to only one board member per election, or \$6.25 to each of two
16 board members if they share such responsibility for the signature
17 copy registers, and (2) the member of the board charged with the
18 duty of returning the signature copy registers shall receive an
19 additional \$12.50 per election, such remuneration being limited to
20 only one board member per election, or \$6.25 to each of two board
21 members if they share such responsibility for the signature copy
22 registers;

23 b. In the case of any member of the board who is required
24 under R.S.19:50-1 to attend in a given year a training program for
25 district board members, but who fails to attend such a training
26 program in that year, that compensation shall be \$50.00 for each of
27 those elections;

28 c. In counties wherein voting machines are used no
29 compensation shall be paid for any services rendered at any special
30 election held at the same time as any primary or general election.
31 Such compensation shall be in lieu of all other fees and payments;
32 and

33 d. Compensation for district board members serving at a school
34 election held at a time other than the time of the general election
35 shall be paid by the board of education of the school district
36 conducting the election at an hourly rate of \$5.77, except that the
37 board of education may compensate such district board members at
38 a pro-rated hourly rate consistent with the daily rate up to a
39 maximum of \$14.29. The provisions of subsections a., b., and c. of
40 this section shall also apply to district board members serving at a
41 school election held at a time other than at the time of the general
42 election, except that in the case of subsection b., the compensation
43 shall be at an hourly rate of \$3.85.

44 Compensation due each member shall be paid within 30 days but
45 not within 20 days after each election; provided, however, that no
46 compensation shall be paid to any member of any such district
47 board who may have been removed from office or application for

1 the removal of whom is pending under the provisions of R.S.19:6-4.
2 (cf: P.L.2011, c.134, s.45)

3

4 33. Section 1 of P.L.1995, c.278 (C.19:60-1) is amended to read
5 as follows:

6 1. a. **[An]** Except as otherwise provided in this section, an
7 annual school election shall be held in **[each]** a type II district on
8 the third Tuesday in April. However, in any school year, the
9 Commissioner of Education shall make any adjustments to the
10 school budget and election calendar which may be necessary to
11 change the annual school election date or any other school budget
12 and election calendar date if that date coincides with a period of
13 religious observance that limits significantly the usual activities of
14 the followers of a particular religion or that would result in
15 significant religious consequences for such followers. The
16 commissioner shall inform local school boards, county clerks and
17 boards of elections of these adjustments no later than the first
18 working day in January of the year in which the adjustments are to
19 occur.

20 As used in this subsection "a period of religious observance"
21 means any day or portion thereof on which a religious observance
22 imposes a substantial burden on an individual's ability to vote.

23 An annual school election shall be held simultaneously with the
24 general election on the first Tuesday after the first Monday in
25 November in school districts in which the annual school election
26 has been moved to that date pursuant to subsection a. of section 1 of
27 P.L. , c. (C.) (pending before the Legislature as this bill).
28 The annual school election in November shall be for the purpose of
29 submitting a proposal to the voters for the approval of additional
30 funds pursuant to paragraph (9) of subsection d. of section 5 of
31 P.L.1996, c.138 (C.18A:7F-5), for the purpose of electing members
32 of the board of education, and for any other purpose authorized by
33 law.

34 b. All school elections shall be by ballot and, except as
35 otherwise provided by P.L.1995, c.278 (C.19:60-1 et al.), shall be
36 conducted in the manner provided for general elections pursuant to
37 Title 19 of the Revised Statutes. No grouping of candidates or
38 party designation shall appear on any ballot to be used in a school
39 election.

40 (cf: P.L.2008, c.129, s.1)

41

42 34. Section 3 of P.L.1995, c. 278 (C.19:60-3) is amended to read
43 as follows:

44 3. a. Notwithstanding the provisions of R.S.19:6-1, for school
45 elections held at times other than at the time of the general election
46 the county board of the county in which the election district is
47 located shall designate two members of the district board of election
48 to perform all the duties of the district board for that election,

1 except that where electronic voting systems are in use in any
2 election district in which there are more than 900 registered voters,
3 the county board shall designate four members of the district board
4 to perform all the duties of the district board for that election.
5 Notwithstanding the provisions of R.S.19:6-10, the county board
6 shall appoint one of the persons so designated to serve as judge and
7 the other or another, as the case may be, of those persons so
8 designated to serve as inspector for school elections.

9 b. Notwithstanding the provisions of subsection a. or any other
10 law to the contrary:

11 (1) Upon the request of a board of education or the clerk of a
12 municipality in the county or upon its own initiative, the county
13 board may designate the polling place and voting equipment of one
14 election district to serve as the polling place and voting equipment
15 for the voters of one or more other election districts for school
16 elections held at times other than at the time of the general election.
17 Such a designation shall be based on the casting of no more than
18 500 ballots during each of the two preceding annual April school
19 elections by the voters of the election districts for which that polling
20 place is designated. If, at two consecutive annual April school
21 elections thereafter, the number of ballots cast by the voters in those
22 election districts is more than 500, the county board shall effect an
23 appropriate revision of the election districts using that polling place.
24 If a request is from a municipal clerk, the request shall apply only
25 to the election districts in that municipality.

26 (2) If one polling place is designated for two or more election
27 districts, the county board shall designate at least two members
28 from among the members of the district boards of election of those
29 election districts to perform all the duties of the district board for
30 the school election held at times other than at the time of the
31 general election. The county board shall also appoint one of the
32 persons so designated to serve as judge and another of those persons
33 to serve as inspector for school elections.

34 (cf: P.L.1996, c.3, s.1)

35
36 35. Section 4 of P.L.1995, c.278 (C.19:60-4) is amended to read
37 as follows:

38 4. The secretary of each board of education shall, not later than
39 10 o'clock a.m. of the 18th day preceding the annual April school
40 election or a special school election, make and certify and forward
41 to the clerk of the county in which the school district is located a
42 statement designating the public question to be voted upon by the
43 voters of the district which may be required pursuant to the
44 provisions of P.L.1995, c.278 (C.19:60-1 et al.) or Title 18A of the
45 New Jersey Statutes.

46 The secretary of each board of education of a school district in
47 which the annual school election has been moved to November
48 pursuant to subsection a. of section 1 of P.L. , c. (C.)

1 (pending before the Legislature as this bill), not later than 10
2 o'clock a.m. of the 60th day preceding the November school
3 election, shall make and certify and forward to the clerk of the
4 county in which the school district is located a statement
5 designating any public question to be voted upon by the voters of
6 the district which may be required pursuant to the provisions of
7 P.L.1995, c.278 (C.19:60-1 et al.) or Title 18A of the New Jersey
8 Statutes.

9 (cf: P.L.2011, c.37, s.27)

10

11 36. Section 7 of P.L.1995, c.278 (C.19:60-7) is amended to read
12 as follows:

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

31 Any candidate may withdraw as a candidate in a school election
32 by filing a notice in writing, signed by the candidate, of such
33 withdrawal with the secretary of the board of education before the
34 44th day before the date of the April election or ¹with the county
35 clerk on ¹the ¹[54th] 60th ¹day before the date of the November
36 election, as applicable, and thereupon the name of that candidate
37 shall be withdrawn by the secretary of the board of education and
38 shall not be printed on the ballot.

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

43 Whenever written objection to a petition of nomination
44 hereunder shall have been made and timely filed with the secretary
45 of the board of education ¹or with the county clerk, as may be
46 appropriate ¹, the board of education shall file its determination of
47 the objection on or before the 44th day preceding the April school
48 election or ¹the county clerk shall file the clerk's determination of

1 the objection on or before' the '[61st] 10th' day '[preceding] after
2 the last day for the filing of petitions for candidates seeking election
3 as a member of a board of education at' 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 '[52nd] 12th' day '[before] after the last day
9 for the filing of petitions for candidates seeking election as a
10 member of a board of education at' 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 '[54th] 10th' day '[before] after the last day for the filing of
15 petitions for candidates seeking election as a member of a board of
16 education at' the November election, as applicable.

17 (cf: P.L.2000, c.22, s.1)

18

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

21 9. The ballot for a school election shall be a single or blanket
22 form of ballot, upon which shall be printed in bold-faced type
23 the words "OFFICIAL SCHOOL ELECTION BALLOT" or
24 "OFFICIAL SPECIAL SCHOOL ELECTION BALLOT," as
25 appropriate.

26 Any public question which is to be submitted to the voters at a
27 school election shall be printed in a separate space below or to the
28 right of, as the county clerk shall determine, the listing of
29 candidates in the election.

30 In the columns in which are listed the titles of the offices to be
31 filled at a school election and the names of candidates for those
32 offices, the title of and the names of candidates for the office of
33 member of the regional board of education shall appear above the
34 title of and the names of candidates for the office of member of the
35 local board of education. With respect to either office, in the event
36 that one or more persons are to be elected to membership thereon
37 for a full term and one or more persons are to be elected to
38 membership thereon to fill an unexpired term, the ballots shall
39 designate which of the candidates to be voted for is to be elected for
40 a full term and which for an unexpired term. In all cases in which
41 one or more persons are to be elected for an unexpired term, the
42 ballots shall indicate the duration of that unexpired term.

43 All public questions to be voted upon at a school election by the
44 voters of more than one municipality shall be placed first before
45 any question to be voted upon at that election by the voters of a
46 single municipality. When the public question to be voted upon by
47 the voters of a regional school district is the amount of money to be
48 raised for the use of the regional schools of the district, the amount

1 of money determined to be the constituent municipality's share
2 thereof may be identified on the ballot pursuant to N.J.S.18A:13-17.

3 Every county clerk shall have ready for the printer a copy of the
4 contents of official ballots required by law to be printed for use at a
5 school election, as follows: in the case of the annual April school
6 election, not later than the 17th day preceding that election; **[and]**
7 in the case of any special school election, not later than two
8 business days following receipt by the clerk of official notice of the
9 complete content of the ballot to be voted upon at that election; and
10 in the case of the annual November school election, in accordance
11 with the provisions of R.S.19:14-1.

12 The ballots for '[a] an annual' school election to be held
13 simultaneously with the general election shall be in accordance with
14 the provisions of chapter 14 of Title 19 of the Revised Statutes.

15 At '[a] an annual' school election held simultaneously with the
16 general election, the names of the candidates for the office of
17 member of the board of education shall appear on the ballot
18 separately from the names of candidates for other offices 'whenever
19 possible' . Any proposals for additional funds pursuant to paragraph
20 (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5)
21 shall appear on the ballot '[in close proximity to] near' the names
22 of the candidates for the office of member of the board of education
23 'whenever possible' .

24 (cf: P.L.2001, c.26, s.2)

25

26 38. Section 11 of P.L.1995, c.278 (C.19:60-11) is amended to
27 read as follows:

28 11. The district board of election shall, for any school election
29 held at a time other than the time of the general election, utilize a
30 poll list instead of the signature copy register. The poll list shall be
31 arranged in a column or columns appropriately headed so as to
32 indicate the election, the date thereof, and the school district and
33 election district in which the same is used, in such a manner that
34 each voter voting in the polling place at the election may sign the
35 voter's name and state the voter's address therein and the number of
36 the voter's official ballot may be indicated opposite the signature.
37 The district board shall compare the signature in the poll lists with
38 that in the signature copy registers before accepting the ballot.

39 If one polling place is designated for two or more election
40 districts pursuant to subsection b. of section 3 of P.L.1995, c.278
41 (C.19:60-3), the provisions of this section shall apply to the
42 members of the district boards of election designated to serve as the
43 election officers at the polling place for those election districts. The
44 signature copy registers for those election districts shall be provided
45 to those election officers.

46 (cf: P.L.1996, c.3, s.2)

47

48 39. Section 12 of P.L.1995, c.278 (C.19:60-12) is amended to

1 read as follows:

2 12. All costs, charges and expenses, including the compensation
3 of the members of the district boards and the compensation and
4 expenses of the county board of elections, the county
5 superintendent of elections, the clerk of the county, and the
6 municipal clerks for any school election held at a time other than
7 the time of the general election shall be paid by the board of
8 education of the school district. All costs, charges and expenses
9 submitted to the board of education for payment shall be itemized
10 and shall include the separate identification of costs to prepare,
11 print and distribute sample ballots. Amounts expended by a county
12 or a municipality in the conduct of school elections for which the
13 board of education shall make payment shall be considered
14 mandated expenditures exempt from the limitations on the county
15 tax levy and from the limitations on final municipal appropriations
16 imposed pursuant to P.L.1976, c.68 (C.40A:4-45.1 et seq.), and any
17 costs to the board of education which exceed the amount of the
18 costs to that board for the annual school election immediately
19 preceding the enactment of P.L.1995, c.278 (C.19:60-1 et seq.) shall
20 not be included for the purpose of calculating a school district's
21 **【**maximum permissible net budget pursuant to section 85 of
22 P.L.1990, c.52 (C.18A:7D-28)**】** tax levy growth limitation pursuant
23 to P.L.2007, c.62 (C.18A:7F-37 et al.).
24 (cf: P.L.1996, c.3, s.3)

25

26 40. R.S.54:4-45 is amended to read as follows:

27 54:4-45. The clerk or other proper officer of each type II school
28 district **【**in which the annual appropriations for school purposes to
29 be raised by taxation, are voted by the inhabitants of the school
30 district,**】** having no board of school estimate shall, on or before
31 May 19 in each year, transmit to the county board of taxation a
32 certified statement of the amount of moneys appropriated for school
33 purposes, which shall include interest to be paid, principal
34 payments of indebtedness, and sinking fund requirements for the
35 school year for which such appropriations are made, to be raised by
36 taxation in the school district.
37 (cf: P.L.1995, c.94, s.3)

38

39 41. (New section) A board of education of a school district in
40 which the annual school election has been moved to November
41 pursuant to subsection a. of section 1 of P.L. , c. (C.) (pending
42 before the Legislature as this bill) and which has determined to
43 submit a proposal or proposals for additional funds to the voters at
44 the annual school election pursuant to paragraph (9) of subsection
45 d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), shall adopt and
46 submit to the commissioner for approval pursuant to subsection c.
47 of section 5 of P.L.1996, c.138 (C.18A:7F-5), a temporary budget
48 for the school year pending the approval or disapproval of the

1 proposal or proposals for additional funds by the voters. The
 2 temporary budget shall be calculated pursuant to the provisions of
 3 paragraph (1) of subsection d. of section 5 of P.L.1996, c.138
 4 (C.18A:7F-5) or P.L.2007, c.62 (C.18A:7F-37 et al.), as
 5 appropriate.

6
 7 42. (New section) In the case of a school district in which the
 8 annual school election has been moved to November pursuant to
 9 subsection a. of section 1 of P.L. , c. (C.) (pending before the
 10 Legislature as this bill), if the voters authorize the proposal or
 11 proposals for additional funds pursuant to paragraph (9) of
 12 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), the
 13 district shall submit the resulting final budget to the commissioner
 14 within 15 days of the action of the voters. If the voters fail to
 15 authorize the proposal or proposals for additional funds, the
 16 temporary budget shall be the final budget for the district for that
 17 school year.

18
 19 43. (New section) In the case of a school district in which the
 20 annual school election has been moved to November pursuant to
 21 subsection a. of section 1 of P.L. , c. (C.) (pending before
 22 the Legislature as this bill), if the voters approve a proposal or
 23 proposals for additional funds pursuant to paragraph (9) of
 24 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), the
 25 secretary of the board of education shall re-certify to the county
 26 board of taxation the sum or sums to be raised by special district tax
 27 for the school year. The amount re-certified shall be included in the
 28 taxes assessed, levied and collected in the municipality or
 29 municipalities comprising the district.

30
 31 44. (New section) The ²**[Commissioner]** Director of the
 32 Division of Local Government Services in the Department² of
 33 Community Affairs² and the Director of the Division of Taxation in
 34 the Department of Treasury² , in consultation with the
 35 Commissioner of Education, shall ²**[promulgate rules pursuant to**
 36 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
 37 et seq.) for the procedure] take such action as deemed necessary²
 38 for the delivery of estimated tax bills and the recertification of the
 39 school district tax levy pursuant to section 43 of P.L. , c. (C.)
 40 (pending before the Legislature as this bill) for districts in which the
 41 annual school election is in November and that determine to submit
 42 proposal or proposals for additional funds pursuant to paragraph (9)
 43 of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5).

44
 45 45. (New section) In the case of a school district in which the
 46 annual school election has been moved to November pursuant to
 47 subsection a. of section 1 of P.L. , c. (C.) (pending before the
 48 Legislature as this bill), an elected member of a board of education,

1 or a member of a board of education appointed to serve the
2 unexpired term of an elected member, or an appointed member of a
3 board of education other than a member in a district in a city of the
4 first class, who is holding office on the effective date of P.L. ,
5 c. (C.) (pending before the Legislature as this bill) shall
6 continue in office until the day in January next following the year in
7 which his term was originally set to expire when his successor takes
8 office.

9
10 ¹46. R.S.19:49-2 is amended to read as follows:

11 19:49-2. All official ballots shall be in black ink in type as large
12 as space will reasonably permit; provided, however, that any public
13 question which shall be placed on the ballot shall be in red and
14 above any public question to be voted upon by the voters of the
15 entire State there shall be, also in red, a description of the public
16 question, which description shall not exceed six words and shall be
17 in type as large as is practicable. Party nominations shall be
18 arranged on each voting machine, either in columns or horizontal
19 rows; the caption of the various ballots on the machines shall be so
20 placed on the machines as to indicate to the voter what device is to
21 be used or operated in order to vote for the candidates or candidate
22 of his or her choice. The providing of the official ballots **[and]**, the
23 order of the precedence and arrangement of parties and of
24 candidates, and the instructions for the use of a device to be used or
25 operated in order to vote for candidates shall be as now required by
26 law **;** provided, however, except that in those counties where
27 voting machines are used, the county clerk shall have the authority
28 to determine the specifications for, and the final arrangement of, the
29 official ballots **[shall be drawn by the county clerk]**.

30 For the primary election for the general election in all counties
31 where voting machines are or shall be used, all candidates who shall
32 file a joint petition with the county clerk of their respective county
33 and who shall choose the same designation or slogan shall be drawn
34 for position on the ballot as a unit and shall have their names placed
35 on the same line of the voting machine; and provided further, that
36 all candidates for municipal or party office in municipalities in
37 counties where voting machines are or shall be used who shall file
38 a petition with the clerk of their municipality bearing the same
39 designation or slogan as that of the candidates filing a joint petition
40 with the county clerk as aforesaid, may request that his or her name
41 be placed on the same line of the voting machine with the
42 candidates who have filed a joint petition with the county clerk as
43 aforesaid by so notifying the county clerk of said county in writing
44 within two days after the last day for filing nominating petitions and
45 thereupon the county clerk shall forthwith notify the campaign
46 manager of such candidates filing a joint petition as aforesaid of
47 said request, and if the said campaign manager shall file his consent
48 in writing with the said county clerk within two days after the

1 receipt of said notification from said county clerk, the clerk of said
2 county shall place the name of such candidate on the same line of
3 the voting machine on which appears the names of the candidates
4 who have filed the joint petition as aforesaid; provided, also, that
5 any candidate filing a petition with the Attorney General may
6 request that his or her name be placed on the same line of the voting
7 machine with the candidates who have filed a joint petition with the
8 county clerk as aforesaid by so notifying the county clerk of said
9 county in writing within two days after the last day for filing
10 nominating petitions, and thereupon the county clerk shall forthwith
11 notify the campaign manager of such candidates filing a joint
12 petition as aforesaid of said request, and if the said campaign
13 manager shall file his consent in writing with the said county clerk
14 within two days after the receipt of said notification from said
15 county clerk, the clerk of said county shall place the name of such
16 candidate on the same line of the voting machine on which appears
17 the names of the candidates who have filed the joint petition as
18 aforesaid.¹

19 (cf: P.L.2004, c.88, s.16)

20

21 ¹[46.] 47.¹ This act shall take effect ¹[on January 1 next
22 following enactment] immediately¹.

23

24

25

26

27 _____
28 Establishes procedures for districts, municipalities, or voters to
29 opt to move the annual school election to November and eliminates
30 vote on school budgets for such districts, except for separate
proposals to spend above cap.

SENATE, No. 3148

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED DECEMBER 8, 2011

Sponsored by:

Senator DONALD NORCROSS
District 5 (Camden and Gloucester)
Senator SHIRLEY K. TURNER
District 15 (Mercer)

SYNOPSIS

Establishes procedures for districts, municipalities, or voters to opt to move the annual school election to November and eliminates vote on school budgets for such districts, except for separate proposals to spend above cap.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/16/2011)

S3148 NORCROSS, TURNER

2

1 AN ACT concerning the operation of school districts, revising
2 various parts of the statutory law, and supplementing chapter 7F
3 of Title 18A of the New Jersey Statutes and chapter 60 of Title
4 19 of the Revised Statutes.

5

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

8

9 1. (New section) a. (1) The question of moving the date of a
10 school district's annual school election to the first Tuesday after the
11 first Monday in November, to be held simultaneously with the
12 general election, shall be submitted to the legal voters of the district
13 whenever a petition signed by not less than 15% of the legally
14 qualified voters who voted in the district at the last preceding
15 general election held for the election of all of the members of the
16 General Assembly is filed with the board of education. The
17 question shall be submitted to the voters of the district at the next
18 annual school election, special school election, or general election
19 as determined by the board of education, 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 Type II school district without a board of school
29 estimate or the governing body of the municipality constituting the
30 district.

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

41 (3) In the case of local school districts which are constituent
42 districts of a limited purpose regional school district, each of those
43 local school districts shall approve moving the date of the election
44 to November, by any of the procedures established pursuant to this
45 subsection, for any of those local school districts to move the date

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 of the annual school election to the day of the general election. In
2 the event that all the constituent districts approve moving the date
3 of the election, then the date of the annual school election for the
4 limited purpose regional school district shall also be conducted
5 simultaneously with the general election.

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

14 b. (1) In the case of a school district that has moved the date of
15 its annual school election to November pursuant to subsection a. of
16 this section, the question of moving the date of the school district's
17 annual school election to the third Tuesday in April shall be
18 submitted to the legal voters of the district whenever a petition
19 signed by not less than 15% of the legally qualified voters who
20 voted in the district at the last preceding general election held for
21 the election of all of the members of the General Assembly is filed
22 with the board of education. The question shall be submitted to the
23 voters of the district at the next annual school election, special
24 school election, or general election as determined by the board of
25 education, provided that at least 60 days have lapsed since the date
26 of the filing of the petition.

27 The date of the annual school election may be moved to the third
28 Tuesday in April without voter approval, upon the adoption of a
29 resolution by the board of education of a Type II school district
30 without a board of school estimate or the governing body of the
31 municipality constituting the district.

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

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

42 (3) In the case of local school districts which are constituent
43 districts of a limited purpose regional school district, each of those
44 local school districts shall approve moving the date of the election
45 to April, by any of the procedures established pursuant to this
46 subsection, for any of those local school districts to move the date
47 of the annual school election to the third Tuesday in April. In the
48 event that all the constituent districts approve moving the date of
49 the election, then the date of the annual school election for the

1 limited purpose regional school district shall also be conducted on
2 the third Tuesday in April.

3

4 2. Section 5 of P.L.1996, c.138 (C.18A:7F-5) is amended to read
5 as follows:

6 5. As used in this section, "cost of living" means the CPI as
7 defined in section 3 of P.L.2007, c.260 (C.18A:7F-45).

8 a. Within 30 days following the approval of the Educational
9 Adequacy Report, the commissioner shall notify each district of the
10 base per pupil amount, the per pupil amounts for full-day preschool,
11 the weights for grade level, county vocational school districts, at-
12 risk pupils, bilingual pupils, and combination pupils, the cost
13 coefficients for security aid and for transportation aid, the State
14 average classification rate and the excess cost for general special
15 education services pupils, the State average classification rate and
16 the excess cost for speech-only pupils, and the geographic cost
17 adjustment for each of the school years to which the report is
18 applicable.

19 Annually, within two days following the transmittal of the State
20 budget message to the Legislature by the Governor pursuant to
21 section 11 of P.L.1944, c.112 (C.52:27B-20), the commissioner
22 shall notify each district of the maximum amount of aid payable to
23 the district in the succeeding school year pursuant to the provisions
24 of P.L.2007, c.260 (C.18A:7F-43 et al.), and shall notify each
25 district of the district's adequacy budget for the succeeding school
26 year.

27 For the 2008-2009 school year and thereafter, unless otherwise
28 specified within P.L.2007, c.260 (C.18A:7F-43 et al.), aid amounts
29 payable for the budget year shall be based on budget year pupil
30 counts, which shall be projected by the commissioner using data
31 from prior years. Adjustments for the actual pupil counts of the
32 budget year shall be made to State aid amounts payable during the
33 school year succeeding the budget year. Additional amounts
34 payable shall be reflected as revenue and an account receivable for
35 the budget year.

36 Notwithstanding any other provision of this act to the contrary,
37 each district's State aid payable for the 2008-2009 school year, with
38 the exception of aid for school facilities projects, shall be based on
39 simulations employing the various formulas and State aid amounts
40 contained in P.L.2007, c.260 (C.18A:7F-43 et al.). The
41 commissioner shall prepare a report dated December 12, 2007
42 reflecting the State aid amounts payable by category for each
43 district and shall submit the report to the Legislature prior to the
44 adoption of P.L.2007, c.260 (C.18A:7F-43 et al.). Except as
45 otherwise provided pursuant to this subsection and paragraph (3) of
46 subsection d. of section 5 of P.L.2007, c.260 (C.18A:7F-47), the
47 amounts contained in the commissioner's report shall be the final
48 amounts payable and shall not be subsequently adjusted other than
49 to reflect the phase-in of the required general fund local levy

1 pursuant to paragraph (4) of subsection b. of section 16 of
2 P.L.2007, c.260 (C.18A:7F-58) and to reflect school choice aid to
3 which a district may be entitled pursuant to section 20 of that act.
4 The projected pupil counts and equalized valuations used for the
5 calculation of State aid shall also be used for the calculation of
6 adequacy budget, local share, and required local share. For 2008-
7 2009, extraordinary special education State aid shall be included as
8 a projected amount in the commissioner's report dated December
9 12, 2007 pending the final approval of applications for the aid. If
10 the actual award of extraordinary special education State aid is
11 greater than the projected amount, the district shall receive the
12 increase in the aid payable in the subsequent school year pursuant
13 to the provisions of subsection c. of section 13 of P.L.2007, c.260
14 (C.18A:7F-55). If the actual award of extraordinary special
15 education State aid is less than the projected amount, other State aid
16 categories shall be adjusted accordingly so that the district shall not
17 receive less State aid than as provided in accordance with the
18 provisions of sections 5 and 16 of P.L.2007, c.260 (C.18A:7F-47
19 and C.18A:7F-58).

20 In the event that the commissioner determines, following the
21 enactment of P.L.2007, c.260 (C.18A:7F-43 et al.) but prior to the
22 issuance of State aid notices for the 2008-2009 school year, that a
23 significant district-specific change in data warrants an increase in
24 State aid for that district, the commissioner may adjust the State aid
25 amount provided for the district in the December 12, 2007 report to
26 reflect the increase.

27 b. Each district shall have a required local share. For districts
28 that receive educational adequacy aid pursuant to subsection b. of
29 section 16 of P.L.2007, c.260 (C.18A:7F-58), the required local
30 share shall be calculated in accordance with the provisions of that
31 subsection.

32 For all other districts, the required local share shall equal the
33 lesser of the local share calculated at the district's adequacy budget
34 pursuant to section 9 of P.L.2007, c.260 (C.18A:7F-51), or the
35 district's budgeted local share for the prebudget year.

36 In order to meet this requirement, each district shall raise a
37 general fund tax levy which equals its required local share.

38 No municipal governing body or bodies or board of school
39 estimate, as appropriate, shall certify a general fund tax levy which
40 does not meet the required local share provisions of this section.

41 c. Annually, on or before March 4, each district board of
42 education shall adopt, and submit to the commissioner for approval,
43 together with such supporting documentation as the commissioner
44 may prescribe, a budget that provides for a thorough and efficient
45 education. Notwithstanding the provisions of this subsection to the
46 contrary, the commissioner may adjust the date for the submission
47 of district budgets if the commissioner determines that the
48 availability of preliminary aid numbers for the subsequent school
49 year warrants such adjustment.

1 Notwithstanding any provision of this section to the contrary, for
2 the 2005-2006 school year each district board of education shall
3 submit a proposed budget in which the advertised per pupil
4 administrative costs do not exceed the lower of the following:

5 (1) the district's advertised per pupil administrative costs for the
6 2004-2005 school year inflated by the cost of living or 2.5 percent,
7 whichever is greater; or

8 (2) the per pupil administrative cost limits for the district's
9 region as determined by the commissioner based on audited
10 expenditures for the 2003-2004 school year.

11 The executive county superintendent of schools may disapprove
12 the school district's 2005-2006 proposed budget if he determines
13 that the district has not implemented all potential efficiencies in the
14 administrative operations of the district. The executive county
15 superintendent shall work with each school district in the county
16 during the 2004-2005 school year to identify administrative
17 inefficiencies in the operations of the district that might cause the
18 superintendent to reject the district's proposed 2005-2006 school
19 year budget.

20 For the 2006-2007 school year and each school year thereafter,
21 each district board of education shall submit a proposed budget in
22 which the advertised per pupil administrative costs do not exceed
23 the lower of the following:

24 (1) the district's prior year per pupil administrative costs; except
25 that the district may submit a request to the commissioner for
26 approval to exceed the district's prior year per pupil administrative
27 costs due to increases in enrollment, administrative positions
28 necessary as a result of mandated programs, administrative
29 vacancies, nondiscretionary fixed costs, and such other items as
30 defined in accordance with regulations adopted pursuant to section
31 7 of P.L.2004, c.73. In the event that the commissioner approves a
32 district's request to exceed its prior year per pupil administrative
33 costs, the increase authorized by the commissioner shall not exceed
34 the cost of living or 2.5 percent, whichever is greater; or

35 (2) the prior year per pupil administrative cost limits for the
36 district's region inflated by the cost of living or 2.5 percent,
37 whichever is greater.

38 d. (1) A [district shall submit, as appropriate, to the board of
39 school estimate or to the voters of the district at the annual school
40 budget election conducted pursuant to the provisions of P.L.1995,
41 c.278 (C.19:60-1 et al.), a] district's general fund tax levy [which
42 does] shall not exceed the district's adjusted tax levy as calculated
43 pursuant to sections 3 and 4 of P.L.2007, c.62 (C.18A:7F-38 and
44 18A:7F-39).

45 (2) (Deleted by amendment, P.L.2007, c.260).

46 (3) (Deleted by amendment, P.L.2007, c.260).

47 (4) Any debt service payment made by a school district during
48 the budget year shall not be included in the calculation of the
49 district's adjusted tax levy.

1 (5) (Deleted by amendment, P.L.2007, c.260).

2 (6) (Deleted by amendment, P.L.2007, c.260).

3 (7) (Deleted by amendment, P.L.2004, c.73).

4 (8) (Deleted by amendment, P.L.2010, c.44)

5 (9) Any district may submit at the annual school budget
6 election, in accordance with subsection c. of section 4 of P.L.2007,
7 c.62 (C.18A:7F-39), a separate proposal or proposals for additional
8 funds, including interpretive statements, specifically identifying the
9 program purposes for which the proposed funds shall be used, to the
10 voters, who may, by voter approval, authorize the raising of an
11 additional general fund tax levy for such purposes. In the case of a
12 district with a board of school estimate, one proposal for the
13 additional spending shall be submitted to the board of school
14 estimate. Any proposal or proposals submitted to the voters or the
15 board of school estimate shall not: include any programs and
16 services that were included in the district's prebudget year net
17 budget unless the proposal is approved by the commissioner upon
18 submission by the district of sufficient reason for an exemption to
19 this requirement; or include any new programs and services
20 necessary for students to achieve the thoroughness standards
21 established pursuant to subsection a. of section 4 of P.L.2007, c.260
22 (C.18A:7F-46).

23 The executive county superintendent of schools may prohibit the
24 submission of a separate proposal or proposals to the voters or
25 board of school estimate if he determines that the district has not
26 implemented all potential efficiencies in the administrative
27 operations of the district, which efficiencies would eliminate the
28 need for the raising of an additional general fund tax levy.

29 (10) Notwithstanding any provision of law to the contrary, if a
30 district proposes a budget with a general fund tax levy and
31 equalization aid which exceed the adequacy budget, the following
32 statement shall be published in the legal notice of public hearing on
33 the budget pursuant to N.J.S.18A:22-28, posted at the public
34 hearing held on the budget pursuant to N.J.S.18A:22-29, and
35 printed on the sample ballot required pursuant to section 10 of
36 P.L.1995, c.278 (C.19:60-10):

37 "Your school district has proposed programs and services in
38 addition to the core curriculum content standards adopted by the
39 State Board of Education. Information on this budget and the
40 programs and services it provides is available from your local
41 school district."

42 (11) Any reduction that may be required to be made to programs
43 and services included in a district's prebudget year net budget in
44 order for the district to limit the growth in its budget between the
45 prebudget and budget years by its tax levy growth limitation as
46 calculated pursuant to sections 3 and 4 of P.L.2007, c.62
47 (C.18A:7F-38 and 18A:7F-39), shall only include reductions to
48 excessive administration or programs and services that are
49 inefficient or ineffective.

1 e. (1) Any general fund tax levy rejected by the voters for a
2 proposed budget that includes a general fund tax levy and
3 equalization aid in excess of the adequacy budget shall be submitted
4 to the governing body of each of the municipalities included within
5 the district for determination of the amount that should be expended
6 notwithstanding voter rejection. In the case of a district having a
7 board of school estimate, the general fund tax levy shall be
8 submitted to the board for determination of the amount that should
9 be expended. If the governing body or bodies or board of school
10 estimate, as appropriate, reduce the district's proposed budget, the
11 district may appeal any of the reductions to the commissioner on the
12 grounds that the reductions will negatively impact on the stability of
13 the district given the need for long term planning and budgeting. In
14 considering the appeal, the commissioner shall consider enrollment
15 increases or decreases within the district; the history of voter
16 approval or rejection of district budgets; the impact on the local
17 levy; and whether the reductions will impact on the ability of the
18 district to fulfill its contractual obligations. A district may not
19 appeal any reductions on the grounds that the amount is necessary
20 for a thorough and efficient education.

21 (2) Any general fund tax levy rejected by the voters for a
22 proposed budget that includes a general fund tax levy and
23 equalization aid at or below the adequacy budget shall be submitted
24 to the governing body of each of the municipalities included within
25 the district for determination of the amount that should be expended
26 notwithstanding voter rejection. In the case of a district having a
27 board of school estimate, the general fund tax levy shall be
28 submitted to the board for determination. Any reductions may be
29 appealed to the commissioner on the grounds that the amount is
30 necessary for a thorough and efficient education or that the
31 reductions will negatively impact on the stability of the district
32 given the need for long term planning and budgeting. In
33 considering the appeal, the commissioner shall also consider the
34 factors outlined in paragraph (1) of this subsection.

35 In addition, the municipal governing body or board of school
36 estimate shall be required to demonstrate clearly to the
37 commissioner that the proposed budget reductions shall not
38 adversely affect the ability of the school district to provide a
39 thorough and efficient education or the stability of the district given
40 the need for long term planning and budgeting.

41 (3) In lieu of any budget reduction appeal provided for pursuant
42 to paragraphs (1) and (2) of this subsection, the State board may
43 establish pursuant to the "Administrative Procedure Act," P.L.1968,
44 c.410 (C.52:14B-1 et seq.), an expedited budget review process
45 based on a district's application to the commissioner for an order to
46 restore a budget reduction.

47 (4) When the voters, municipal governing body or bodies, board
48 of education in the case of a school district in which the annual
49 school election has been moved to November pursuant to subsection

1 a. of section 1 of P.L. , c. (C.) (pending before the Legislature
2 as this bill), or the board of school estimate authorize the general
3 fund tax levy, the district shall submit the resulting budget to the
4 commissioner within 15 days of the [action of the voters or
5 municipal governing body or bodies, whichever is later, or of the
6 board of school estimate as the case may be] authorization.
7 f. (Deleted by amendment, P.L.2007, c.260).
8 g. (Deleted by amendment, P.L.2007, c.260).
9 (cf: P.L.2010, c.44, s.2)

10
11 3. Section 4 of P.L.2007, c.62 (C.18A:7F-39) is amended to read
12 as follows:

13 4. a. (Deleted by amendment, P.L.2010, c.44)
14 b. (Deleted by amendment, P.L.2010, c.44)
15 c. A school district may submit to the voters at the [April]
16 annual school election, or on such other date as is set by regulation
17 of the commissioner, a proposal or proposals to increase the
18 adjusted tax levy by more than the allowable amount authorized
19 pursuant to section 3 of P.L.2007, c.62 (C.18A:7F-38). The
20 proposal or proposals to increase the adjusted tax levy shall be
21 approved if a majority of people voting shall vote in the affirmative.
22 In the case of a school district with a board of school estimate, the
23 additional adjusted tax levy shall be authorized only if a quorum is
24 present for the vote and a majority of those board members who are
25 present vote in the affirmative to authorize the additional adjusted
26 tax levy.

27 (1) A proposal or proposals submitted to the voters or the board
28 of school estimate to increase the tax levy pursuant to this
29 subsection shall not include any programs or services necessary for
30 students to achieve the core curriculum content standards.

31 (2) All proposals to increase the tax levy submitted pursuant to
32 this subsection shall include interpretive statements specifically
33 identifying the program purposes for which the proposed funds
34 shall be used and a clear statement on whether approval will affect
35 only the current year or result in a permanent increase in the levy.
36 The proposals shall be submitted and approved pursuant to sections
37 5 and 6 of P.L.1996, c.138 (C.18A:7F-5 and 18A:7F-6).

38 d. (Deleted by amendment, P.L.2010, c.44)
39 e. A school district that has not been granted approval to
40 exceed the cap pursuant to subsection c. of this section, may add to
41 its adjusted tax levy in any one of the next three succeeding budget
42 years, the amount of the difference between the maximum
43 allowable amount to be raised by taxation for the current school
44 budget year and the actual amount to be raised by taxation for the
45 current school budget year.
46 (cf: P.L.2010, c.44, s.5)

47
48 4. N.J.S.18A:8-20 is amended to read as follows:

1 18A:8-20. The first board of education of the new district and
2 the first board of education of the remaining district shall each
3 prepare and submit, if applicable, to the voters of the district, as
4 required by law, the first budgets for said district and they shall
5 make proper provision for an election to be conducted, in
6 accordance with the provisions of P.L.1995, c.278 (C.19:60-1 et
7 al.), for the members of the board of education of the district to
8 replace the appointed members of the board, for such terms that
9 three members of the board of the district, as thereafter constituted,
10 will be elected each year, at an annual election to be held in the
11 district at the same time as that on which the next annual election
12 for the original district would have been held.
13 (cf: P.L.1995, c.278, s.26)

14

15 5. N.J.S.18A:8-36 is amended to read as follows:

16 18A:8-36. At **【all elections】** any election in which an
17 appropriation must be authorized 【by】, a majority of the total votes
18 cast thereon in all of the territory of the consolidated school district
19 shall be necessary for the authorization.
20 (cf: P.L.1995, c.278, s.27)

21

22 6. N.J.S.18A:9-10 is amended to read as follows:

23 18A:9-10. If the membership of the board in any such district so
24 becoming a type II district is less than nine, it shall be increased to
25 nine by the election of added members at the next annual school
26 election, unless the adopting election shall have been held more
27 than 130 days or less than 60 days before the date fixed for such
28 annual school election, in which case they shall be elected at a
29 special school election which shall be called by the members of the
30 board so holding over**【**, if the adopting election was held more than
31 130 days before the annual school election, then not less than 60 or
32 more than 70 days after the adopting election, or if the adopting
33 election was held less than 60 days before the annual school
34 election, then not less than 60 or more than 70 days after such
35 annual school election, excluding in each instance from the
36 calculation of the period which will elapse between such 60 and 70
37 days any period which would elapse between the twenty-first day
38 before and the twenty-first day after any day fixed according to law
39 for the holding of any primary election for the general election or
40 general election or municipal election held within the district**】**.
41 (cf: P.L.1995, c.278, s.28)

42

43 7. N.J.S.18A:10-3 is amended to read as follows:

44 18A:10-3. Each board of education shall organize annually at a
45 regular meeting held not later than at 8 p.m. at which time new
46 members shall take office:

47 a. In type I districts on May 16, or on the following day if that
48 day be Sunday;

1 b. In all type II districts with an April school election on any
2 day of the first or second week following the [annual] April school
3 election.

4 c. In all type II districts with a November school election on any
5 day of the first week in January at which time new members shall
6 take office.

7 If the organization meeting cannot take place on that day by
8 reason of lack of a quorum or for any other reason, said meeting
9 shall be held within three days thereafter.

10 (cf: P.L.1987, c. 289, s. 2)

11

12 8. N.J.S.18A:13-8 is amended to read as follows:

13 18A:13-8. The board of education of a regional district shall
14 consist of nine members unless it consists of more than nine
15 constituent districts, in which case the membership shall be the
16 same as the number of constituent districts, plus one. If there are
17 nine or less constituent districts, the members of the board of
18 education of the regional district shall be apportioned by the
19 executive county superintendent or executive county
20 superintendents of the county or counties in which the constituent
21 districts are situate, among said districts as nearly as may be
22 according to the number of their inhabitants except that each
23 constituent district shall have at least one member.

24 In making the apportionment of the membership of a regional
25 board of education among the several school districts uniting to
26 create a regional school district having nine or less constituent
27 districts, as required by section 18A:13-36, there shall be subtracted
28 from the number of inhabitants of a constituent school district, as
29 shown by the last federal census officially promulgated in this
30 State, the number of such inhabitants who according to the records
31 of the Federal Bureau of the Census were patients in, or inmates of,
32 any State or federal hospital or prison, or who are military
33 personnel stationed at, or civilians residing within the limits of, any
34 United States Army, Navy or Air Force installation, located in such
35 constituent school district.

36 If there are more than nine constituent districts, the members on
37 the board shall be apportioned among the constituent districts and
38 the weight of their votes in all proceedings of the board shall be
39 determined by the appropriate executive county superintendent or
40 superintendents through the following procedure:

41 a. The number of inhabitants of each constituent district shall
42 be determined as shown by the last federal census officially
43 promulgated in this State.

44 b. A representative ratio shall be calculated by adding the
45 number of inhabitants of all constituent districts and dividing the
46 sum by the board size.

47 c. All constituent districts shall be listed in ascending order of
48 their number of inhabitants. If the first constituent district in said
49 list has a number of inhabitants which is less than the representative

1 ratio, it shall be combined with the constituent district contiguous to
2 it having the smallest number of inhabitants. This process shall be
3 repeated for each successively larger constituent district or
4 combination of constituent districts until all remaining constituent
5 districts or combinations of constituent districts shall have a number
6 of inhabitants equal to, or exceeding the representative ratio. The
7 districts formed in this manner shall be known as representative
8 districts.

9 d. There shall be established a priority list according to the
10 method of equal proportions for the apportionment of the members
11 of the regional district board of education among the representative
12 districts.

13 e. The members of the regional district board of education shall
14 be apportioned among the representative districts according to the
15 method of equal proportions, and where a representative district is
16 composed of more than one constituent district, members shall be
17 elected at large from within the representative district.

18 f. The number of inhabitants of each representative district
19 shall be divided by the number of members assigned to that district
20 to find the number of inhabitants per members.

21 g. The vote to be cast by each member of the regional district
22 board of education in all proceedings of the board shall be
23 determined by dividing the number of inhabitants per member in the
24 representative district from which the member is elected by the
25 representative ratio for the regional district, and rounding off the
26 quotient to the nearest tenth of a full vote.

27 Wherever any statute or bylaw of the board requires decision in
28 any matter by vote of a majority of the board members, or of the
29 members present, this shall be interpreted as meaning a majority of
30 the weighted votes of all members, or of the members present, as
31 the case may be.

32 h. Whenever the above reapportionment procedure is used for a
33 regional district having more than nine constituent districts, the
34 terms of office of all incumbent board of education members shall
35 terminate on the day on which the annual organization meeting of
36 the board is held pursuant to N.J.S.18A:13-12 following
37 certification by the executive county superintendent of the
38 representative districts and the number of members to be elected
39 from each; provided, that if the reapportionment results in any
40 representative district retaining its former boundaries and the same
41 number of board members, that the members elected from such a
42 district shall serve the full term for which they were elected. All
43 other board members shall be elected in an election to be held on
44 the 【third Tuesday in April】 date of the annual school election at
45 least 60 days following certification by the executive county
46 superintendent for initial terms of office to be designated in advance
47 by the executive county superintendent so that, as nearly as
48 possible, one-third of the board shall be elected in each future year,
49 to serve for three-year terms, and where a representative district has

1 more than one member, their terms of office shall terminate in
2 different years.

3 If any constituent district is a consolidated district, or a district
4 composed of two or more municipalities, and

5 a. The original district is a limited purpose regional district and
6 such constituent district has such population that it is entitled to
7 have apportioned to it a number of members equal to or greater than
8 the number of districts making up such constituent district, or

9 b. The regional district is an all purpose district,
10 the membership of the regional board of education from such
11 district shall be apportioned, and from time to time reapportioned,
12 and the members from the district shall be elected, as their
13 respective terms expire, in the same manner as though each of the
14 municipalities making up such constituent district were constituent
15 districts of the regional district.

16 (cf: P.L.1992, c.159, s.9)

17

18 9. N.J.S.18A:13-10 is amended to read as follows:

19 18A:13-10. The board of education of each regional district
20 shall provide for the holding, in accordance with the provisions of
21 P.L.1995, c.278 (C.19:60-1 et al.), of an annual school election for
22 the regional district **[on the third Tuesday in April]**.

23 At such election there shall be elected for terms of three years,
24 **[beginning on any day of the first or second week following such**
25 **election,]** the members of the regional boards of education to
26 succeed those members of the board whose terms shall expire in
27 that year, except as is in this chapter provided for the election of the
28 first elected members of the board. The term of a member of a
29 regional board of education elected in April shall begin on any day
30 of the first or second week following the election. The term of a
31 member of a regional board of education elected in November shall
32 begin on any day of the first week in January.

33 (cf: P.L.1995, c.278, s.32)

34

35 10. N.J.S.18A:13-12 is amended to read as follows:

36 18A:13-12. The board shall hold a regular meeting forthwith
37 after its first appointment, and annually thereafter on any day of the
38 first or second week following the annual school election in April,
39 at which it shall organize by the election, from among its members,
40 of a president and vice president, who shall serve until the
41 organization meeting next succeeding the election of their
42 respective successors as members of the board. In the case of a
43 regional district in which the annual school election is in
44 November, the organization meeting shall be held on any day of the
45 first week in January. If any board shall fail to organize within
46 **[said two weeks]** the designated period, the executive county
47 superintendent of the county, or the executive county
48 superintendents of the counties, in which the constituent districts
49 are situate, shall appoint, from among the members of the board, a

1 president and vice president to serve until the organization meeting
2 next succeeding the next election.
3 (cf: P.L.1987, c.289, s.6)

4
5 11. N.J.S.18A:13-13 is amended to read as follows:

6 18A:13-13. The board shall appoint a secretary who may or may
7 not be a member of the board, for the term of one year beginning on
8 July 1, or January 15 in the case of a regional district in which the
9 annual school election is in November, following his appointment
10 but he shall continue to serve after the expiration of his term until
11 his successor is appointed and qualified. In a district which does not
12 have a treasurer of school moneys, the secretary shall give bond in
13 such amount and with such surety as the board shall direct. The
14 board shall be guided in its determination of the amount of coverage
15 necessary by a schedule of minimum limits promulgated by the
16 State Board of Education.
17 (cf: P.L.2010, c.39, s.6).

18
19 12. N.J.S.18A:13-14 is amended to read as follows:

20 18A:13-14. The board may appoint a treasurer of school moneys
21 who shall not be a member or employee of the board and it shall fix
22 his salary. His term of office shall expire annually on June 30 of
23 each year, **[but if]** or January 15 of each year in the case of a
24 regional district in which the annual school election is in
25 November. If a municipal officer is appointed treasurer, his term
26 shall cease if he ceases to hold his municipal office and in either
27 case, the treasurer shall continue in office after the expiration of his
28 term until his successor is qualified. He shall give bond in such
29 amount, and with such surety, as the board shall direct. The board
30 in its determination of the amount shall be guided by a schedule of
31 minimum limits to be promulgated by the State board.
32 (cf: P.L.2010, c.39, s.7).

33
34 13. N.J.S.18A:13-17 is amended to read as follows:

35 18A:13-17. a. The regional board of education shall, at each
36 annual April school election, submit to the voters of the regional
37 district the amount of money fixed and determined in its budget to
38 be voted upon for the use of the regional schools of the district for
39 the ensuing school year and may submit thereat any other question
40 authorized by this law to be submitted at such an election. The
41 board may, in submitting to the voters the amount of money to be
42 voted upon for the use of the regional schools of the district,
43 identify the amount of money determined to be the constituent
44 municipality's share. The board shall follow the procedures
45 established in section 5 of P.L.1996, c.138 (C.18A:7F-5) and
46 N.J.S.18A:22-33.

47 b. In the case of a regional district in which the annual school
48 election is in November, the regional board of education shall fix
49 and determine the district's budget for the ensuing school year and

1 may submit at the annual school election any question authorized
2 by law to be submitted at such an election. The board shall follow
3 the procedures established in section 5 of P.L.1996, c.138
4 (C.18A:7F-5), N.J.S.18A:22-33, and section 41 of P.L. _____,
5 c. (C.) (pending before the Legislature as this bill).
6 (cf: P.L.2001, c.26, s.1)

7
8 14. N.J.S.18A:13-19 is amended to read as follows:
9 18A:13-19. If the voters reject any of the items submitted at the
10 annual April school election, within two days thereafter the board
11 of education of the regional district shall certify to the governing
12 body of each municipality, included within the regional district, the
13 item or items so rejected, and such governing bodies, after
14 consultation with the board, and no later than May 19 shall
15 determine the amount or amounts for the ensuing school year and
16 cause the same to be certified by the respective municipal clerks to
17 the board of education of the regional district. The board and the
18 governing bodies shall follow the procedures established in section
19 5 of P.L.1996, c.138 (C.18A:7F-5) and N.J.S.18A:22-37.
20 (cf: P.L.1996, c.138, s.48)

21
22 15. N.J.S.18A:13-40 is amended to read as follows:
23 18A:13-40. The board of education of a newly created regional
24 district may, prior to taking charge and control of the educational
25 facilities of the regional district, do all other acts and things which
26 may be necessary for the proper organization and functioning of the
27 public schools of the regional district during its first year, including
28 the making of contracts for the employment of necessary personnel
29 and for other proper purposes, the preparation and , if applicable,
30 submission to the voters of the regional district for their approval or
31 disapproval of the budget and the appropriations for the conduct of
32 the public schools of the regional district during its first school
33 year, the authorization of the purchase of real and personal
34 property, and the construction, enlargement and repair of buildings,
35 for school purposes, and the appropriations of the funds necessary
36 to carry out the same and the authorization of the issuance and sale
37 of bonds in order to provide for the payment therefor in whole or in
38 part and the calling and holding of special elections when necessary
39 for any such purposes and to carry out any or all of said purposes.
40 (cf: N.J.S.18A:13-40)

41
42 16. N.J.S.18A:13-46 is amended to read as follows:
43 18A:13-46. The executive county superintendent of the county
44 in which any new constituent district of an enlarged regional district
45 shall be situate shall, not later than 30 days after the election for the
46 enlargement thereof, appoint one member of the enlarged board of
47 education of the regional district from among the qualified citizens
48 of each such new constituent district and the members so appointed
49 shall serve until the first Monday succeeding the first annual April

1 school election of the enlarged regional district and their successors
2 shall be elected at said election. In the case of a regional district in
3 which the annual school election is in November, the members so
4 appointed shall serve until the first week in January next succeeding
5 the first annual November school election of the enlarged regional
6 district and their successors shall be elected at that election. If by
7 reason of the enlargement of the district it becomes necessary to
8 reapportion the membership of the enlarged board of education the
9 executive county superintendent or superintendents of the county or
10 counties in which the constituent local districts of the enlarged
11 district are situate shall reapportion the membership of the enlarged
12 board of education in accordance with the provisions of sections
13 18A:13-8 and 18A:13-36, and at the same time shall designate the
14 number of members to be elected from each constituent school
15 district at the succeeding annual school election to be held therein
16 upon the expiration of the terms of office of the members of the
17 regional board then in office, in such manner that the representation
18 of the constituent districts shall be established in accordance with
19 such reapportionment at the earliest possible time but the members
20 then in office shall continue in office for the terms for which they
21 were elected or appointed notwithstanding such reapportionment.
22 (cf: N.J.S.18A:13-46)

23

24 17. N.J.S.18A:17-5 is amended to read as follows:

25 18A:17-5. Each secretary shall be appointed by the board, by a
26 recorded roll call majority vote of its full membership, for a term to
27 expire not later than June 30 , or January 15 in the case of a school
28 district in which the annual school election is in November, of the
29 calendar year next succeeding that in which the board shall have
30 been organized, but he shall continue to serve after the expiration of
31 his term until his successor is appointed and qualified. The
32 secretary may be appointed from among the members of the board
33 and, subject to the provisions of this Title and any other law, the
34 board shall fix his compensation; provided, however, that the
35 secretary shall not receive compensation from the board for any
36 period during which he is an elected or appointed member of the
37 board.

38 In case of a vacancy in the office of secretary, the vacancy shall
39 be filled by the board within 60 days after the vacancy occurs and if
40 the board does not make such appointment within such time the
41 executive county superintendent shall appoint a secretary who shall
42 receive the same compensation as his predecessor in office received
43 and shall serve until a secretary is appointed by the board.
44 (cf: P.L.1968, c.271, s.1)

45

46 18. N.J.S.18A:22-26 is amended to read as follows:

47 18A:22-26. At or after the public hearing but not later than April
48 8, the board of school estimate of a type II district having a board of
49 school estimate shall fix and determine by a recorded roll call

1 majority vote of its full membership the amount of money necessary
2 to be appropriated for the use of the public schools in the district for
3 the ensuing school year, exclusive of the amount which shall be
4 apportioned to it by the commissioner for the year pursuant to the
5 provisions of section 5 of P.L.1996, c.138 (C.18A:7F-5) and shall
6 make a certificate of the amount signed by at least a majority of all
7 members of the board, which shall be delivered to the board of
8 education and a copy thereof, certified under oath to be correct and
9 true by the secretary of the board of school estimate, shall be
10 delivered to the county board of taxation on or before April 15 in
11 each year and a duplicate of the certificate shall be delivered to the
12 board or governing body of each of the municipalities within the
13 territorial limits of the district having the power to make
14 appropriations of money raised by taxation in the municipalities or
15 political subdivisions and to the executive county superintendent of
16 schools and the amount shall be assessed, levied and raised under
17 the procedure and in the manner provided by law for the levying
18 and raising of special school taxes **【voted to be raised at an annual
19 or special election of the legal voters】** in other type II districts and
20 shall be paid to the board secretary or treasurer of school moneys,
21 as appropriate, of the district for such purposes.

22 Within 15 days after receiving the certificate the board of
23 education shall notify the board of school estimate, the governing
24 body of each municipality within the territorial limits of the school
25 district, and the commissioner if it intends to appeal to the
26 commissioner the board of school estimate's determination as to the
27 amount of money requested pursuant to the provisions of section 5
28 of P.L.1996, c.138 (C.18A:7F-5), necessary to be appropriated for
29 the use of the public schools of the district for the ensuing school
30 year.

31 (cf: P.L.2010, c.39, s.21)

32

33 19. N.J.S.18A:22-32 is amended to read as follows:

34 18A:22-32. At or after the public hearing on the budget but not
35 later than 18 days prior to the April school election, the board of
36 education of each type II district having no board of school estimate
37 shall fix and determine by a recorded roll call majority vote of its
38 full membership the amount of money to be raised pursuant to
39 section 5 of P.L.1996, c.138 (C.18A:7F-5) and any additional
40 **【amounts】** funds to be voted upon by the legal voters of the district
41 at the **【annual】** April or November school election pursuant to
42 paragraph (9) of subsection d. of section 5 of that act, which sum or
43 sums shall be designated in the notice calling the election as
44 required by law.

45 (cf: P.L.1996, c.138, s.57)

46

47 20. N.J.S.18A:22-33 is amended to read as follows:

48 18A:22-33. a. The board of education of **【each】** a type II district

1 not having a board of school estimate shall at [each annual] the
2 April school election, submit to the voters of the district, the
3 amount of money fixed and determined in its budget pursuant to
4 section 5 of P.L.1996, c.138 (C.18A:7F-5), excluding therefrom the
5 sum or sums stated therein to be used for interest and debt
6 redemption charges, in the manner provided by law, to be voted
7 upon for the use of the public schools of the district for the ensuing
8 school year, which amount shall be stated in the notice of the
9 election, and the legal voters of the district shall determine at the
10 April election, by a majority vote of those voting upon the
11 proposition, the sum or sums, not exceeding those stated in the
12 notice of the election, to be raised by special district tax for said
13 purposes, in the district during the ensuing school year and the
14 secretary of the board of education shall certify the amount so
15 determined upon, if any, and the sums so stated for interest and debt
16 redemption charges, to the county board of taxation of the county
17 within two days following the certification of the election results
18 and the amount or amounts so certified shall be included in the
19 taxes assessed, levied and collected in the municipality or
20 municipalities comprising the district for such purposes; except
21 that, in the case of a district which , following the school election
22 and the approval by the voters of the sum to be raised by special
23 district tax for the schools of the district, determines that it has a
24 greater surplus account available for the school year than estimated
25 when the sum to be raised by special district tax was presented to
26 the voters, the secretary of the board of education, with the approval
27 of the commissioner, may between the date of the school election
28 and the delivery of tax bills pursuant to R.S.54:4-64 re-certify to the
29 county board of taxation the sum or sums to be raised by special
30 district tax in the district during the ensuing school year, if the sum
31 is lower than that approved by the voters in the school election, and
32 if the reduction is equivalent to the additional amount available in
33 the surplus account to be applied towards the district's budget. The
34 amount re-certified shall be included in the taxes assessed, levied
35 and collected in the municipality or municipalities comprising the
36 district.

37 b. In the case of a district in which the annual school election is
38 in November pursuant to subsection a. of section 1 of P.L. ,
39 c. (C.) (pending before the Legislature as this bill), by May 19
40 the secretary of the board of education shall certify the amount
41 fixed and determined by the school board pursuant to N.J.S.18A:22-
42 32 other than any additional funds to be voted upon by the legal
43 voters of the district and the sums so stated for interest and debt
44 redemption charges, to the county board of taxation of the county
45 and the amount or amounts so certified shall be included in the
46 taxes assessed, levied and collected in the municipality or
47 municipalities comprising the district for such purposes; except
48 that, in the case of a district which determines that it has a greater
49 surplus account available for the school year than estimated when

1 the sum to be raised by special district tax was certified to the
2 county board of taxation of the county, the secretary of the board of
3 education, with the approval of the commissioner, may between
4 May 19 and the delivery of tax bills pursuant to R.S.54:4-64 re-
5 certify to the county board of taxation the sum or sums to be raised
6 by special district tax in the district during the ensuing school year,
7 if the sum is lower than that initially certified to the county board
8 of taxation of the county, and if the reduction is equivalent to the
9 additional amount available in the surplus account to be applied
10 towards the district's budget. The amount re-certified shall be
11 included in the taxes assessed, levied and collected in the
12 municipality or municipalities comprising the district.

13 (cf: P.L.1999, c.346)

14

15 21. N.J.S.18A:22-37 is amended to read as follows:

16 18A:22-37. If the voters reject any of the items submitted at the
17 annual April school election, the board of education shall deliver
18 the proposed school budget pursuant to section 5 of P.L.1996, c.138
19 (C.18A:7F-5) to the governing body of the municipality, or of each
20 of the municipalities included in the district within two days
21 thereafter. The governing body of the municipality, or of each of
22 the municipalities, included in the district shall, after consultation
23 with the board, and by May 19, determine the amount which, in the
24 judgment of the body or bodies, is necessary to be appropriated for
25 each item appearing in the budget, pursuant to section 5 of
26 P.L.1996, c.138 (C.18A:7F-5) and certify to the county board of
27 taxation the totals of the amount so determined to be necessary for
28 each of the following:

29 a. General fund expenses of schools; or

30 b. Appropriations to capital reserve account.

31 Within 15 days after the governing body of the municipality or
32 of each of the municipalities included in the district shall make the
33 certification to the county board of taxation, the board of education
34 shall notify the governing body or bodies if it intends to appeal to
35 the commissioner pursuant to section 5 of P.L.1996, c.138
36 (C.18A:7F-5) the amount which the body or bodies determined to
37 be necessary to be appropriated for each item appearing in the
38 proposed school budget.

39 (cf: P.L.1996, c.138, s.59)

40

41 22. N.J.S.18A:22-38 is amended to read as follows:

42 18A:22-38. If the governing body or bodies fail to certify any
43 amount determined to be necessary pursuant to section 5 of
44 P.L.1996, c.138 (C.18A:7F-5) for any item rejected at the annual
45 April school election, or in the event that the governing bodies of
46 the municipalities comprising a school district, shall certify
47 different amounts, then the commissioner shall determine the
48 amount or amounts which in his judgment, are necessary to be
49 appropriated, for each of the items appearing in the budget,

1 submitted to the governing body or bodies, and certify to the county
2 board of taxation the totals of the amount determined to be
3 necessary for the general fund expenses of the schools; and the
4 amount certified shall be included in the taxes to be assessed, levied
5 and collected in the municipality or municipalities for those
6 purposes.

7 (cf: P.L.2007, c.260, s.54)

8

9 23. N.J.S.18A:22-41 is amended to read as follows:

10 18A:22-41. In any Type II district [in which the amount, with
11 any interest to be paid thereon, to be raised, levied and collected by
12 taxes for school purposes is determined by the voters of the district]
13 not having a board of school estimate , the board of education shall
14 cause the question, whether or not the amount so estimated shall be
15 so raised, to be submitted to the legal voters of the district at a
16 special school election, to be held on such date as shall be
17 determined upon by the board, and if at said election the question
18 shall be adopted, the secretary shall certify that the amount so
19 determined upon has been authorized to be raised in said manner to
20 the county board of taxation within five days after the date of the
21 holding of such election.

22 (cf: P.L.1993, c.83, s.14)

23

24 24. R.S.19:1-1 is amended to read as follows:

25 19:1-1. As used in this Title:

26 "Election" means the procedure whereby the electors of this
27 State or any political subdivision thereof elect persons to fill public
28 office or pass on public questions.

29 "General election" means the annual election to be held on the
30 first Tuesday after the first Monday in November and, where
31 applicable, includes annual school elections.

32 "Primary election for the general election" means the procedure
33 whereby the members of a political party in this State or any
34 political subdivision thereof nominate candidates to be voted for at
35 general elections, or elect persons to fill party offices.

36 "Municipal election" means an election to be held in and for a
37 single municipality only, at regular intervals.

38 "Special election" means an election which is not provided for by
39 law to be held at stated intervals.

40 "Any election" includes all primary, general, municipal, school
41 and special elections, as defined herein.

42 "Municipality" includes any city, town, borough, village, or
43 township.

44 "School election" means any annual or special election to be held
45 in and for a local or regional school district established pursuant to
46 chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes.

47 "Public office" includes any office in the government of this
48 State or any of its political subdivisions filled at elections by the
49 electors of the State or political subdivision.

1 "Public question" includes any question, proposition or
2 referendum required by the legislative or governing body of this
3 State or any of its political subdivisions to be submitted by
4 referendum procedure to the voters of the State or political
5 subdivision for decision at elections.

6 "Political party" means a party which, at the election held for all
7 of the members of the General Assembly next preceding the holding
8 of any primary election held pursuant to this Title, polled for
9 members of the General Assembly at least 10% of the total vote cast
10 in this State.

11 "Party office" means the office of delegate or alternate to the
12 national convention of a political party or member of the State,
13 county or municipal committees of a political party.

14 "Masculine" includes the feminine, and the masculine pronoun
15 wherever used in this Title shall be construed to include the
16 feminine.

17 "Presidential year" means the year in which electors of President
18 and Vice-President of the United States are voted for at the general
19 election.

20 "Election district" means the territory within which or for which
21 there is a polling place or room for all voters in the territory to cast
22 their ballots at any election.

23 "District board" means the district board of registry and election
24 in an election district.

25 "County board" means the county board of elections in a county.

26 "Superintendent" means the superintendent of elections in
27 counties wherein the same shall have been appointed.

28 "Commissioner" means the commissioner of registration in
29 counties.

30 "File" or "filed" means deposited in the regularly maintained
31 office of the public official wherever said regularly maintained
32 office is designated by statute, ordinance or resolution.

33 (cf: P.L.2011, c.134, s.1)

34

35 25. R.S.19:12-7 is amended to read as follows:

36 19:12-7. a. The county board in each county shall cause to be
37 published in a newspaper or newspapers which, singly or in
38 combination, are of general circulation throughout the county, a
39 notice containing the information specified in subsection b. hereof,
40 except for such of the contents as may be omitted pursuant to
41 subsection c. or d. hereof. Such notice shall be published once
42 during the 30 days next preceding the day fixed for the closing of
43 the registration books for the primary election, once during the
44 calendar week next preceding the week in which the primary
45 election for the general election is held, once during the 30 days
46 next preceding the day fixed for the closing of the registration
47 books for the general election, and once during the calendar week
48 next preceding the week in which the general election is held.

49 b. Such notice shall set forth:

1 (1) For the primary election for the general election:

2 (a) That a primary election for making nominations for the
3 general election, for the selection of members of the county
4 committees of each political party, and in each presidential year for
5 the selection of delegates and alternates to national conventions of
6 political parties, will be held on the day and between the hours and
7 at the places provided for by or pursuant to this Title.

8 (b) The place or places at which and hours during which a
9 person may register, the procedure for the transfer of registration,
10 and the date on which the books are closed for registration or
11 transfer of registration.

12 (c) The several State, county, municipal and party offices or
13 positions to be filled, or for which nominations are to be made, at
14 such primary election.

15 (d) The existence of registration and voting aids, including: (i)
16 the availability of registration and voting instructions at places of
17 registration as provided under R.S.19:31-6; and (ii), if available, the
18 accessibility of voter information to the deaf by means of a
19 telecommunications device.

20 (e) The availability of assistance to a person unable to vote due
21 to blindness, disability or inability to read or write.

22 (f) In the case of the notice published during the calendar week
23 next preceding the week in which the primary election is held, that
24 a voter who, prior to the election, shall have moved within the same
25 county without (i) filing, on or before the 21st day preceding the
26 election, a notice of change of residence with the commissioner of
27 registration of the county or the municipal clerk of the municipality
28 in which the voter resides on the day of the election, (ii) returning
29 the confirmation notice sent to the voter by the commissioner of
30 registration of the county, if such a notice has been sent to the voter,
31 or (iii) otherwise notifying the commissioner of registration of the
32 voter's change of address within the county shall be permitted to
33 correct the voter's registration and to vote in the primary election by
34 provisional ballot at the polling place of the district in which the
35 voter resides on the day of the election. The notice shall further
36 provide that the voter may contact the county commissioner of
37 registration or municipal clerk to determine the proper polling place
38 location for the voter.

39 (2) For the general election:

40 (a) That a general election will be held on the day and between
41 the hours and at the places provided for by or pursuant to this Title
42 and, where applicable, shall include school elections.

43 (b) The place or places at which and hours during which a
44 person may register, the procedure for transfer of registration, and
45 the date on which the books are closed for registration or transfer of
46 registration.

47 (c) The several State, county and municipal offices, and where
48 applicable, school board offices to be filled, notice of any school
49 district propositions to be submitted to the people and, except as

1 provided in R.S.19:14-33 of this Title as to publication of notice of
2 any Statewide proposition directed by the Legislature to be
3 submitted to the people, the State, county and municipal public
4 questions to be voted upon at such general election.

5 (d) The existence of registration and voting aids, including: (i)
6 the availability of registration and voting instructions at places of
7 registration as provided under R.S.19:31-6; and (ii) the accessibility
8 of voter information to the deaf by means of a telecommunications
9 device.

10 (e) The availability of assistance to a person unable to vote due
11 to blindness, disability or inability to read or write.

12 (f) In the case of the notice published during the calendar week
13 next preceding the week in which the general election is held, that a
14 voter who, prior to the election, shall have moved within the same
15 county without (i) filing, on or before the 21st day preceding the
16 election, a notice of change of residence with the commissioner of
17 registration of the county or the municipal clerk of the municipality
18 in which the voter resides on the day of the election, (ii) returning
19 the confirmation notice sent to the voter by the commissioner of
20 registration of the county, if such a notice has been sent to the voter,
21 or (iii) otherwise notifying the commissioner of registration of the
22 voter's change of address within the county shall be permitted to
23 correct the voter's registration and to vote in the general election by
24 provisional ballot at the polling place of the district in which the
25 voter resides on the day of the election. The notice shall further
26 provide that the voter may contact the county commissioner of
27 registration or municipal clerk to determine the proper polling place
28 location for the voter.

29 (3) For a school election:

30 (a) The day, time and place thereof,

31 (b) The offices, if any, to be filled at the election,

32 (c) The substance of any public question to be submitted to the
33 voters thereat,

34 (d) That a voter who, prior to the election, shall have moved
35 within the same county without (i) filing, on or before the 21st day
36 preceding the election, a notice of change of residence with the
37 commissioner of registration of the county or the municipal clerk of
38 the municipality in which the voter resides on the day of the
39 election, (ii) returning the confirmation notice sent to the voter by
40 the commissioner of registration of the county, if such a notice has
41 been sent to the voter, or (iii) otherwise notifying the commissioner
42 of registration of the voter's change of address within the county
43 shall be permitted to correct the voter's registration and to vote in
44 the school election by provisional ballot at the polling place of the
45 district in which the voter resides on the day of the election,

46 (e) That if the voter has any questions as to where to vote on the
47 day of the election, the voter may contact the county commissioner
48 of registration or municipal clerk to determine the proper polling
49 place location for the voter; and

1 (f) Such other information as may be required by law.
2 c. If such publication is made in more than one newspaper, it
3 shall not be necessary to duplicate in the notice published in each
4 such newspaper all the information required under this section, so
5 long as:
6 (1) The municipal officers or party positions to be filled, or
7 nominations made, or municipal public questions to be voted upon
8 by the voters of any municipality, shall be set forth in at least one
9 newspaper having general circulation in such municipality;
10 (2) All offices to be filled, or nominations made therefor, or
11 public questions to be voted upon, by the voters of the entire State
12 or of the entire county shall be set forth in a newspaper or
13 newspapers which, singly or in combination, have general
14 circulation throughout the county;
15 (3) Information relating to nominations and elections in each
16 Legislative District comprised in whole or part in the county, shall
17 be published in at least a newspaper or newspapers which singly or
18 in combination, have general circulation in every municipality of
19 the county which is comprised in such legislative district.
20 d. Such part or parts of the original notices as published which
21 pertain to day of registration or primary election which has occurred
22 shall be eliminated from such notice in succeeding insertions.
23 e. (Deleted by amendment, P.L.1999, c.232.)
24 f. The cost of publishing the notices required by this section
25 shall be paid by the respective counties, unless otherwise provided
26 for by law.
27 g. Notices required to be published or posted pursuant to this
28 section shall set forth a general description of the contents of the
29 voter information notice provided for in section 1 of P.L.2005,
30 c.149 (C.19:12-7.1), how the notice may be viewed or obtained
31 prior to the day of an election, and that the notice will be posted in
32 each polling place on the day of an election.
33 (cf: P.L.2011, c.134, s.19)
34
35 26. R.S.19:14-4 is amended to read as follows:
36 19:14-4. In the center of the ballot immediately below the
37 perforated line shall be printed in bold-faced type the words
38 "Official general election ballot." Below these words and extending
39 across the ballot shall appear the words: "Name of (municipality),
40 ward, school district (if applicable),
41 election district, date of election,
42 John Doe, county clerk." The blank spaces shall be
43 filled in with the name of the proper municipality, the ward and
44 district numbers and the date of the election. For school elections
45 the name of the school district and of the municipality or
46 municipalities comprising the district shall also be indicated
47 thereon. The name of the county clerk shall be a facsimile of his
48 signature. Below the last stated words extending across the ballot
49 and at the extreme left shall be printed the words "Instructions to

1 the voter," and immediately to the right there shall be a bracket
2 embracing the following instructions numbered consecutively:

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

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

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

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

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

20 (6) Do not mark this ballot in any other manner than above
21 provided for and make no erasures. Should this ballot be wrongly
22 marked, defaced, torn or any erasure made thereon or otherwise
23 rendered unfit for use return it and obtain another. In presidential
24 years, the following instructions shall be printed upon the general
25 election ballot:

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

30 Below the above-stated instructions and information and, except
31 when compliance with [section 19:14-15 of this Title] R.S.19:14-
32 13 as to Statewide propositions otherwise requires, three inches
33 below the perforated line and parallel to it, there shall be printed a
34 six-point diagram rule extending across the ballot to within not less
35 than a half inch to the right and left edges of the paper.

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

37

38 27. R.S.19:14-8 is amended to read as follows:

39 19:14-8. In the columns of each of the political parties which
40 made nominations at the next preceding primary election to the
41 general election and in the personal choice column, within the space
42 between the two-point hair line rules, there shall be printed the title
43 of each office to be filled at such election, except as hereinafter
44 provided.

45 Such titles of office shall be arranged in the following order:
46 electors of President and Vice-President of the United States;
47 member of the United States Senate; Governor; member of the
48 House of Representatives; member of the State Senate; members of
49 the General Assembly; county executive, in counties that have

1 adopted the county executive plan of the "Optional County Charter
2 Law," P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk;
3 surrogate; register of deeds and mortgages; county supervisor;
4 members of the board of chosen freeholders; coroners; mayor and
5 members of municipal governing bodies, and any other titles of
6 office. Candidates for members of a school board shall be listed in
7 a section of the ballot that is clearly separate from the section
8 featuring other candidates. Above each of such titles of office,
9 except the one at the top, shall be printed a two-point diagram rule
10 in place of the two-point hair line rule. Below the titles of such
11 offices shall be printed the names of the candidates for the offices.

12 The arrangement of the names of candidates for any office for
13 which more than one are to be elected shall be determined in the
14 manner hereinafter provided, as in the case of candidates nominated
15 by petition.

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

19 Immediately to the left of the name of each candidate, at the
20 extreme left of each column, including the personal choice column,
21 shall be printed a square, one-quarter of an inch in size, formed by
22 two-point diagram rules. In the personal choice column no names
23 of candidates shall be printed.

24 To the right of the title of each office in the party columns and
25 the personal choice column shall be printed the words "Vote for,"
26 inserting in words the number of persons to be elected to such
27 office.

28 (cf: P.L.2011, c.134, s.21)

29

30 28. R.S.19:14-10 is amended to read as follows:

31 19:14-10. In the column or columns designated as nominations
32 by petition, within the space between the two-point hair line rules,
33 there shall be printed the title of each office for which nominations
34 by petition have been made.

35 Such titles of office shall be arranged in the following order:
36 electors of President and Vice-President of the United States;
37 member of the United States Senate; Governor and Lieutenant
38 Governor; member of the House of Representatives; member of the
39 State Senate; members of the General Assembly; county executive,
40 in counties that have adopted the county executive plan of the
41 "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et
42 seq.); sheriff; county clerk; surrogate; register of deeds and
43 mortgages; county supervisor; members of the board of chosen
44 freeholders; coroners; mayor and members of municipal governing
45 bodies; members of the school board, when appropriate, and any
46 other titles of office.

47 Above each of the titles of office, except the one on the top, shall
48 be printed a two-point diagram rule in place of the two-point hair
49 line rule. Below the titles of each of the offices shall be printed the

1 names of each of the candidates for each of such offices followed
2 by the designation or designations mentioned in the petitions filed.

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

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

11 To the right of the title of each office shall be printed the words
12 "Vote for " inserting in words the number of candidates to be
13 elected to such office.

14 (cf: P.L.2009, c.66, s.3)

15

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

17 19:14-16. The words to be printed on the perforated coupon
18 shall be printed in twelve-point bold-faced capital letters and the
19 figures in eighteen and twenty-two-point bold-faced type. At the
20 head of the ballot the words "Official General Election Ballot" shall
21 be printed in at least thirty-point bold-faced capital letters. The
22 name of municipality, ward, school district, election district, and
23 date, as appropriate, shall be printed in twelve-point bold-faced
24 capital letters. The words "Instructions to the voter" shall be
25 printed in twelve-point bold-faced capitals and small letters, while
26 the instructions embraced within the brackets shall be printed in
27 eight-point bold-faced capital and small letters. The column
28 designations shall be printed in eighteen-point bold-faced capital
29 letters and the accompanying instructions shall be printed in eight-
30 point capitals and small letters. The titles of office and
31 accompanying instructions shall be printed in ten-point bold-faced
32 capital and small letters. When there is no nomination made at the
33 primary for an office, the title shall be printed in the space where
34 such title should appear, and the words "No Nomination Made" in
35 type large enough to fill the entire space or spaces shall be printed
36 therein. The names of all candidates shall be printed in ten-point
37 capital letters. The designations following the candidates' names in
38 the nomination by petition column or columns shall be printed in
39 ten-point capitals and small letters, except that where they overrun
40 the space within the column the designations may be abbreviated,
41 and all spaces between the two-point hair line rules not occupied by
42 the titles of office and names of candidates shall be printed in with
43 scroll or filling to guide the voter against wrongly marking the
44 ballot. On the foot of the ballot the words "Public Questions to be
45 Voted Upon" shall be printed in eighteen-point bold-faced capital
46 letters. The accompanying instructions shall be printed in eight-
47 point capital and small letters. The public questions to be voted
48 upon shall be printed in ten-point capital and small letters, and the

1 words "Yes" and "No" shall be printed in twelve-point bold-faced
2 capital letters.
3 (cf: R.S.19:14-16)

4

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

6 19:14-22. The official general election sample ballots shall be as
7 nearly as possible facsimiles of the official general election ballot to
8 be voted at such election and shall have printed thereon, after the
9 words which indicate the number of the election district for which
10 such sample ballots are printed, the name of the school district,
11 when appropriate, the street address or location of the polling place
12 in the election district, the hours between which the polls shall be
13 open, and shall be printed on paper different in color from the
14 official general election ballot, and have the following words
15 printed in large type at the top: "This ballot cannot be voted. It is a
16 sample copy of the official general election ballot used on election
17 day."

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

19

20 31. R.S.19:15-2 is amended to read as follows:

21 19:15-2. The district boards shall open the polls for such
22 election at 6:00 A.M. and close them at 8:00 P.M., and shall keep
23 them open during the whole day of election between these hours;
24 except that for a school election held at a time other than at the time
25 of the general election the polls shall be open between the hours of
26 5:00 P.M. and 9:00 P.M. and during any additional time which the
27 school board may designate between the hours of 7:00 A.M. and
28 9:00 P.M.

29 The board may allow one member thereof at a time to be absent
30 from the polling place and room for a period not exceeding one
31 hour between the hours of 1:00 P.M. and 5:00 P.M. or for such
32 shorter time as it shall see fit.

33 At no time from the opening of the polls to the completion of the
34 canvass shall there be less than a majority of the board present in
35 the polling room or place, except that during a school election held
36 at a time other than at the time of the general election there shall
37 always be at least one member of each district election board
38 present or if more than two district board members are designated to
39 serve at the polling place, at least two members present.

40 (cf: P.L.2001, c.245, s.3)

41

42 32. R.S.19:45-6 is amended to read as follows:

43 19:45-6. The compensation of each member of the district
44 boards for all services performed by them under the provisions of
45 this Title shall be as follows:

46 In all counties, for all services rendered including the counting of
47 the votes, and in counties wherein voting machines are used, the
48 tabulation of the votes registered on the voting machines, and the
49 delivery of the returns, registry binders, ballot boxes and keys for

1 the voting machines to the proper election officials, \$200 each time
2 the primary election, the general election or any special election is
3 held under this Title; provided, however, that:

4 a. (1) The member of the board charged with the duty of
5 obtaining and signing for the signature copy registers shall receive
6 an additional \$12.50 per election, such remuneration being limited
7 to only one board member per election, or \$6.25 to each of two
8 board members if they share such responsibility for the signature
9 copy registers, and (2) the member of the board charged with the
10 duty of returning the signature copy registers shall receive an
11 additional \$12.50 per election, such remuneration being limited to
12 only one board member per election, or \$6.25 to each of two board
13 members if they share such responsibility for the signature copy
14 registers;

15 b. In the case of any member of the board who is required
16 under R.S.19:50-1 to attend in a given year a training program for
17 district board members, but who fails to attend such a training
18 program in that year, that compensation shall be \$50.00 for each of
19 those elections;

20 c. In counties wherein voting machines are used no
21 compensation shall be paid for any services rendered at any special
22 election held at the same time as any primary or general election.
23 Such compensation shall be in lieu of all other fees and payments;
24 and

25 d. Compensation for district board members serving at a school
26 election held at a time other than the time of the general election
27 shall be paid by the board of education of the school district
28 conducting the election at an hourly rate of \$5.77, except that the
29 board of education may compensate such district board members at
30 a pro-rated hourly rate consistent with the daily rate up to a
31 maximum of \$14.29. The provisions of subsections a., b., and c. of
32 this section shall also apply to district board members serving at a
33 school election held at a time other than at the time of the general
34 election, except that in the case of subsection b., the compensation
35 shall be at an hourly rate of \$3.85.

36 Compensation due each member shall be paid within 30 days but
37 not within 20 days after each election; provided, however, that no
38 compensation shall be paid to any member of any such district
39 board who may have been removed from office or application for
40 the removal of whom is pending under the provisions of R.S.19:6-4.
41 (cf: P.L.2011, c.134, s.45)

42

43 33. Section 1 of P.L.1995, c.278 (C.19:60-1) is amended to read
44 as follows:

45 1. a. 【An】 Except as otherwise provided in this section, an
46 annual school election shall be held in 【each】 a type II district on
47 the third Tuesday in April. However, in any school year, the
48 Commissioner of Education shall make any adjustments to the
49 school budget and election calendar which may be necessary to

1 change the annual school election date or any other school budget
2 and election calendar date if that date coincides with a period of
3 religious observance that limits significantly the usual activities of
4 the followers of a particular religion or that would result in
5 significant religious consequences for such followers. The
6 commissioner shall inform local school boards, county clerks and
7 boards of elections of these adjustments no later than the first
8 working day in January of the year in which the adjustments are to
9 occur.

10 As used in this subsection "a period of religious observance"
11 means any day or portion thereof on which a religious observance
12 imposes a substantial burden on an individual's ability to vote.

13 An annual school election shall be held simultaneously with the
14 general election on the first Tuesday after the first Monday in
15 November in school districts in which the annual school election
16 has been moved to that date pursuant to subsection a. of section 1 of
17 P.L. , c. (C.) (pending before the Legislature as this bill). The
18 annual school election in November shall be for the purpose of
19 submitting a proposal to the voters for the approval of additional
20 funds pursuant to paragraph (9) of subsection d. of section 5 of
21 P.L.1996, c.138 (C.18A:7F-5), for the purpose of electing members
22 of the board of education, and for any other purpose authorized by
23 law.

24 b. All school elections shall be by ballot and, except as
25 otherwise provided by P.L.1995, c.278 (C.19:60-1 et al.), shall be
26 conducted in the manner provided for general elections pursuant to
27 Title 19 of the Revised Statutes. No grouping of candidates or
28 party designation shall appear on any ballot to be used in a school
29 election.

30 (cf: P.L.2008, c.129, s.1)

31

32 34. Section 3 of P.L.1995, c. 278 (C.19:60-3) is amended to read
33 as follows:

34 3. a. Notwithstanding the provisions of R.S.19:6-1, for school
35 elections held at times other than at the time of the general election
36 the county board of the county in which the election district is
37 located shall designate two members of the district board of election
38 to perform all the duties of the district board for that election,
39 except that where electronic voting systems are in use in any
40 election district in which there are more than 900 registered voters,
41 the county board shall designate four members of the district board
42 to perform all the duties of the district board for that election.
43 Notwithstanding the provisions of R.S.19:6-10, the county board
44 shall appoint one of the persons so designated to serve as judge and
45 the other or another, as the case may be, of those persons so
46 designated to serve as inspector for school elections.

47 b. Notwithstanding the provisions of subsection a. or any other
48 law to the contrary:

49 (1) Upon the request of a board of education or the clerk of a

1 municipality in the county or upon its own initiative, the county
2 board may designate the polling place and voting equipment of one
3 election district to serve as the polling place and voting equipment
4 for the voters of one or more other election districts for school
5 elections held at times other than at the time of the general election.
6 Such a designation shall be based on the casting of no more than
7 500 ballots during each of the two preceding annual April school
8 elections by the voters of the election districts for which that polling
9 place is designated. If, at two consecutive annual April school
10 elections thereafter, the number of ballots cast by the voters in those
11 election districts is more than 500, the county board shall effect an
12 appropriate revision of the election districts using that polling place.
13 If a request is from a municipal clerk, the request shall apply only
14 to the election districts in that municipality.

15 (2) If one polling place is designated for two or more election
16 districts, the county board shall designate at least two members
17 from among the members of the district boards of election of those
18 election districts to perform all the duties of the district board for
19 the school election held at times other than at the time of the
20 general election. The county board shall also appoint one of the
21 persons so designated to serve as judge and another of those persons
22 to serve as inspector for school elections.

23 (cf: P.L.1996, c.3, s.1)

24

25 35. Section 4 of P.L.1995, c.278 (C.19:60-4) is amended to read
26 as follows:

27 4. The secretary of each board of education shall, not later than
28 10 o'clock a.m. of the 18th day preceding the annual April school
29 election or a special school election, make and certify and forward
30 to the clerk of the county in which the school district is located a
31 statement designating the public question to be voted upon by the
32 voters of the district which may be required pursuant to the
33 provisions of P.L.1995, c.278 (C.19:60-1 et al.) or Title 18A of the
34 New Jersey Statutes.

35 The secretary of each board of education of a school district in
36 which the annual school election has been moved to November
37 pursuant to subsection a. of section 1 of P.L. , c. (C.) (pending
38 before the Legislature as this bill), not later than 10 o'clock a.m. of
39 the 60th day preceding the November school election, shall make
40 and certify and forward to the clerk of the county in which the
41 school district is located a statement designating any public
42 question to be voted upon by the voters of the district which may be
43 required pursuant to the provisions of P.L.1995, c.278 (C.19:60-1 et
44 al.) or Title 18A of the New Jersey Statutes.

45 (cf: P.L.2011, c.37, s.27)

46

47 36. Section 7 of P.L.1995, c.278 (C.19:60-7) is amended to read
48 as follows:

49 7. Each candidate to be voted upon at a school election shall be

1 nominated directly by petition, and the procedures for such
2 nomination shall, to the extent not inconsistent with the provisions
3 of P.L.1995, c.278 (C.19:60-1 et al.), conform to the procedure for
4 nominating candidates by direct petition under chapter 13 of Title
5 19 of the Revised Statutes. Notwithstanding the provisions of
6 R.S.19:13-5, however, a petition of nomination for such office shall
7 be signed by at least 10 persons, one of whom may be the
8 candidate, and filed with the secretary of the board of education on
9 or before four p.m. of the 50th day preceding the date of the April
10 school election and the 64th day preceding the date of the
11 November school election, as applicable. The signatures need not
12 all appear upon a single petition and any number of petitions may
13 be filed on behalf of any candidate but no petition shall contain the
14 endorsement of more than one candidate.

15 Any candidate may withdraw as a candidate in a school election
16 by filing a notice in writing, signed by the candidate, of such
17 withdrawal with the secretary of the board of education before the
18 44th day before the date of the April election or the 54th day before
19 the date of the November election, as applicable, and thereupon the
20 name of that candidate shall be withdrawn by the secretary of the
21 board of education and shall not be printed on the ballot.

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

26 Whenever written objection to a petition of nomination
27 hereunder shall have been made and timely filed with the secretary
28 of the board of education, the board of education shall file its
29 determination of the objection on or before the 44th day preceding
30 the April school election or the 61st day preceding the November
31 school election, as applicable. The last day upon which a candidate
32 may file with the Superior Court a verified complaint setting forth
33 any invasion or threatened invasion of the candidate's rights under
34 the candidate's petition of nomination shall be the 46th day before
35 the April election or the 52nd day before the November election, as
36 applicable. The last day upon which a candidate whose petition of
37 nomination or any affidavit thereto is defective may amend such
38 petition or affidavit shall be the 44th day before the April election
39 or the 54th day before the November election, as applicable.

40 (cf: P.L.2000, c.22, s.1)

41

42 37. Section 9 of P.L.1995, c.278 (C.19:60-9) is amended to read
43 as follows:

44 9. The ballot for a school election shall be a single or blanket
45 form of ballot, upon which shall be printed in bold-faced type the
46 words "OFFICIAL SCHOOL ELECTION BALLOT" or
47 "OFFICIAL SPECIAL SCHOOL ELECTION BALLOT," as
48 appropriate.

49 Any public question which is to be submitted to the voters at a

1 school election shall be printed in a separate space below or to the
2 right of, as the county clerk shall determine, the listing of
3 candidates in the election.

4 In the columns in which are listed the titles of the offices to be
5 filled at a school election and the names of candidates for those
6 offices, the title of and the names of candidates for the office of
7 member of the regional board of education shall appear above the
8 title of and the names of candidates for the office of member of the
9 local board of education. With respect to either office, in the event
10 that one or more persons are to be elected to membership thereon
11 for a full term and one or more persons are to be elected to
12 membership thereon to fill an unexpired term, the ballots shall
13 designate which of the candidates to be voted for is to be elected for
14 a full term and which for an unexpired term. In all cases in which
15 one or more persons are to be elected for an unexpired term, the
16 ballots shall indicate the duration of that unexpired term.

17 All public questions to be voted upon at a school election by the
18 voters of more than one municipality shall be placed first before
19 any question to be voted upon at that election by the voters of a
20 single municipality. When the public question to be voted upon by
21 the voters of a regional school district is the amount of money to be
22 raised for the use of the regional schools of the district, the amount
23 of money determined to be the constituent municipality's share
24 thereof may be identified on the ballot pursuant to N.J.S.18A:13-17.

25 Every county clerk shall have ready for the printer a copy of the
26 contents of official ballots required by law to be printed for use at a
27 school election, as follows: in the case of the annual April school
28 election, not later than the 17th day preceding that election; **[and]**
29 in the case of any special school election, not later than two
30 business days following receipt by the clerk of official notice of the
31 complete content of the ballot to be voted upon at that election; and
32 in the case of the annual November school election, in accordance
33 with the provisions of R.S.19:14-1.

34 The ballots for a school election to be held simultaneously with
35 the general election shall be in accordance with the provisions of
36 chapter 14 of Title 19 of the Revised Statutes.

37 At a school election held simultaneously with the general
38 election, the names of the candidates for the office of member of the
39 board of education shall appear on the ballot separately from the
40 names of candidates for other offices. Any proposals for additional
41 funds pursuant to paragraph (9) of subsection d. of section 5 of
42 P.L.1996, c.138 (C.18A:7F-5) shall appear on the ballot in close
43 proximity to the names of the candidates for the office of member
44 of the board of education.

45 (cf: P.L.2001, c.26, s.2)

46

47 38. Section 11 of P.L.1995, c.278 (C.19:60-11) is amended to
48 read as follows:

1 11. The district board of election shall, for any school election
2 held at a time other than the time of the general election, utilize a
3 poll list instead of the signature copy register. The poll list shall be
4 arranged in a column or columns appropriately headed so as to
5 indicate the election, the date thereof, and the school district and
6 election district in which the same is used, in such a manner that
7 each voter voting in the polling place at the election may sign the
8 voter's name and state the voter's address therein and the number of
9 the voter's official ballot may be indicated opposite the signature.
10 The district board shall compare the signature in the poll lists with
11 that in the signature copy registers before accepting the ballot.

12 If one polling place is designated for two or more election
13 districts pursuant to subsection b. of section 3 of P.L.1995, c.278
14 (C.19:60-3), the provisions of this section shall apply to the
15 members of the district boards of election designated to serve as the
16 election officers at the polling place for those election districts. The
17 signature copy registers for those election districts shall be provided
18 to those election officers.

19 (cf: P.L.1996, c.3, s.2)

20

21 39. Section 12 of P.L.1995, c.278 (C.19:60-12) is amended to
22 read as follows:

23 12. All costs, charges and expenses, including the compensation
24 of the members of the district boards and the compensation and
25 expenses of the county board of elections, the county
26 superintendent of elections, the clerk of the county, and the
27 municipal clerks for any school election held at a time other than
28 the time of the general election shall be paid by the board of
29 education of the school district. All costs, charges and expenses
30 submitted to the board of education for payment shall be itemized
31 and shall include the separate identification of costs to prepare,
32 print and distribute sample ballots. Amounts expended by a county
33 or a municipality in the conduct of school elections for which the
34 board of education shall make payment shall be considered
35 mandated expenditures exempt from the limitations on the county
36 tax levy and from the limitations on final municipal appropriations
37 imposed pursuant to P.L.1976, c.68 (C.40A:4-45.1 et seq.), and any
38 costs to the board of education which exceed the amount of the
39 costs to that board for the annual school election immediately
40 preceding the enactment of P.L.1995, c.278 (C.19:60-1 et seq.) shall
41 not be included for the purpose of calculating a school district's
42 **【maximum permissible net budget pursuant to section 85 of**
43 **P.L.1990, c.52 (C.18A:7D-28)】** tax levy growth limitation pursuant
44 to P.L.2007, c.62 (C.18A:7F-37 et al.).

45 (cf: P.L.1996, c.3, s.3)

46

47 40. R.S.54:4-45 is amended to read as follows:

48 54:4-45. The clerk or other proper officer of each type II school
49 district **【in which the annual appropriations for school purposes to**

1 be raised by taxation, are voted by the inhabitants of the school
2 district,] having no board of school estimate shall, on or before
3 May 19 in each year, transmit to the county board of taxation a
4 certified statement of the amount of moneys appropriated for school
5 purposes, which shall include interest to be paid, principal
6 payments of indebtedness, and sinking fund requirements for the
7 school year for which such appropriations are made, to be raised by
8 taxation in the school district.

9 (cf: P.L.1995, c.94, s.3)

10

11 41. (New section) A board of education of a school district in
12 which the annual school election has been moved to November
13 pursuant to subsection a. of section 1 of P.L. , c. (C.) (pending
14 before the Legislature as this bill) and which has determined to
15 submit a proposal or proposals for additional funds to the voters at
16 the annual school election pursuant to paragraph (9) of subsection
17 d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), shall adopt and
18 submit to the commissioner for approval pursuant to subsection c.
19 of section 5 of P.L.1996, c.138 (C.18A:7F-5), a temporary budget
20 for the school year pending the approval or disapproval of the
21 proposal or proposals for additional funds by the voters. The
22 temporary budget shall be calculated pursuant to the provisions of
23 paragraph (1) of subsection d. of section 5 of P.L.1996, c.138
24 (C.18A:7F-5) or P.L.2007, c.62 (C.18A:7F-37 et al.), as
25 appropriate.

26

27 42. (New section) In the case of a school district in which the
28 annual school election has been moved to November pursuant to
29 subsection a. of section 1 of P.L. , c. (C.) (pending before the
30 Legislature as this bill), if the voters authorize the proposal or
31 proposals for additional funds pursuant to paragraph (9) of
32 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), the
33 district shall submit the resulting final budget to the commissioner
34 within 15 days of the action of the voters. If the voters fail to
35 authorize the proposal or proposals for additional funds, the
36 temporary budget shall be the final budget for the district for that
37 school year.

38

39 43. (New section) In the case of a school district in which the
40 annual school election has been moved to November pursuant to
41 subsection a. of section 1 of P.L. , c. (C.) (pending before the
42 Legislature as this bill), if the voters approve a proposal or
43 proposals for additional funds pursuant to paragraph (9) of
44 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), the
45 secretary of the board of education shall re-certify to the county
46 board of taxation the sum or sums to be raised by special district tax
47 for the school year. The amount re-certified shall be included in the
48 taxes assessed, levied and collected in the municipality or
49 municipalities comprising the district.

1 the school election to the third Tuesday in April until at least four
2 annual school elections have been held in November.

3 In the case of local school districts which are constituent districts
4 of a limited purpose regional school district, each of those local
5 school districts must approve moving the annual school election to
6 November in order for any of those districts to move the date of the
7 election. In the event that each of the constituent districts approves
8 moving the election to November, then the date of the annual school
9 election of the limited purpose regional school district will also be
10 moved to November.

11 A school district that moves its annual school election to
12 November will continue to be required to submit its budget to the
13 Commissioner of Education for approval. If, however, a district
14 determines when it is preparing its budget to seek voter approval for
15 additional funds over its tax levy growth limitation, that district will
16 submit a temporary budget to the commissioner. The temporary
17 budget may not exceed the district's tax levy growth limitation
18 calculated pursuant to P.L.2007, c.62 (C.18A:7F-37 et al.).

19 If the voters approve the proposal for additional spending, the
20 board of education will submit the resulting final budget to the
21 commissioner and the tax levy for the school year will be recertified
22 to reflect the additional amount. The bill directs the Commissioner
23 of the Department of Community Affairs, in consultation with the
24 Commissioner of Education, to establish procedures for the delivery
25 of estimated tax bills for districts adopting a temporary budget and
26 any necessary subsequent recertification of the school tax levy. If
27 the voters disapprove the proposal for additional funds, the
28 district's temporary budget will be its final budget for that school
29 year.

30 This bill does not alter the process for the approval of budgets
31 for school districts which conduct their annual school election on
32 the third Tuesday in April. The bill also does not alter budget
33 approval in Type I school districts. In Type I districts the board of
34 education submits the district budget to a board of school estimate
35 for approval. If the board of school estimate reduces the district's
36 proposed budget, the district may appeal the reduction to the
37 Commissioner of Education. These districts will also continue to
38 submit proposals for additional funds over their tax levy cap to the
39 board of school estimate for approval.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO
SENATE, No. 3148

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 15, 2011

The Senate State Government, Wagering, Tourism & Historic Preservation Committee reports favorably and with committee amendments Senate, No. 3148.

This bill establishes procedures for moving the date of a Type II school district's annual school election to the day of the general election in November. Under the first procedure, the question would be presented to the voters for their approval whenever a petition signed by not less than 15% of the number of legally qualified voters who voted in the district at the last preceding general election held for the election of electors for President and Vice-President of the United States is filed with the board of education. Under a second procedure, the date of the annual school election may be moved to November without voter approval, upon the adoption of a resolution by the board of education or the governing body of the municipality. If the district's annual school election is moved to November, then the district's board members will be elected in November and take office at the beginning of January; and any proposal for additional funds above the school district's tax levy cap would also be presented to the voters at that time. A district that has moved its annual school election to November would not require voter approval for its base budget, which is a budget with a proposed tax levy that does not exceed its tax levy cap. If the date of the annual school election is moved to November, then a district may not move the school election to the third Tuesday in April until at least four annual school elections have been held in November.

In the case of local school districts which are constituent districts of a limited purpose regional school district, each of those local school districts must approve moving the annual school election to November in order for any of those districts to move the date of the election. In the event that each of the constituent districts approves moving the election to November, then the date of the annual school election of the limited purpose regional school district will also be moved to November.

A school district that moves its annual school election to November will continue to be required to submit its budget to the Commissioner of Education for approval. If, however, a district determines when it is preparing its budget to seek voter approval for additional funds over its tax levy growth limitation, that district will submit a temporary budget to the commissioner. The temporary budget may not exceed the district's tax levy growth limitation calculated pursuant to N.J.S.A.18A:7F-37 et al.

If the voters approve the proposal for additional spending, the board of education will submit the resulting final budget to the commissioner and the tax levy for the school year will be recertified to reflect the additional amount. The bill directs the Commissioner of the Department of Community Affairs, in consultation with the Commissioner of Education, to establish procedures for the delivery of estimated tax bills for districts adopting a temporary budget and any necessary subsequent recertification of the school tax levy. If the voters disapprove the proposal for additional funds, the district's temporary budget will be its final budget for that school year.

This bill does not alter the process for the approval of budgets for school districts which conduct their annual school election on the third Tuesday in April. The bill also does not alter budget approval in Type I school districts. In Type I districts the board of education submits the district budget to a board of school estimate for approval. If the board of school estimate reduces the district's proposed budget, the district may appeal the reduction to the Commissioner of Education. These districts will also continue to submit proposals for additional funds over their tax levy cap to the board of school estimate for approval.

COMMITTEE AMENDMENTS

The committee amended the bill to: 1) provide that the petition to get the question of moving the date of the annual school election on the ballot would have to be signed by not less than 15% of the number of voters who voted in the district at the last preceding general election held for the election of electors for President and Vice-President of the United States; 2) give the county clerks flexibility in the placement on the ballot of the names of the candidates for member of a school board, any proposal for additional funds by a school board and the placement of voting instructions; 3) provide that candidates for member of a board of education who seek election in a November school election would be required to file their petitions of nomination with the county clerk and that the deadline for filing such petitions would be the day of the holding of the primary election for the general election; and 4) change the bill's effective date from January 1 following enactment to immediately.

STATEMENT TO
[First Reprint]
SENATE, No. 3148

with Assembly Floor Amendments
(Proposed by Assemblyman GREENWALD)

ADOPTED: JANUARY 9, 2012

These floor amendments make this bill identical to A-4394 (3R) by doing the following:

1) provide that the question of moving the date of a school district's annual school election will be presented to the voters at the general election. The bill in its original form also allowed the question to be presented to the voters at an annual or special school election;

2) clarify that a local or regional school district may utilize the procedures outlined in the bill to move the date of its school election, and eliminate the requirement that each of the constituent districts of a limited purpose regional school district must approve moving the date of the annual school election for any of the constituent districts or the limited purpose regional district to move the date of the school election. However, the bill as amended will continue to provide that if all of the constituent districts of a limited purpose regional school district approve moving the date of the annual school election, then the annual school election for the limited purpose regional school district will also be held on that date; and

3) eliminate the requirement that the Department of Community Affairs promulgate regulations concerning the delivery of estimated tax bills and the recertification of the tax levy in the case of a school district which is adopting a temporary budget pending the approval of the voters of additional spending. The amendments provide instead that the Director of the Division of Local Government Services and the Director of the Division of Taxation, in consultation with the Commissioner of Education, will take action deemed necessary in regard to estimated tax bills and tax levy recertification.

ASSEMBLY, No. 4394

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED DECEMBER 1, 2011

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Camden)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

SYNOPSIS

Establishes procedures for districts, municipalities, or voters to opt to move the annual school election to November and eliminates vote on school budgets for such districts, except for separate proposals to spend above cap.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/9/2011)

A4394 GREENWALD, MORIARTY

2

1 AN ACT concerning the operation of school districts, revising
2 various parts of the statutory law, and supplementing chapter 7F
3 of Title 18A of the New Jersey Statutes and chapter 60 of Title
4 19 of the Revised Statutes.

5

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

8

9 1. (New section) a. (1) The question of moving the date of a
10 school district's annual school election to the first Tuesday after the
11 first Monday in November, to be held simultaneously with the
12 general election, shall be submitted to the legal voters of the district
13 whenever a petition signed by not less than 15% of the legally
14 qualified voters who voted in the district at the last preceding
15 general election held for the election of all of the members of the
16 General Assembly is filed with the board of education. The
17 question shall be submitted to the voters of the district at the next
18 annual school election, special school election, or general election
19 as determined by the board of education, 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 Type II school district without a board of school
29 estimate or the governing body of the municipality constituting the
30 district.

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

41 (3) In the case of local school districts which are constituent
42 districts of a limited purpose regional school district, each of those
43 local school districts shall approve moving the date of the election
44 to November, by any of the procedures established pursuant to this
45 subsection, for any of those local school districts to move the date

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 of the annual school election to the day of the general election. In
2 the event that all the constituent districts approve moving the date
3 of the election, then the date of the annual school election for the
4 limited purpose regional school district shall also be conducted
5 simultaneously with the general election.

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

14 b. (1) In the case of a school district that has moved the date of
15 its annual school election to November pursuant to subsection a. of
16 this section, the question of moving the date of the school district's
17 annual school election to the third Tuesday in April shall be
18 submitted to the legal voters of the district whenever a petition
19 signed by not less than 15% of the legally qualified voters who
20 voted in the district at the last preceding general election held for
21 the election of all of the members of the General Assembly is filed
22 with the board of education. The question shall be submitted to the
23 voters of the district at the next annual school election, special
24 school election, or general election as determined by the board of
25 education, provided that at least 60 days have lapsed since the date
26 of the filing of the petition.

27 The date of the annual school election may be moved to the third
28 Tuesday in April without voter approval, upon the adoption of a
29 resolution by the board of education of a Type II school district
30 without a board of school estimate or the governing body of the
31 municipality constituting the district.

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

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

42 (3) In the case of local school districts which are constituent
43 districts of a limited purpose regional school district, each of those
44 local school districts shall approve moving the date of the election
45 to April, by any of the procedures established pursuant to this
46 subsection, for any of those local school districts to move the date
47 of the annual school election to the third Tuesday in April. In the
48 event that all the constituent districts approve moving the date of

1 the election, then the date of the annual school election for the
2 limited purpose regional school district shall also be conducted on
3 the third Tuesday in April.

4

5 2. Section 5 of P.L.1996, c.138 (C.18A:7F-5) is amended to
6 read as follows:

7 5. As used in this section, "cost of living" means the CPI as
8 defined in section 3 of P.L.2007, c.260 (C.18A:7F-45).

9 a. Within 30 days following the approval of the Educational
10 Adequacy Report, the commissioner shall notify each district of the
11 base per pupil amount, the per pupil amounts for full-day preschool,
12 the weights for grade level, county vocational school districts, at-
13 risk pupils, bilingual pupils, and combination pupils, the cost
14 coefficients for security aid and for transportation aid, the State
15 average classification rate and the excess cost for general special
16 education services pupils, the State average classification rate and
17 the excess cost for speech-only pupils, and the geographic cost
18 adjustment for each of the school years to which the report is
19 applicable.

20 Annually, within two days following the transmittal of the State
21 budget message to the Legislature by the Governor pursuant to
22 section 11 of P.L.1944, c.112 (C.52:27B-20), the commissioner
23 shall notify each district of the maximum amount of aid payable to
24 the district in the succeeding school year pursuant to the provisions
25 of P.L.2007, c.260 (C.18A:7F-43 et al.), and shall notify each
26 district of the district's adequacy budget for the succeeding school
27 year.

28 For the 2008-2009 school year and thereafter, unless otherwise
29 specified within P.L.2007, c.260 (C.18A:7F-43 et al.), aid amounts
30 payable for the budget year shall be based on budget year pupil
31 counts, which shall be projected by the commissioner using data
32 from prior years. Adjustments for the actual pupil counts of the
33 budget year shall be made to State aid amounts payable during the
34 school year succeeding the budget year. Additional amounts
35 payable shall be reflected as revenue and an account receivable for
36 the budget year.

37 Notwithstanding any other provision of this act to the contrary,
38 each district's State aid payable for the 2008-2009 school year, with
39 the exception of aid for school facilities projects, shall be based on
40 simulations employing the various formulas and State aid amounts
41 contained in P.L.2007, c.260 (C.18A:7F-43 et al.). The
42 commissioner shall prepare a report dated December 12, 2007
43 reflecting the State aid amounts payable by category for each
44 district and shall submit the report to the Legislature prior to the
45 adoption of P.L.2007, c.260 (C.18A:7F-43 et al.). Except as
46 otherwise provided pursuant to this subsection and paragraph (3) of
47 subsection d. of section 5 of P.L.2007, c.260 (C.18A:7F-47), the
48 amounts contained in the commissioner's report shall be the final

1 amounts payable and shall not be subsequently adjusted other than
2 to reflect the phase-in of the required general fund local levy
3 pursuant to paragraph (4) of subsection b. of section 16 of
4 P.L.2007, c.260 (C.18A:7F-58) and to reflect school choice aid to
5 which a district may be entitled pursuant to section 20 of that act.
6 The projected pupil counts and equalized valuations used for the
7 calculation of State aid shall also be used for the calculation of
8 adequacy budget, local share, and required local share. For 2008-
9 2009, extraordinary special education State aid shall be included as
10 a projected amount in the commissioner's report dated December
11 12, 2007 pending the final approval of applications for the aid. If
12 the actual award of extraordinary special education State aid is
13 greater than the projected amount, the district shall receive the
14 increase in the aid payable in the subsequent school year pursuant
15 to the provisions of subsection c. of section 13 of P.L.2007, c.260
16 (C.18A:7F-55). If the actual award of extraordinary special
17 education State aid is less than the projected amount, other State aid
18 categories shall be adjusted accordingly so that the district shall not
19 receive less State aid than as provided in accordance with the
20 provisions of sections 5 and 16 of P.L.2007, c.260 (C.18A:7F-47
21 and C.18A:7F-58).

22 In the event that the commissioner determines, following the
23 enactment of P.L.2007, c.260 (C.18A:7F-43 et al.) but prior to the
24 issuance of State aid notices for the 2008-2009 school year, that a
25 significant district-specific change in data warrants an increase in
26 State aid for that district, the commissioner may adjust the State aid
27 amount provided for the district in the December 12, 2007 report to
28 reflect the increase.

29 b. Each district shall have a required local share. For districts
30 that receive educational adequacy aid pursuant to subsection b. of
31 section 16 of P.L.2007, c.260 (C.18A:7F-58), the required local
32 share shall be calculated in accordance with the provisions of that
33 subsection.

34 For all other districts, the required local share shall equal the
35 lesser of the local share calculated at the district's adequacy budget
36 pursuant to section 9 of P.L.2007, c.260 (C.18A:7F-51), or the
37 district's budgeted local share for the prebudget year.

38 In order to meet this requirement, each district shall raise a
39 general fund tax levy which equals its required local share.

40 No municipal governing body or bodies or board of school
41 estimate, as appropriate, shall certify a general fund tax levy which
42 does not meet the required local share provisions of this section.

43 c. Annually, on or before March 4, each district board of
44 education shall adopt, and submit to the commissioner for approval,
45 together with such supporting documentation as the commissioner
46 may prescribe, a budget that provides for a thorough and efficient
47 education. Notwithstanding the provisions of this subsection to the
48 contrary, the commissioner may adjust the date for the submission

1 of district budgets if the commissioner determines that the
2 availability of preliminary aid numbers for the subsequent school
3 year warrants such adjustment.

4 Notwithstanding any provision of this section to the contrary, for
5 the 2005-2006 school year each district board of education shall
6 submit a proposed budget in which the advertised per pupil
7 administrative costs do not exceed the lower of the following:

8 (1) the district's advertised per pupil administrative costs for the
9 2004-2005 school year inflated by the cost of living or 2.5 percent,
10 whichever is greater; or

11 (2) the per pupil administrative cost limits for the district's
12 region as determined by the commissioner based on audited
13 expenditures for the 2003-2004 school year.

14 The executive county superintendent of schools may disapprove
15 the school district's 2005-2006 proposed budget if he determines
16 that the district has not implemented all potential efficiencies in the
17 administrative operations of the district. The executive county
18 superintendent shall work with each school district in the county
19 during the 2004-2005 school year to identify administrative
20 inefficiencies in the operations of the district that might cause the
21 superintendent to reject the district's proposed 2005-2006 school
22 year budget.

23 For the 2006-2007 school year and each school year thereafter,
24 each district board of education shall submit a proposed budget in
25 which the advertised per pupil administrative costs do not exceed
26 the lower of the following:

27 (1) the district's prior year per pupil administrative costs; except
28 that the district may submit a request to the commissioner for
29 approval to exceed the district's prior year per pupil administrative
30 costs due to increases in enrollment, administrative positions
31 necessary as a result of mandated programs, administrative
32 vacancies, nondiscretionary fixed costs, and such other items as
33 defined in accordance with regulations adopted pursuant to section
34 7 of P.L.2004, c.73. In the event that the commissioner approves a
35 district's request to exceed its prior year per pupil administrative
36 costs, the increase authorized by the commissioner shall not exceed
37 the cost of living or 2.5 percent, whichever is greater; or

38 (2) the prior year per pupil administrative cost limits for the
39 district's region inflated by the cost of living or 2.5 percent,
40 whichever is greater.

41 d. (1) A **【**district shall submit, as appropriate, to the board of
42 school estimate or to the voters of the district at the annual school
43 budget election conducted pursuant to the provisions of P.L.1995,
44 c.278 (C.19:60-1 et al.), a **】** district's general fund tax levy **【**which
45 does **】** shall not exceed the district's adjusted tax levy as calculated
46 pursuant to sections 3 and 4 of P.L.2007, c.62 (C.18A:7F-38 and
47 18A:7F-39).

48 (2) (Deleted by amendment, P.L.2007, c.260).

1 (3) (Deleted by amendment, P.L.2007, c.260).

2 (4) Any debt service payment made by a school district during
3 the budget year shall not be included in the calculation of the
4 district's adjusted tax levy.

5 (5) (Deleted by amendment, P.L.2007, c.260).

6 (6) (Deleted by amendment, P.L.2007, c.260).

7 (7) (Deleted by amendment, P.L.2004, c.73).

8 (8) (Deleted by amendment, P.L.2010, c.44)

9 (9) Any district may submit at the annual school budget
10 election, in accordance with subsection c. of section 4 of P.L.2007,
11 c.62 (C.18A:7F-39), a separate proposal or proposals for additional
12 funds, including interpretive statements, specifically identifying the
13 program purposes for which the proposed funds shall be used, to the
14 voters, who may, by voter approval, authorize the raising of an
15 additional general fund tax levy for such purposes. In the case of a
16 district with a board of school estimate, one proposal for the
17 additional spending shall be submitted to the board of school
18 estimate. Any proposal or proposals submitted to the voters or the
19 board of school estimate shall not: include any programs and
20 services that were included in the district's prebudget year net
21 budget unless the proposal is approved by the commissioner upon
22 submission by the district of sufficient reason for an exemption to
23 this requirement; or include any new programs and services
24 necessary for students to achieve the thoroughness standards
25 established pursuant to subsection a. of section 4 of P.L.2007, c.260
26 (C.18A:7F-46).

27 The executive county superintendent of schools may prohibit the
28 submission of a separate proposal or proposals to the voters or
29 board of school estimate if he determines that the district has not
30 implemented all potential efficiencies in the administrative
31 operations of the district, which efficiencies would eliminate the
32 need for the raising of an additional general fund tax levy.

33 (10) Notwithstanding any provision of law to the contrary, if a
34 district proposes a budget with a general fund tax levy and
35 equalization aid which exceed the adequacy budget, the following
36 statement shall be published in the legal notice of public hearing on
37 the budget pursuant to N.J.S.18A:22-28, posted at the public
38 hearing held on the budget pursuant to N.J.S.18A:22-29, and
39 printed on the sample ballot required pursuant to section 10 of
40 P.L.1995, c.278 (C.19:60-10):

41 "Your school district has proposed programs and services in
42 addition to the core curriculum content standards adopted by the
43 State Board of Education. Information on this budget and the
44 programs and services it provides is available from your local
45 school district."

46 (11) Any reduction that may be required to be made to programs
47 and services included in a district's prebudget year net budget in
48 order for the district to limit the growth in its budget between the

1 prebudget and budget years by its tax levy growth limitation as
2 calculated pursuant to sections 3 and 4 of P.L.2007, c.62
3 (C.18A:7F-38 and 18A:7F-39), shall only include reductions to
4 excessive administration or programs and services that are
5 inefficient or ineffective.

6 e. (1) Any general fund tax levy rejected by the voters for a
7 proposed budget that includes a general fund tax levy and
8 equalization aid in excess of the adequacy budget shall be submitted
9 to the governing body of each of the municipalities included within
10 the district for determination of the amount that should be expended
11 notwithstanding voter rejection. In the case of a district having a
12 board of school estimate, the general fund tax levy shall be
13 submitted to the board for determination of the amount that should
14 be expended. If the governing body or bodies or board of school
15 estimate, as appropriate, reduce the district's proposed budget, the
16 district may appeal any of the reductions to the commissioner on the
17 grounds that the reductions will negatively impact on the stability of
18 the district given the need for long term planning and budgeting. In
19 considering the appeal, the commissioner shall consider enrollment
20 increases or decreases within the district; the history of voter
21 approval or rejection of district budgets; the impact on the local
22 levy; and whether the reductions will impact on the ability of the
23 district to fulfill its contractual obligations. A district may not
24 appeal any reductions on the grounds that the amount is necessary
25 for a thorough and efficient education.

26 (2) Any general fund tax levy rejected by the voters for a
27 proposed budget that includes a general fund tax levy and
28 equalization aid at or below the adequacy budget shall be submitted
29 to the governing body of each of the municipalities included within
30 the district for determination of the amount that should be expended
31 notwithstanding voter rejection. In the case of a district having a
32 board of school estimate, the general fund tax levy shall be
33 submitted to the board for determination. Any reductions may be
34 appealed to the commissioner on the grounds that the amount is
35 necessary for a thorough and efficient education or that the
36 reductions will negatively impact on the stability of the district
37 given the need for long term planning and budgeting. In
38 considering the appeal, the commissioner shall also consider the
39 factors outlined in paragraph (1) of this subsection.

40 In addition, the municipal governing body or board of school
41 estimate shall be required to demonstrate clearly to the
42 commissioner that the proposed budget reductions shall not
43 adversely affect the ability of the school district to provide a
44 thorough and efficient education or the stability of the district given
45 the need for long term planning and budgeting.

46 (3) In lieu of any budget reduction appeal provided for pursuant
47 to paragraphs (1) and (2) of this subsection, the State board may
48 establish pursuant to the "Administrative Procedure Act," P.L.1968,

1 c.410 (C.52:14B-1 et seq.), an expedited budget review process
2 based on a district's application to the commissioner for an order to
3 restore a budget reduction.

4 (4) When the voters, municipal governing body or bodies, board
5 of education in the case of a school district in which the annual
6 school election has been moved to November pursuant to subsection
7 a. of section 1 of P.L. , c. (C.) (pending before the Legislature
8 as this bill), or the board of school estimate authorize the general
9 fund tax levy, the district shall submit the resulting budget to the
10 commissioner within 15 days of the [action of the voters or
11 municipal governing body or bodies, whichever is later, or of the
12 board of school estimate as the case may be] authorization.

13 f. (Deleted by amendment, P.L.2007, c.260).

14 g. (Deleted by amendment, P.L.2007, c.260).

15 (cf: P.L.2010, c.44, s.2)

16

17 3. Section 4 of P.L.2007, c.62 (C.18A:7F-39) is amended to
18 read as follows:

19 4. a. (Deleted by amendment, P.L.2010, c.44)

20 b. (Deleted by amendment, P.L.2010, c.44)

21 c. A school district may submit to the voters at the [April]
22 annual school election, or on such other date as is set by regulation
23 of the commissioner, a proposal or proposals to increase the
24 adjusted tax levy by more than the allowable amount authorized
25 pursuant to section 3 of P.L.2007, c.62 (C.18A:7F-38). The
26 proposal or proposals to increase the adjusted tax levy shall be
27 approved if a majority of people voting shall vote in the affirmative.
28 In the case of a school district with a board of school estimate, the
29 additional adjusted tax levy shall be authorized only if a quorum is
30 present for the vote and a majority of those board members who are
31 present vote in the affirmative to authorize the additional adjusted
32 tax levy.

33 (1) A proposal or proposals submitted to the voters or the board
34 of school estimate to increase the tax levy pursuant to this
35 subsection shall not include any programs or services necessary for
36 students to achieve the core curriculum content standards.

37 (2) All proposals to increase the tax levy submitted pursuant to
38 this subsection shall include interpretive statements specifically
39 identifying the program purposes for which the proposed funds
40 shall be used and a clear statement on whether approval will affect
41 only the current year or result in a permanent increase in the levy.
42 The proposals shall be submitted and approved pursuant to sections
43 5 and 6 of P.L.1996, c.138 (C.18A:7F-5 and 18A:7F-6).

44 d. (Deleted by amendment, P.L.2010, c.44)

45 e. A school district that has not been granted approval to
46 exceed the cap pursuant to subsection c. of this section, may add to
47 its adjusted tax levy in any one of the next three succeeding budget
48 years, the amount of the difference between the maximum

1 allowable amount to be raised by taxation for the current school
2 budget year and the actual amount to be raised by taxation for the
3 current school budget year.

4 (cf: P.L.2010, c.44, s.5)

5

6 4. N.J.S.18A:8-20 is amended to read as follows:

7 18A:8-20. The first board of education of the new district and
8 the first board of education of the remaining district shall each
9 prepare and submit, if applicable, to the voters of the district, as
10 required by law, the first budgets for said district and they shall
11 make proper provision for an election to be conducted, in
12 accordance with the provisions of P.L.1995, c.278 (C.19:60-1 et
13 al.), for the members of the board of education of the district to
14 replace the appointed members of the board, for such terms that
15 three members of the board of the district, as thereafter constituted,
16 will be elected each year, at an annual election to be held in the
17 district at the same time as that on which the next annual election
18 for the original district would have been held.

19 (cf: P.L.1995, c.278, s.26)

20

21 5. N.J.S.18A:8-36 is amended to read as follows:

22 18A:8-36. At **[all elections]** any election in which an
23 appropriation must be authorized [by], a majority of the total votes
24 cast thereon in all of the territory of the consolidated school district
25 shall be necessary for the authorization.

26 (cf: P.L.1995, c.278, s.27)

27

28 6. N.J.S.18A:9-10 is amended to read as follows:

29 18A:9-10. If the membership of the board in any such district so
30 becoming a type II district is less than nine, it shall be increased to
31 nine by the election of added members at the next annual school
32 election, unless the adopting election shall have been held more
33 than 130 days or less than 60 days before the date fixed for such
34 annual school election, in which case they shall be elected at a
35 special school election which shall be called by the members of the
36 board so holding over**],** if the adopting election was held more than
37 130 days before the annual school election, then not less than 60 or
38 more than 70 days after the adopting election, or if the adopting
39 election was held less than 60 days before the annual school
40 election, then not less than 60 or more than 70 days after such
41 annual school election, excluding in each instance from the
42 calculation of the period which will elapse between such 60 and 70
43 days any period which would elapse between the twenty-first day
44 before and the twenty-first day after any day fixed according to law
45 for the holding of any primary election for the general election or
46 general election or municipal election held within the district**].**

47 (cf: P.L.1995, c.278, s.28)

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11

1 7. N.J.S.18A:10-3 is amended to read as follows:

2 18A:10-3. Each board of education shall organize annually at a
3 regular meeting held not later than at 8 p.m. at which time new
4 members shall take office:

5 a. In type I districts on May 16, or on the following day if that
6 day be Sunday;

7 b. In all type II districts with an April school election on any
8 day of the first or second week following the **[annual]** April school
9 election.

10 c. In all type II districts with a November school election on
11 any day of the first week in January at which time new members
12 shall take office.

13 If the organization meeting cannot take place on that day by
14 reason of lack of a quorum or for any other reason, said meeting
15 shall be held within three days thereafter.

16 (cf: P.L.1987, c. 289, s. 2)

17

18 8. N.J.S.18A:13-8 is amended to read as follows:

19 18A:13-8. The board of education of a regional district shall
20 consist of nine members unless it consists of more than nine
21 constituent districts, in which case the membership shall be the
22 same as the number of constituent districts, plus one. If there are
23 nine or less constituent districts, the members of the board of
24 education of the regional district shall be apportioned by the
25 executive county superintendent or executive county
26 superintendents of the county or counties in which the constituent
27 districts are situate, among said districts as nearly as may be
28 according to the number of their inhabitants except that each
29 constituent district shall have at least one member.

30 In making the apportionment of the membership of a regional
31 board of education among the several school districts uniting to
32 create a regional school district having nine or less constituent
33 districts, as required by section 18A:13-36, there shall be subtracted
34 from the number of inhabitants of a constituent school district, as
35 shown by the last federal census officially promulgated in this
36 State, the number of such inhabitants who according to the records
37 of the Federal Bureau of the Census were patients in, or inmates of,
38 any State or federal hospital or prison, or who are military
39 personnel stationed at, or civilians residing within the limits of, any
40 United States Army, Navy or Air Force installation, located in such
41 constituent school district.

42 If there are more than nine constituent districts, the members on
43 the board shall be apportioned among the constituent districts and
44 the weight of their votes in all proceedings of the board shall be
45 determined by the appropriate executive county superintendent or
46 superintendents through the following procedure:

- 1 a. The number of inhabitants of each constituent district shall
2 be determined as shown by the last federal census officially
3 promulgated in this State.
- 4 b. A representative ratio shall be calculated by adding the
5 number of inhabitants of all constituent districts and dividing the
6 sum by the board size.
- 7 c. All constituent districts shall be listed in ascending order of
8 their number of inhabitants. If the first constituent district in said
9 list has a number of inhabitants which is less than the representative
10 ratio, it shall be combined with the constituent district contiguous to
11 it having the smallest number of inhabitants. This process shall be
12 repeated for each successively larger constituent district or
13 combination of constituent districts until all remaining constituent
14 districts or combinations of constituent districts shall have a number
15 of inhabitants equal to, or exceeding the representative ratio. The
16 districts formed in this manner shall be known as representative
17 districts.
- 18 d. There shall be established a priority list according to the
19 method of equal proportions for the apportionment of the members
20 of the regional district board of education among the representative
21 districts.
- 22 e. The members of the regional district board of education shall
23 be apportioned among the representative districts according to the
24 method of equal proportions, and where a representative district is
25 composed of more than one constituent district, members shall be
26 elected at large from within the representative district.
- 27 f. The number of inhabitants of each representative district
28 shall be divided by the number of members assigned to that district
29 to find the number of inhabitants per members.
- 30 g. The vote to be cast by each member of the regional district
31 board of education in all proceedings of the board shall be
32 determined by dividing the number of inhabitants per member in the
33 representative district from which the member is elected by the
34 representative ratio for the regional district, and rounding off the
35 quotient to the nearest tenth of a full vote.
- 36 Wherever any statute or bylaw of the board requires decision in
37 any matter by vote of a majority of the board members, or of the
38 members present, this shall be interpreted as meaning a majority of
39 the weighted votes of all members, or of the members present, as
40 the case may be.
- 41 h. Whenever the above reapportionment procedure is used for a
42 regional district having more than nine constituent districts, the
43 terms of office of all incumbent board of education members shall
44 terminate on the day on which the annual organization meeting of
45 the board is held pursuant to N.J.S.18A:13-12 following
46 certification by the executive county superintendent of the
47 representative districts and the number of members to be elected
48 from each; provided, that if the reapportionment results in any

1 representative district retaining its former boundaries and the same
2 number of board members, that the members elected from such a
3 district shall serve the full term for which they were elected. All
4 other board members shall be elected in an election to be held on
5 the **[third Tuesday in April]** date of the annual school election at
6 least 60 days following certification by the executive county
7 superintendent for initial terms of office to be designated in advance
8 by the executive county superintendent so that, as nearly as
9 possible, one-third of the board shall be elected in each future year,
10 to serve for three-year terms, and where a representative district has
11 more than one member, their terms of office shall terminate in
12 different years.

13 If any constituent district is a consolidated district, or a district
14 composed of two or more municipalities, and

15 a. The original district is a limited purpose regional district and
16 such constituent district has such population that it is entitled to
17 have apportioned to it a number of members equal to or greater than
18 the number of districts making up such constituent district, or

19 b. The regional district is an all purpose district,
20 the membership of the regional board of education from such
21 district shall be apportioned, and from time to time reapportioned,
22 and the members from the district shall be elected, as their
23 respective terms expire, in the same manner as though each of the
24 municipalities making up such constituent district were constituent
25 districts of the regional district.

26 (cf: P.L.1992, c.159, s.9)

27

28 9. N.J.S.18A:13-10 is amended to read as follows:

29 18A:13-10. The board of education of each regional district
30 shall provide for the holding, in accordance with the provisions of
31 P.L.1995, c.278 (C.19:60-1 et al.), of an annual school election for
32 the regional district **[on the third Tuesday in April]**.

33 At such election there shall be elected for terms of three years,
34 **[beginning on any day of the first or second week following such**
35 **election,]** the members of the regional boards of education to
36 succeed those members of the board whose terms shall expire in
37 that year, except as is in this chapter provided for the election of the
38 first elected members of the board. The term of a member of a
39 regional board of education elected in April shall begin on any day
40 of the first or second week following the election. The term of a
41 member of a regional board of education elected in November shall
42 begin on any day of the first week in January.

43 (cf: P.L.1995, c.278, s.32)

44

45 10. N.J.S.18A:13-12 is amended to read as follows:

46 18A:13-12. The board shall hold a regular meeting forthwith
47 after its first appointment, and annually thereafter on any day of the
48 first or second week following the annual school election in April,

1 at which it shall organize by the election, from among its members,
2 of a president and vice president, who shall serve until the
3 organization meeting next succeeding the election of their
4 respective successors as members of the board. In the case of a
5 regional district in which the annual school election is in
6 November, the organization meeting shall be held on any day of the
7 first week in January. If any board shall fail to organize within
8 **[said two weeks]** the designated period, the executive county
9 superintendent of the county, or the executive county
10 superintendents of the counties, in which the constituent districts
11 are situate, shall appoint, from among the members of the board, a
12 president and vice president to serve until the organization meeting
13 next succeeding the next election.

14 (cf: P.L.1987, c.289, s.6)

15

16 11. N.J.S.18A:13-13 is amended to read as follows:

17 18A:13-13. The board shall appoint a secretary who may or may
18 not be a member of the board, for the term of one year beginning on
19 July 1, or January 15 in the case of a regional district in which the
20 annual school election is in November, following his appointment
21 but he shall continue to serve after the expiration of his term until
22 his successor is appointed and qualified. In a district which does not
23 have a treasurer of school moneys, the secretary shall give bond in
24 such amount and with such surety as the board shall direct. The
25 board shall be guided in its determination of the amount of coverage
26 necessary by a schedule of minimum limits promulgated by the
27 State Board of Education.

28 (cf: P.L.2010, c.39, s.6).

29

30 12. N.J.S.18A:13-14 is amended to read as follows:

31 18A:13-14. The board may appoint a treasurer of school moneys
32 who shall not be a member or employee of the board and it shall fix
33 his salary. His term of office shall expire annually on June 30 of
34 each year, **[but if]** or January 15 of each year in the case of a
35 regional district in which the annual school election is in
36 November. If a municipal officer is appointed treasurer, his term
37 shall cease if he ceases to hold his municipal office and in either
38 case, the treasurer shall continue in office after the expiration of his
39 term until his successor is qualified. He shall give bond in such
40 amount, and with such surety, as the board shall direct. The board
41 in its determination of the amount shall be guided by a schedule of
42 minimum limits to be promulgated by the State board.

43 (cf: P.L.2010, c.39, s.7).

44

45 13. N.J.S.18A:13-17 is amended to read as follows:

46 18A:13-17. a. The regional board of education shall, at each
47 annual April school election, submit to the voters of the regional
48 district the amount of money fixed and determined in its budget to

1 be voted upon for the use of the regional schools of the district for
2 the ensuing school year and may submit thereat any other question
3 authorized by this law to be submitted at such an election. The
4 board may, in submitting to the voters the amount of money to be
5 voted upon for the use of the regional schools of the district,
6 identify the amount of money determined to be the constituent
7 municipality's share. The board shall follow the procedures
8 established in section 5 of P.L.1996, c.138 (C.18A:7F-5) and
9 N.J.S.18A:22-33.

10 b. In the case of a regional district in which the annual school
11 election is in November, the regional board of education shall fix
12 and determine the district's budget for the ensuing school year and
13 may submit at the annual school election any question authorized
14 by law to be submitted at such an election. The board shall follow
15 the procedures established in section 5 of P.L.1996, c.138
16 (C.18A:7F-5), N.J.S.18A:22-33, and section 41 of P.L. _____,
17 c. (C. _____) (pending before the Legislature as this bill).
18 (cf: P.L.2001, c.26, s.1)

19

20 14. N.J.S.18A:13-19 is amended to read as follows:

21 18A:13-19. If the voters reject any of the items submitted at the
22 annual April school election, within two days thereafter the board
23 of education of the regional district shall certify to the governing
24 body of each municipality, included within the regional district, the
25 item or items so rejected, and such governing bodies, after
26 consultation with the board, and no later than May 19 shall
27 determine the amount or amounts for the ensuing school year and
28 cause the same to be certified by the respective municipal clerks to
29 the board of education of the regional district. The board and the
30 governing bodies shall follow the procedures established in section
31 5 of P.L.1996, c.138 (C.18A:7F-5) and N.J.S.18A:22-37.
32 (cf: P.L.1996, c.138, s.48)

33

34 15. N.J.S.18A:13-40 is amended to read as follows:

35 18A:13-40. The board of education of a newly created regional
36 district may, prior to taking charge and control of the educational
37 facilities of the regional district, do all other acts and things which
38 may be necessary for the proper organization and functioning of the
39 public schools of the regional district during its first year, including
40 the making of contracts for the employment of necessary personnel
41 and for other proper purposes, the preparation and , if applicable,
42 submission to the voters of the regional district for their approval or
43 disapproval of the budget and the appropriations for the conduct of
44 the public schools of the regional district during its first school
45 year, the authorization of the purchase of real and personal
46 property, and the construction, enlargement and repair of buildings,
47 for school purposes, and the appropriations of the funds necessary
48 to carry out the same and the authorization of the issuance and sale

1 of bonds in order to provide for the payment therefor in whole or in
2 part and the calling and holding of special elections when necessary
3 for any such purposes and to carry out any or all of said purposes.
4 (cf: N.J.S.18A:13-40)

5

6 16. N.J.S.18A:13-46 is amended to read as follows:

7 18A:13-46. The executive county superintendent of the county
8 in which any new constituent district of an enlarged regional district
9 shall be situate shall, not later than 30 days after the election for the
10 enlargement thereof, appoint one member of the enlarged board of
11 education of the regional district from among the qualified citizens
12 of each such new constituent district and the members so appointed
13 shall serve until the first Monday succeeding the first annual April
14 school election of the enlarged regional district and their successors
15 shall be elected at said election. In the case of a regional district in
16 which the annual school election is in November, the members so
17 appointed shall serve until the first week in January next succeeding
18 the first annual November school election of the enlarged regional
19 district and their successors shall be elected at that election. If by
20 reason of the enlargement of the district it becomes necessary to
21 reapportion the membership of the enlarged board of education the
22 executive county superintendent or superintendents of the county or
23 counties in which the constituent local districts of the enlarged
24 district are situate shall reapportion the membership of the enlarged
25 board of education in accordance with the provisions of sections
26 18A:13-8 and 18A:13-36, and at the same time shall designate the
27 number of members to be elected from each constituent school
28 district at the succeeding annual school election to be held therein
29 upon the expiration of the terms of office of the members of the
30 regional board then in office, in such manner that the representation
31 of the constituent districts shall be established in accordance with
32 such reapportionment at the earliest possible time but the members
33 then in office shall continue in office for the terms for which they
34 were elected or appointed notwithstanding such reapportionment.
35 (cf: N.J.S.18A:13-46)

36

37 17. N.J.S.18A:17-5 is amended to read as follows:

38 18A:17-5. Each secretary shall be appointed by the board, by a
39 recorded roll call majority vote of its full membership, for a term to
40 expire not later than June 30 , or January 15 in the case of a school
41 district in which the annual school election is in November, of the
42 calendar year next succeeding that in which the board shall have
43 been organized, but he shall continue to serve after the expiration of
44 his term until his successor is appointed and qualified. The
45 secretary may be appointed from among the members of the board
46 and, subject to the provisions of this Title and any other law, the
47 board shall fix his compensation; provided, however, that the
48 secretary shall not receive compensation from the board for any

1 period during which he is an elected or appointed member of the
2 board.

3 In case of a vacancy in the office of secretary, the vacancy shall
4 be filled by the board within 60 days after the vacancy occurs and if
5 the board does not make such appointment within such time the
6 executive county superintendent shall appoint a secretary who shall
7 receive the same compensation as his predecessor in office received
8 and shall serve until a secretary is appointed by the board.

9 (cf: P.L.1968, c.271, s.1)

10

11 18. N.J.S.18A:22-26 is amended to read as follows:

12 18A:22-26. At or after the public hearing but not later than April
13 8, the board of school estimate of a type II district having a board of
14 school estimate shall fix and determine by a recorded roll call
15 majority vote of its full membership the amount of money necessary
16 to be appropriated for the use of the public schools in the district for
17 the ensuing school year, exclusive of the amount which shall be
18 apportioned to it by the commissioner for the year pursuant to the
19 provisions of section 5 of P.L.1996, c.138 (C.18A:7F-5) and shall
20 make a certificate of the amount signed by at least a majority of all
21 members of the board, which shall be delivered to the board of
22 education and a copy thereof, certified under oath to be correct and
23 true by the secretary of the board of school estimate, shall be
24 delivered to the county board of taxation on or before April 15 in
25 each year and a duplicate of the certificate shall be delivered to the
26 board or governing body of each of the municipalities within the
27 territorial limits of the district having the power to make
28 appropriations of money raised by taxation in the municipalities or
29 political subdivisions and to the executive county superintendent of
30 schools and the amount shall be assessed, levied and raised under
31 the procedure and in the manner provided by law for the levying
32 and raising of special school taxes [voted to be raised at an annual
33 or special election of the legal voters] in other type II districts and
34 shall be paid to the board secretary or treasurer of school moneys,
35 as appropriate, of the district for such purposes.

36 Within 15 days after receiving the certificate the board of
37 education shall notify the board of school estimate, the governing
38 body of each municipality within the territorial limits of the school
39 district, and the commissioner if it intends to appeal to the
40 commissioner the board of school estimate's determination as to the
41 amount of money requested pursuant to the provisions of section 5
42 of P.L.1996, c.138 (C.18A:7F-5), necessary to be appropriated for
43 the use of the public schools of the district for the ensuing school
44 year.

45 (cf: P.L.2010, c.39, s.21)

46

47 19. N.J.S.18A:22-32 is amended to read as follows:

48 18A:22-32. At or after the public hearing on the budget but not

1 later than 18 days prior to the April school election, the board of
2 education of each type II district having no board of school estimate
3 shall fix and determine by a recorded roll call majority vote of its
4 full membership the amount of money to be raised pursuant to
5 section 5 of P.L.1996, c.138 (C.18A:7F-5) and any additional
6 **[amounts]** funds to be voted upon by the legal voters of the district
7 at the **[annual]** April or November school election pursuant to
8 paragraph (9) of subsection d. of section 5 of that act, which sum or
9 sums shall be designated in the notice calling the election as
10 required by law.

11 (cf: P.L.1996, c.138, s.57)

12

13 20. N.J.S.18A:22-33 is amended to read as follows:

14 18A:22-33. a. The board of education of **[each]** a type II
15 district not having a board of school estimate shall at **[each annual]**
16 the April school election, submit to the voters of the district, the
17 amount of money fixed and determined in its budget pursuant to
18 section 5 of P.L.1996, c.138 (C.18A:7F-5), excluding therefrom the
19 sum or sums stated therein to be used for interest and debt
20 redemption charges, in the manner provided by law, to be voted
21 upon for the use of the public schools of the district for the ensuing
22 school year, which amount shall be stated in the notice of the
23 election, and the legal voters of the district shall determine at the
24 April election, by a majority vote of those voting upon the
25 proposition, the sum or sums, not exceeding those stated in the
26 notice of the election, to be raised by special district tax for said
27 purposes, in the district during the ensuing school year and the
28 secretary of the board of education shall certify the amount so
29 determined upon, if any, and the sums so stated for interest and debt
30 redemption charges, to the county board of taxation of the county
31 within two days following the certification of the election results
32 and the amount or amounts so certified shall be included in the
33 taxes assessed, levied and collected in the municipality or
34 municipalities comprising the district for such purposes; except
35 that, in the case of a district which , following the school election
36 and the approval by the voters of the sum to be raised by special
37 district tax for the schools of the district, determines that it has a
38 greater surplus account available for the school year than estimated
39 when the sum to be raised by special district tax was presented to
40 the voters, the secretary of the board of education, with the approval
41 of the commissioner, may between the date of the school election
42 and the delivery of tax bills pursuant to R.S.54:4-64 re-certify to the
43 county board of taxation the sum or sums to be raised by special
44 district tax in the district during the ensuing school year, if the sum
45 is lower than that approved by the voters in the school election, and
46 if the reduction is equivalent to the additional amount available in
47 the surplus account to be applied towards the district's budget. The
48 amount re-certified shall be included in the taxes assessed, levied

1 and collected in the municipality or municipalities comprising the
2 district.

3 b. In the case of a district in which the annual school election is
4 in November pursuant to subsection a. of section 1 of P.L. ,
5 c. (C.) (pending before the Legislature as this bill), by May 19
6 the secretary of the board of education shall certify the amount
7 fixed and determined by the school board pursuant to N.J.S.18A:22-
8 32 other than any additional funds to be voted upon by the legal
9 voters of the district and the sums so stated for interest and debt
10 redemption charges, to the county board of taxation of the county
11 and the amount or amounts so certified shall be included in the
12 taxes assessed, levied and collected in the municipality or
13 municipalities comprising the district for such purposes; except
14 that, in the case of a district which determines that it has a greater
15 surplus account available for the school year than estimated when
16 the sum to be raised by special district tax was certified to the
17 county board of taxation of the county, the secretary of the board of
18 education, with the approval of the commissioner, may between
19 May 19 and the delivery of tax bills pursuant to R.S.54:4-64 re-
20 certify to the county board of taxation the sum or sums to be raised
21 by special district tax in the district during the ensuing school year,
22 if the sum is lower than that initially certified to the county board
23 of taxation of the county, and if the reduction is equivalent to the
24 additional amount available in the surplus account to be applied
25 towards the district's budget. The amount re-certified shall be
26 included in the taxes assessed, levied and collected in the
27 municipality or municipalities comprising the district.

28 (cf: P.L.1999, c.346)

29

30 21. N.J.S.18A:22-37 is amended to read as follows:

31 18A:22-37. If the voters reject any of the items submitted at the
32 annual April school election, the board of education shall deliver
33 the proposed school budget pursuant to section 5 of P.L.1996, c.138
34 (C.18A:7F-5) to the governing body of the municipality, or of each
35 of the municipalities included in the district within two days
36 thereafter. The governing body of the municipality, or of each of
37 the municipalities, included in the district shall, after consultation
38 with the board, and by May 19, determine the amount which, in the
39 judgment of the body or bodies, is necessary to be appropriated for
40 each item appearing in the budget, pursuant to section 5 of
41 P.L.1996, c.138 (C.18A:7F-5) and certify to the county board of
42 taxation the totals of the amount so determined to be necessary for
43 each of the following:

44 a. General fund expenses of schools; or

45 b. Appropriations to capital reserve account.

46 Within 15 days after the governing body of the municipality or
47 of each of the municipalities included in the district shall make the
48 certification to the county board of taxation, the board of education

1 shall notify the governing body or bodies if it intends to appeal to
2 the commissioner pursuant to section 5 of P.L.1996, c.138
3 (C.18A:7F-5) the amount which the body or bodies determined to
4 be necessary to be appropriated for each item appearing in the
5 proposed school budget.

6 (cf: P.L.1996, c.138, s.59)

7

8 22. N.J.S.18A:22-38 is amended to read as follows:

9 18A:22-38. If the governing body or bodies fail to certify any
10 amount determined to be necessary pursuant to section 5 of
11 P.L.1996, c.138 (C.18A:7F-5) for any item rejected at the annual
12 April school election, or in the event that the governing bodies of
13 the municipalities comprising a school district, shall certify
14 different amounts, then the commissioner shall determine the
15 amount or amounts which in his judgment, are necessary to be
16 appropriated, for each of the items appearing in the budget,
17 submitted to the governing body or bodies, and certify to the county
18 board of taxation the totals of the amount determined to be
19 necessary for the general fund expenses of the schools; and the
20 amount certified shall be included in the taxes to be assessed, levied
21 and collected in the municipality or municipalities for those
22 purposes.

23 (cf: P.L.2007, c.260, s.54)

24

25 23. N.J.S.18A:22-41 is amended to read as follows:

26 18A:22-41. In any Type II district **[in which the amount, with**
27 **any interest to be paid thereon, to be raised, levied and collected by**
28 **taxes for school purposes is determined by the voters of the district]**
29 not having a board of school estimate , the board of education shall
30 cause the question, whether or not the amount so estimated shall be
31 so raised, to be submitted to the legal voters of the district at a
32 special school election, to be held on such date as shall be
33 determined upon by the board, and if at said election the question
34 shall be adopted, the secretary shall certify that the amount so
35 determined upon has been authorized to be raised in said manner to
36 the county board of taxation within five days after the date of the
37 holding of such election.

38 (cf: P.L.1993, c.83, s.14)

39

40 24. R.S.19:1-1 is amended to read as follows:

41 19:1-1. As used in this Title:

42 "Election" means the procedure whereby the electors of this
43 State or any political subdivision thereof elect persons to fill public
44 office or pass on public questions.

45 "General election" means the annual election to be held on the
46 first Tuesday after the first Monday in November and, where
47 applicable, includes annual school elections.

1 "Primary election for the general election" means the procedure
2 whereby the members of a political party in this State or any
3 political subdivision thereof nominate candidates to be voted for at
4 general elections, or elect persons to fill party offices.

5 "Municipal election" means an election to be held in and for a
6 single municipality only, at regular intervals.

7 "Special election" means an election which is not provided for by
8 law to be held at stated intervals.

9 "Any election" includes all primary, general, municipal, school
10 and special elections, as defined herein.

11 "Municipality" includes any city, town, borough, village, or
12 township.

13 "School election" means any annual or special election to be held
14 in and for a local or regional school district established pursuant to
15 chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes.

16 "Public office" includes any office in the government of this
17 State or any of its political subdivisions filled at elections by the
18 electors of the State or political subdivision.

19 "Public question" includes any question, proposition or
20 referendum required by the legislative or governing body of this
21 State or any of its political subdivisions to be submitted by
22 referendum procedure to the voters of the State or political
23 subdivision for decision at elections.

24 "Political party" means a party which, at the election held for all
25 of the members of the General Assembly next preceding the holding
26 of any primary election held pursuant to this Title, polled for
27 members of the General Assembly at least 10% of the total vote cast
28 in this State.

29 "Party office" means the office of delegate or alternate to the
30 national convention of a political party or member of the State,
31 county or municipal committees of a political party.

32 "Masculine" includes the feminine, and the masculine pronoun
33 wherever used in this Title shall be construed to include the
34 feminine.

35 "Presidential year" means the year in which electors of President
36 and Vice-President of the United States are voted for at the general
37 election.

38 "Election district" means the territory within which or for which
39 there is a polling place or room for all voters in the territory to cast
40 their ballots at any election.

41 "District board" means the district board of registry and election
42 in an election district.

43 "County board" means the county board of elections in a county.

44 "Superintendent" means the superintendent of elections in
45 counties wherein the same shall have been appointed.

46 "Commissioner" means the commissioner of registration in
47 counties.

1 "File" or "filed" means deposited in the regularly maintained
2 office of the public official wherever said regularly maintained
3 office is designated by statute, ordinance or resolution.

4 (cf: P.L.2011, c.134, s.1)

5
6 25. R.S.19:12-7 is amended to read as follows:

7 19:12-7. a. The county board in each county shall cause to be
8 published in a newspaper or newspapers which, singly or in
9 combination, are of general circulation throughout the county, a
10 notice containing the information specified in subsection b. hereof,
11 except for such of the contents as may be omitted pursuant to
12 subsection c. or d. hereof. Such notice shall be published once
13 during the 30 days next preceding the day fixed for the closing of
14 the registration books for the primary election, once during the
15 calendar week next preceding the week in which the primary
16 election for the general election is held, once during the 30 days
17 next preceding the day fixed for the closing of the registration
18 books for the general election, and once during the calendar week
19 next preceding the week in which the general election is held.

20 b. Such notice shall set forth:

21 (1) For the primary election for the general election:

22 (a) That a primary election for making nominations for the
23 general election, for the selection of members of the county
24 committees of each political party, and in each presidential year for
25 the selection of delegates and alternates to national conventions of
26 political parties, will be held on the day and between the hours and
27 at the places provided for by or pursuant to this Title.

28 (b) The place or places at which and hours during which a
29 person may register, the procedure for the transfer of registration,
30 and the date on which the books are closed for registration or
31 transfer of registration.

32 (c) The several State, county, municipal and party offices or
33 positions to be filled, or for which nominations are to be made, at
34 such primary election.

35 (d) The existence of registration and voting aids, including: (i)
36 the availability of registration and voting instructions at places of
37 registration as provided under R.S.19:31-6; and (ii), if available, the
38 accessibility of voter information to the deaf by means of a
39 telecommunications device.

40 (e) The availability of assistance to a person unable to vote due
41 to blindness, disability or inability to read or write.

42 (f) In the case of the notice published during the calendar week
43 next preceding the week in which the primary election is held, that
44 a voter who, prior to the election, shall have moved within the same
45 county without (i) filing, on or before the 21st day preceding the
46 election, a notice of change of residence with the commissioner of
47 registration of the county or the municipal clerk of the municipality
48 in which the voter resides on the day of the election, (ii) returning

1 the confirmation notice sent to the voter by the commissioner of
2 registration of the county, if such a notice has been sent to the voter,
3 or (iii) otherwise notifying the commissioner of registration of the
4 voter's change of address within the county shall be permitted to
5 correct the voter's registration and to vote in the primary election by
6 provisional ballot at the polling place of the district in which the
7 voter resides on the day of the election. The notice shall further
8 provide that the voter may contact the county commissioner of
9 registration or municipal clerk to determine the proper polling place
10 location for the voter.

11 (2) For the general election:

12 (a) That a general election will be held on the day and between
13 the hours and at the places provided for by or pursuant to this Title
14 and, where applicable, shall include school elections.

15 (b) The place or places at which and hours during which a
16 person may register, the procedure for transfer of registration, and
17 the date on which the books are closed for registration or transfer of
18 registration.

19 (c) The several State, county and municipal offices, and where
20 applicable, school board offices to be filled, notice of any school
21 district propositions to be submitted to the people and, except as
22 provided in R.S.19:14-33 of this Title as to publication of notice of
23 any Statewide proposition directed by the Legislature to be
24 submitted to the people, the State, county and municipal public
25 questions to be voted upon at such general election.

26 (d) The existence of registration and voting aids, including: (i)
27 the availability of registration and voting instructions at places of
28 registration as provided under R.S.19:31-6; and (ii) the accessibility
29 of voter information to the deaf by means of a telecommunications
30 device.

31 (e) The availability of assistance to a person unable to vote due
32 to blindness, disability or inability to read or write.

33 (f) In the case of the notice published during the calendar week
34 next preceding the week in which the general election is held, that a
35 voter who, prior to the election, shall have moved within the same
36 county without (i) filing, on or before the 21st day preceding the
37 election, a notice of change of residence with the commissioner of
38 registration of the county or the municipal clerk of the municipality
39 in which the voter resides on the day of the election, (ii) returning
40 the confirmation notice sent to the voter by the commissioner of
41 registration of the county, if such a notice has been sent to the voter,
42 or (iii) otherwise notifying the commissioner of registration of the
43 voter's change of address within the county shall be permitted to
44 correct the voter's registration and to vote in the general election by
45 provisional ballot at the polling place of the district in which the
46 voter resides on the day of the election. The notice shall further
47 provide that the voter may contact the county commissioner of

1 registration or municipal clerk to determine the proper polling place
2 location for the voter.

3 (3) For a school election:

4 (a) The day, time and place thereof,

5 (b) The offices, if any, to be filled at the election,

6 (c) The substance of any public question to be submitted to the
7 voters thereat,

8 (d) That a voter who, prior to the election, shall have moved
9 within the same county without (i) filing, on or before the 21st day
10 preceding the election, a notice of change of residence with the
11 commissioner of registration of the county or the municipal clerk of
12 the municipality in which the voter resides on the day of the
13 election, (ii) returning the confirmation notice sent to the voter by
14 the commissioner of registration of the county, if such a notice has
15 been sent to the voter, or (iii) otherwise notifying the commissioner
16 of registration of the voter's change of address within the county
17 shall be permitted to correct the voter's registration and to vote in
18 the school election by provisional ballot at the polling place of the
19 district in which the voter resides on the day of the election,

20 (e) That if the voter has any questions as to where to vote on the
21 day of the election, the voter may contact the county commissioner
22 of registration or municipal clerk to determine the proper polling
23 place location for the voter; and

24 (f) Such other information as may be required by law.

25 c. If such publication is made in more than one newspaper, it
26 shall not be necessary to duplicate in the notice published in each
27 such newspaper all the information required under this section, so
28 long as:

29 (1) The municipal officers or party positions to be filled, or
30 nominations made, or municipal public questions to be voted upon
31 by the voters of any municipality, shall be set forth in at least one
32 newspaper having general circulation in such municipality;

33 (2) All offices to be filled, or nominations made therefor, or
34 public questions to be voted upon, by the voters of the entire State
35 or of the entire county shall be set forth in a newspaper or
36 newspapers which, singly or in combination, have general
37 circulation throughout the county;

38 (3) Information relating to nominations and elections in each
39 Legislative District comprised in whole or part in the county, shall
40 be published in at least a newspaper or newspapers which singly or
41 in combination, have general circulation in every municipality of
42 the county which is comprised in such legislative district.

43 d. Such part or parts of the original notices as published which
44 pertain to day of registration or primary election which has occurred
45 shall be eliminated from such notice in succeeding insertions.

46 e. (Deleted by amendment, P.L.1999, c.232.)

1 f. The cost of publishing the notices required by this section
2 shall be paid by the respective counties, unless otherwise provided
3 for by law.

4 g. Notices required to be published or posted pursuant to this
5 section shall set forth a general description of the contents of the
6 voter information notice provided for in section 1 of P.L.2005,
7 c.149 (C.19:12-7.1), how the notice may be viewed or obtained
8 prior to the day of an election, and that the notice will be posted in
9 each polling place on the day of an election.
10 (cf: P.L.2011, c.134, s.19)

11

12 26. R.S.19:14-4 is amended to read as follows:

13 19:14-4. In the center of the ballot immediately below the
14 perforated line shall be printed in bold-faced type the words
15 "Official general election ballot." Below these words and extending
16 across the ballot shall appear the words: "Name of (municipality),
17 ward, school district (if applicable),
18 election district, date of election,
19 John Doe, county clerk." The blank spaces shall be
20 filled in with the name of the proper municipality, the ward and
21 district numbers and the date of the election. For school elections
22 the name of the school district and of the municipality or
23 municipalities comprising the district shall also be indicated
24 thereon. The name of the county clerk shall be a facsimile of his
25 signature. Below the last stated words extending across the ballot
26 and at the extreme left shall be printed the words "Instructions to
27 the voter," and immediately to the right there shall be a bracket
28 embracing the following instructions numbered consecutively:

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

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

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

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

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

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

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

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

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

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

15

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

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

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

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

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

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

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

3 To the right of the title of each office in the party columns and
4 the personal choice column shall be printed the words "Vote for,"
5 inserting in words the number of persons to be elected to such
6 office.

7 (cf: P.L.2011, c.134, s.21)

8

9 28. R.S.19:14-10 is amended to read as follows:

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

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

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

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

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

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

42 (cf: P.L.2009, c.66, s.3)

43

44 29. R.S.19:14-16 is amended to read as follows:

45 19:14-16. The words to be printed on the perforated coupon
46 shall be printed in twelve-point bold-faced capital letters and the
47 figures in eighteen and twenty-two-point bold-faced type. At the
48 head of the ballot the words "Official General Election Ballot" shall

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

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

32

33 30. R.S.19:14-22 is amended to read as follows:

34 19:14-22. The official general election sample ballots shall be as
35 nearly as possible facsimiles of the official general election ballot to
36 be voted at such election and shall have printed thereon, after the
37 words which indicate the number of the election district for which
38 such sample ballots are printed, the name of the school district,
39 when appropriate, the street address or location of the polling place
40 in the election district, the hours between which the polls shall be
41 open, and shall be printed on paper different in color from the
42 official general election ballot, and have the following words
43 printed in large type at the top: "This ballot cannot be voted. It is a
44 sample copy of the official general election ballot used on election
45 day."

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

47

48 31. R.S.19:15-2 is amended to read as follows:

1 19:15-2. The district boards shall open the polls for such
2 election at 6:00 A.M. and close them at 8:00 P.M., and shall keep
3 them open during the whole day of election between these hours;
4 except that for a school election held at a time other than at the time
5 of the general election the polls shall be open between the hours of
6 5:00 P.M. and 9:00 P.M. and during any additional time which the
7 school board may designate between the hours of 7:00 A.M. and
8 9:00 P.M.

9 The board may allow one member thereof at a time to be absent
10 from the polling place and room for a period not exceeding one
11 hour between the hours of 1:00 P.M. and 5:00 P.M. or for such
12 shorter time as it shall see fit.

13 At no time from the opening of the polls to the completion of the
14 canvass shall there be less than a majority of the board present in
15 the polling room or place, except that during a school election held
16 at a time other than at the time of the general election there shall
17 always be at least one member of each district election board
18 present or if more than two district board members are designated to
19 serve at the polling place, at least two members present.

20 (cf: P.L.2001, c.245, s.3)

21

22 32. R.S.19:45-6 is amended to read as follows:

23 19:45-6. The compensation of each member of the district
24 boards for all services performed by them under the provisions of
25 this Title shall be as follows:

26 In all counties, for all services rendered including the counting of
27 the votes, and in counties wherein voting machines are used, the
28 tabulation of the votes registered on the voting machines, and the
29 delivery of the returns, registry binders, ballot boxes and keys for
30 the voting machines to the proper election officials, \$200 each time
31 the primary election, the general election or any special election is
32 held under this Title; provided, however, that:

33 a. (1) The member of the board charged with the duty of
34 obtaining and signing for the signature copy registers shall receive
35 an additional \$12.50 per election, such remuneration being limited
36 to only one board member per election, or \$6.25 to each of two
37 board members if they share such responsibility for the signature
38 copy registers, and (2) the member of the board charged with the
39 duty of returning the signature copy registers shall receive an
40 additional \$12.50 per election, such remuneration being limited to
41 only one board member per election, or \$6.25 to each of two board
42 members if they share such responsibility for the signature copy
43 registers;

44 b. In the case of any member of the board who is required
45 under R.S.19:50-1 to attend in a given year a training program for
46 district board members, but who fails to attend such a training
47 program in that year, that compensation shall be \$50.00 for each of
48 those elections;

1 c. In counties wherein voting machines are used no
2 compensation shall be paid for any services rendered at any special
3 election held at the same time as any primary or general election.
4 Such compensation shall be in lieu of all other fees and payments;
5 and

6 d. Compensation for district board members serving at a school
7 election held at a time other than the time of the general election
8 shall be paid by the board of education of the school district
9 conducting the election at an hourly rate of \$5.77, except that the
10 board of education may compensate such district board members at
11 a pro-rated hourly rate consistent with the daily rate up to a
12 maximum of \$14.29. The provisions of subsections a., b., and c. of
13 this section shall also apply to district board members serving at a
14 school election held at a time other than at the time of the general
15 election, except that in the case of subsection b., the compensation
16 shall be at an hourly rate of \$3.85.

17 Compensation due each member shall be paid within 30 days but
18 not within 20 days after each election; provided, however, that no
19 compensation shall be paid to any member of any such district
20 board who may have been removed from office or application for
21 the removal of whom is pending under the provisions of R.S.19:6-4.
22 (cf: P.L.2011, c.134, s.45)

23

24 33. Section 1 of P.L.1995, c.278 (C.19:60-1) is amended to read
25 as follows:

26 1. a. **[An]** Except as otherwise provided in this section, an
27 annual school election shall be held in [each] a type II district on
28 the third Tuesday in April. However, in any school year, the
29 Commissioner of Education shall make any adjustments to the
30 school budget and election calendar which may be necessary to
31 change the annual school election date or any other school budget
32 and election calendar date if that date coincides with a period of
33 religious observance that limits significantly the usual activities of
34 the followers of a particular religion or that would result in
35 significant religious consequences for such followers. The
36 commissioner shall inform local school boards, county clerks and
37 boards of elections of these adjustments no later than the first
38 working day in January of the year in which the adjustments are to
39 occur.

40 As used in this subsection "a period of religious observance"
41 means any day or portion thereof on which a religious observance
42 imposes a substantial burden on an individual's ability to vote.

43 An annual school election shall be held simultaneously with the
44 general election on the first Tuesday after the first Monday in
45 November in school districts in which the annual school election
46 has been moved to that date pursuant to subsection a. of section 1 of
47 P.L. , c. (C.) (pending before the Legislature as this bill). The
48 annual school election in November shall be for the purpose of

1 submitting a proposal to the voters for the approval of additional
2 funds pursuant to paragraph (9) of subsection d. of section 5 of
3 P.L.1996, c.138 (C.18A:7F-5), for the purpose of electing members
4 of the board of education, and for any other purpose authorized by
5 law.

6 b. All school elections shall be by ballot and, except as
7 otherwise provided by P.L.1995, c.278 (C.19:60-1 et al.), shall be
8 conducted in the manner provided for general elections pursuant to
9 Title 19 of the Revised Statutes. No grouping of candidates or
10 party designation shall appear on any ballot to be used in a school
11 election.

12 (cf: P.L.2008, c.129, s.1)

13

14 34. Section 3 of P.L.1995, c. 278 (C.19:60-3) is amended to read
15 as follows:

16 3. a. Notwithstanding the provisions of R.S.19:6-1, for school
17 elections held at times other than at the time of the general election
18 the county board of the county in which the election district is
19 located shall designate two members of the district board of election
20 to perform all the duties of the district board for that election,
21 except that where electronic voting systems are in use in any
22 election district in which there are more than 900 registered voters,
23 the county board shall designate four members of the district board
24 to perform all the duties of the district board for that election.
25 Notwithstanding the provisions of R.S.19:6-10, the county board
26 shall appoint one of the persons so designated to serve as judge and
27 the other or another, as the case may be, of those persons so
28 designated to serve as inspector for school elections.

29 b. Notwithstanding the provisions of subsection a. or any other
30 law to the contrary:

31 (1) Upon the request of a board of education or the clerk of a
32 municipality in the county or upon its own initiative, the county
33 board may designate the polling place and voting equipment of one
34 election district to serve as the polling place and voting equipment
35 for the voters of one or more other election districts for school
36 elections held at times other than at the time of the general election.
37 Such a designation shall be based on the casting of no more than
38 500 ballots during each of the two preceding annual April school
39 elections by the voters of the election districts for which that polling
40 place is designated. If, at two consecutive annual April school
41 elections thereafter, the number of ballots cast by the voters in those
42 election districts is more than 500, the county board shall effect an
43 appropriate revision of the election districts using that polling place.
44 If a request is from a municipal clerk, the request shall apply only
45 to the election districts in that municipality.

46 (2) If one polling place is designated for two or more election
47 districts, the county board shall designate at least two members
48 from among the members of the district boards of election of those

1 election districts to perform all the duties of the district board for
2 the school election held at times other than at the time of the
3 general election. The county board shall also appoint one of the
4 persons so designated to serve as judge and another of those persons
5 to serve as inspector for school elections.

6 (cf: P.L.1996, c.3, s.1)

7
8 35. Section 4 of P.L.1995, c.278 (C.19:60-4) is amended to read
9 as follows:

10 4. The secretary of each board of education shall, not later than
11 10 o'clock a.m. of the 18th day preceding the annual April school
12 election or a special school election, make and certify and forward
13 to the clerk of the county in which the school district is located a
14 statement designating the public question to be voted upon by the
15 voters of the district which may be required pursuant to the
16 provisions of P.L.1995, c.278 (C.19:60-1 et al.) or Title 18A of the
17 New Jersey Statutes.

18 The secretary of each board of education of a school district in
19 which the annual school election has been moved to November
20 pursuant to subsection a. of section 1 of P.L. , c. (C.) (pending
21 before the Legislature as this bill), not later than 10 o'clock a.m. of
22 the 60th day preceding the November school election, shall make
23 and certify and forward to the clerk of the county in which the
24 school district is located a statement designating any public
25 question to be voted upon by the voters of the district which may be
26 required pursuant to the provisions of P.L.1995, c.278 (C.19:60-1 et
27 al.) or Title 18A of the New Jersey Statutes.

28 (cf: P.L.2011, c.37, s.27)

29
30 36. Section 7 of P.L.1995, c.278 (C.19:60-7) is amended to read
31 as follows:

32 7. Each candidate to be voted upon at a school election shall be
33 nominated directly by petition, and the procedures for such
34 nomination shall, to the extent not inconsistent with the provisions
35 of P.L.1995, c.278 (C.19:60-1 et al.), conform to the procedure for
36 nominating candidates by direct petition under chapter 13 of Title
37 19 of the Revised Statutes. Notwithstanding the provisions of
38 R.S.19:13-5, however, a petition of nomination for such office shall
39 be signed by at least 10 persons, one of whom may be the
40 candidate, and filed with the secretary of the board of education on
41 or before four p.m. of the 50th day preceding the date of the April
42 school election and the 64th day preceding the date of the
43 November school election, as applicable. The signatures need not
44 all appear upon a single petition and any number of petitions may
45 be filed on behalf of any candidate but no petition shall contain the
46 endorsement of more than one candidate.

47 Any candidate may withdraw as a candidate in a school election
48 by filing a notice in writing, signed by the candidate, of such

1 withdrawal with the secretary of the board of education before the
2 44th day before the date of the April election or the 54th day before
3 the date of the November election, as applicable, and thereupon the
4 name of that candidate shall be withdrawn by the secretary of the
5 board of education and shall not be printed on the ballot.

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

10 Whenever written objection to a petition of nomination
11 hereunder shall have been made and timely filed with the secretary
12 of the board of education, the board of education shall file its
13 determination of the objection on or before the 44th day preceding
14 the April school election or the 61st day preceding the November
15 school election, as applicable. The last day upon which a candidate
16 may file with the Superior Court a verified complaint setting forth
17 any invasion or threatened invasion of the candidate's rights under
18 the candidate's petition of nomination shall be the 46th day before
19 the April election or the 52nd day before the November election, as
20 applicable. The last day upon which a candidate whose petition of
21 nomination or any affidavit thereto is defective may amend such
22 petition or affidavit shall be the 44th day before the April election
23 or the 54th day before the November election, as applicable.

24 (cf: P.L.2000, c.22, s.1)

25

26 37. Section 9 of P.L.1995, c.278 (C.19:60-9) is amended to read
27 as follows:

28 9. The ballot for a school election shall be a single or blanket
29 form of ballot, upon which shall be printed in bold-faced type the
30 words "OFFICIAL SCHOOL ELECTION BALLOT" or
31 "OFFICIAL SPECIAL SCHOOL ELECTION BALLOT," as
32 appropriate.

33 Any public question which is to be submitted to the voters at a
34 school election shall be printed in a separate space below or to the
35 right of, as the county clerk shall determine, the listing of
36 candidates in the election.

37 In the columns in which are listed the titles of the offices to be
38 filled at a school election and the names of candidates for those
39 offices, the title of and the names of candidates for the office of
40 member of the regional board of education shall appear above the
41 title of and the names of candidates for the office of member of the
42 local board of education. With respect to either office, in the event
43 that one or more persons are to be elected to membership thereon
44 for a full term and one or more persons are to be elected to
45 membership thereon to fill an unexpired term, the ballots shall
46 designate which of the candidates to be voted for is to be elected for
47 a full term and which for an unexpired term. In all cases in which
48 one or more persons are to be elected for an unexpired term, the

1 ballots shall indicate the duration of that unexpired term.

2 All public questions to be voted upon at a school election by the
3 voters of more than one municipality shall be placed first before
4 any question to be voted upon at that election by the voters of a
5 single municipality. When the public question to be voted upon by
6 the voters of a regional school district is the amount of money to be
7 raised for the use of the regional schools of the district, the amount
8 of money determined to be the constituent municipality's share
9 thereof may be identified on the ballot pursuant to N.J.S.18A:13-17.

10 Every county clerk shall have ready for the printer a copy of the
11 contents of official ballots required by law to be printed for use at a
12 school election, as follows: in the case of the annual April school
13 election, not later than the 17th day preceding that election; **[and]**
14 in the case of any special school election, not later than two
15 business days following receipt by the clerk of official notice of the
16 complete content of the ballot to be voted upon at that election; and
17 in the case of the annual November school election, in accordance
18 with the provisions of R.S.19:14-1.

19 The ballots for a school election to be held simultaneously with
20 the general election shall be in accordance with the provisions of
21 chapter 14 of Title 19 of the Revised Statutes.

22 At a school election held simultaneously with the general
23 election, the names of the candidates for the office of member of the
24 board of education shall appear on the ballot separately from the
25 names of candidates for other offices. Any proposals for additional
26 funds pursuant to paragraph (9) of subsection d. of section 5 of
27 P.L.1996, c.138 (C.18A:7F-5) shall appear on the ballot in close
28 proximity to the names of the candidates for the office of member
29 of the board of education.

30 (cf: P.L.2001, c.26, s.2)

31

32 38. Section 11 of P.L.1995, c.278 (C.19:60-11) is amended to
33 read as follows:

34 11. The district board of election shall, for any school election
35 held at a time other than the time of the general election, utilize a
36 poll list instead of the signature copy register. The poll list shall be
37 arranged in a column or columns appropriately headed so as to
38 indicate the election, the date thereof, and the school district and
39 election district in which the same is used, in such a manner that
40 each voter voting in the polling place at the election may sign the
41 voter's name and state the voter's address therein and the number of
42 the voter's official ballot may be indicated opposite the signature.
43 The district board shall compare the signature in the poll lists with
44 that in the signature copy registers before accepting the ballot.

45 If one polling place is designated for two or more election
46 districts pursuant to subsection b. of section 3 of P.L.1995, c.278
47 (C.19:60-3), the provisions of this section shall apply to the
48 members of the district boards of election designated to serve as the

1 election officers at the polling place for those election districts. The
2 signature copy registers for those election districts shall be provided
3 to those election officers.

4 (cf: P.L.1996, c.3, s.2)

5

6 39. Section 12 of P.L.1995, c.278 (C.19:60-12) is amended to
7 read as follows:

8 12. All costs, charges and expenses, including the compensation
9 of the members of the district boards and the compensation and
10 expenses of the county board of elections, the county
11 superintendent of elections, the clerk of the county, and the
12 municipal clerks for any school election held at a time other than
13 the time of the general election shall be paid by the board of
14 education of the school district. All costs, charges and expenses
15 submitted to the board of education for payment shall be itemized
16 and shall include the separate identification of costs to prepare,
17 print and distribute sample ballots. Amounts expended by a county
18 or a municipality in the conduct of school elections for which the
19 board of education shall make payment shall be considered
20 mandated expenditures exempt from the limitations on the county
21 tax levy and from the limitations on final municipal appropriations
22 imposed pursuant to P.L.1976, c.68 (C.40A:4-45.1 et seq.), and any
23 costs to the board of education which exceed the amount of the
24 costs to that board for the annual school election immediately
25 preceding the enactment of P.L.1995, c.278 (C.19:60-1 et seq.) shall
26 not be included for the purpose of calculating a school district's
27 **【maximum permissible net budget pursuant to section 85 of**
28 **P.L.1990, c.52 (C.18A:7D-28)】** tax levy growth limitation pursuant
29 to P.L.2007, c.62 (C.18A:7F-37 et al.).

30 (cf: P.L.1996, c.3, s.3)

31

32 40. R.S.54:4-45 is amended to read as follows:

33 54:4-45. The clerk or other proper officer of each type II school
34 district **【in which the annual appropriations for school purposes to**
35 **be raised by taxation, are voted by the inhabitants of the school**
36 **district,】** having no board of school estimate shall, on or before
37 May 19 in each year, transmit to the county board of taxation a
38 certified statement of the amount of moneys appropriated for school
39 purposes, which shall include interest to be paid, principal
40 payments of indebtedness, and sinking fund requirements for the
41 school year for which such appropriations are made, to be raised by
42 taxation in the school district.

43 (cf: P.L.1995, c.94, s.3)

44

45 41. (New section) A board of education of a school district in
46 which the annual school election has been moved to November
47 pursuant to subsection a. of section 1 of P.L. , c. (C.) (pending
48 before the Legislature as this bill) and which has determined to

1 submit a proposal or proposals for additional funds to the voters at
2 the annual school election pursuant to paragraph (9) of subsection
3 d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), shall adopt and
4 submit to the commissioner for approval pursuant to subsection c.
5 of section 5 of P.L.1996, c.138 (C.18A:7F-5), a temporary budget
6 for the school year pending the approval or disapproval of the
7 proposal or proposals for additional funds by the voters. The
8 temporary budget shall be calculated pursuant to the provisions of
9 paragraph (1) of subsection d. of section 5 of P.L.1996, c.138
10 (C.18A:7F-5) or P.L.2007, c.62 (C.18A:7F-37 et al.), as
11 appropriate.

12

13 42. (New section) In the case of a school district in which the
14 annual school election has been moved to November pursuant to
15 subsection a. of section 1 of P.L. , c. (C.) (pending before the
16 Legislature as this bill), if the voters authorize the proposal or
17 proposals for additional funds pursuant to paragraph (9) of
18 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), the
19 district shall submit the resulting final budget to the commissioner
20 within 15 days of the action of the voters. If the voters fail to
21 authorize the proposal or proposals for additional funds, the
22 temporary budget shall be the final budget for the district for that
23 school year.

24

25 43. (New section) In the case of a school district in which the
26 annual school election has been moved to November pursuant to
27 subsection a. of section 1 of P.L. , c. (C.) (pending before the
28 Legislature as this bill), if the voters approve a proposal or
29 proposals for additional funds pursuant to paragraph (9) of
30 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), the
31 secretary of the board of education shall re-certify to the county
32 board of taxation the sum or sums to be raised by special district tax
33 for the school year. The amount re-certified shall be included in the
34 taxes assessed, levied and collected in the municipality or
35 municipalities comprising the district.

36

37 44. (New section) The Commissioner of Community Affairs, in
38 consultation with the Commissioner of Education, shall promulgate
39 rules pursuant to the "Administrative Procedure Act," P.L.1968,
40 c.410 (C.52:14B-1 et seq.) for the procedure for the delivery of
41 estimated tax bills and the recertification of the school district tax
42 levy pursuant to section 43 of P.L. , c. (C.) (pending before
43 the Legislature as this bill) for districts in which the annual school
44 election is in November and that determine to submit proposal or
45 proposals for additional funds pursuant to paragraph (9) of
46 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5).

47

48 45. (New section) In the case of a school district in which the

1 annual school election has been moved to November pursuant to
2 subsection a. of section 1 of P.L. , c. (C.) (pending before the
3 Legislature as this bill), an elected member of a board of education,
4 or a member of a board of education appointed to serve the
5 unexpired term of an elected member, or an appointed member of a
6 board of education other than a member in a district in a city of the
7 first class, who is holding office on the effective date of P.L. , c.
8 (C.) (pending before the Legislature as this bill) shall continue in
9 office until the day in January next following the year in which his
10 term was originally set to expire when his successor takes office.

11

12 46. This act shall take effect on January 1 next following
13 enactment.

14

15

16

STATEMENT

17

18 This bill establishes procedures for moving the date of a Type II
19 school district's annual school election to the day of the general
20 election in November. Under the first procedure, the question
21 would be presented to the voters for their approval whenever a
22 petition signed by not less than 15% of the legally qualified voters
23 who voted in the district at the last preceding general election held
24 for the election of members of the General Assembly is filed with
25 the board of education. Under a second procedure, the date of the
26 annual school election may be moved to November without voter
27 approval, upon the adoption of a resolution by the board of
28 education or the governing body of the municipality. If the
29 district's annual school election is moved to November, then the
30 district's board members will be elected in November and take
31 office at the beginning of January; and any proposal for additional
32 funds above the school district's tax levy cap would also be
33 presented to the voters at that time. A district that has moved its
34 annual school election to November would not require voter
35 approval for its base budget, which is a budget with a proposed tax
36 levy that does not exceed its tax levy cap. If the date of the annual
37 school election is moved to November, then a district may not move
38 the school election to the third Tuesday in April until at least four
39 annual school elections have been held in November.

40 In the case of local school districts which are constituent districts
41 of a limited purpose regional school district, each of those local
42 school districts must approve moving the annual school election to
43 November in order for any of those districts to move the date of the
44 election. In the event that each of the constituent districts approves
45 moving the election to November, then the date of the annual school
46 election of the limited purpose regional school district will also be
47 moved to November.

1 A school district that moves its annual school election to
2 November will continue to be required to submit its budget to the
3 Commissioner of Education for approval. If, however, a district
4 determines when it is preparing its budget to seek voter approval for
5 additional funds over its tax levy growth limitation, that district will
6 submit a temporary budget to the commissioner. The temporary
7 budget may not exceed the district's tax levy growth limitation
8 calculated pursuant to P.L.2007, c.62 (C.18A:7F-37 et al.).

9 If the voters approve the proposal for additional spending, the
10 board of education will submit the resulting final budget to the
11 commissioner and the tax levy for the school year will be recertified
12 to reflect the additional amount. The bill directs the Commissioner
13 of the Department of Community Affairs, in consultation with the
14 Commissioner of Education, to establish procedures for the delivery
15 of estimated tax bills for districts adopting a temporary budget and
16 any necessary subsequent recertification of the school tax levy. If
17 the voters disapprove the proposal for additional funds, the
18 district's temporary budget will be its final budget for that school
19 year.

20 This bill does not alter the process for the approval of budgets
21 for school districts which conduct their annual school election on
22 the third Tuesday in April. The bill also does not alter budget
23 approval in Type I school districts. In Type I districts the board of
24 education submits the district budget to a board of school estimate
25 for approval. If the board of school estimate reduces the district's
26 proposed budget, the district may appeal the reduction to the
27 Commissioner of Education. These districts will also continue to
28 submit proposals for additional funds over their tax levy cap to the
29 board of school estimate for approval.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4394

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2011

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4394, with committee amendments.

As amended, this bill establishes procedures for moving the date of a Type II school district's annual school election to the day of the general election in November. Under the first procedure, the question would be presented to the voters for their approval whenever a petition signed by not less than 15% of the legally qualified voters who voted in the district at the last preceding general election held for the election of electors for President and Vice-president of the United States is filed with the board of education. Under a second procedure, the date of the annual school election may be moved to November without voter approval, upon the adoption of a resolution by the board of education or the governing body of the municipality. If the district's annual school election is moved to November, then the district's board members will be elected in November and take office at the beginning of January; and any proposal for additional funds above the school district's tax levy cap would also be presented to the voters at that time. A district that has moved its annual school election to November would not require voter approval for its base budget, which is a budget with a proposed tax levy that does not exceed its tax levy cap. If the date of the annual school election is moved to November, then a district may not move the school election to the third Tuesday in April until at least four annual school elections have been held in November.

In the case of local school districts which are constituent districts of a limited purpose regional school district, each of those local school districts must approve moving the annual school election to November in order for any of those districts to move the date of the election. In the event that each of the constituent districts approves moving the election to November, then the date of the annual school election of the limited purpose regional school district will also be moved to November.

A school district that moves its annual school election to November will continue to be required to submit its budget to the Commissioner of Education for approval. If, however, a district determines when it is preparing its budget to seek voter approval for

additional funds over its tax levy growth limitation, that district will submit a temporary budget to the commissioner. The temporary budget may not exceed the district's tax levy growth limitation calculated pursuant to P.L.2007, c.62 (C.18A:7F-37 et al.).

If the voters approve the proposal for additional spending, the board of education will submit the resulting final budget to the commissioner and the tax levy for the school year will be recertified to reflect the additional amount. The bill directs the Commissioner of the Department of Community Affairs, in consultation with the Commissioner of Education, to establish procedures for the delivery of estimated tax bills for districts adopting a temporary budget and any necessary subsequent recertification of the school tax levy. If the voters disapprove the proposal for additional funds, the district's temporary budget will be its final budget for that school year.

This bill does not alter the process for the approval of budgets for school districts which conduct their annual school election on the third Tuesday in April. The bill also does not alter budget approval in Type I school districts. In Type I districts the board of education submits the district budget to a board of school estimate for approval. If the board of school estimate reduces the district's proposed budget, the district may appeal the reduction to the Commissioner of Education. These districts will also continue to submit proposals for additional funds over their tax levy cap to the board of school estimate for approval.

FISCAL IMPACT:

The Office of Legislative Services (OLS) notes that Assembly Bill No. 4394 may lead to a minimal, albeit indeterminate, decrease in expenditures among school districts that move the annual school election to coincide with the November general election. School districts record expenditures for election services under general administration, other purchased professional services. The OLS determined that this expenditure category accounted for 0.08 percent, on average, of Type II districts' total audited general fund expenditures for the 2009-2010 school year. As such, the OLS anticipates that the bill would lead to a minimal expenditure decrease in school districts that choose to change the date of the school election. The bill would have no fiscal impact on a school district that continues to hold the election in April.

COMMITTEE AMENDMENTS:

The amendments provide that the petition to get the question of moving the date of the annual school election on the ballot would have to be signed by not less than 15% of the voters who voted in the district at the last preceding general election held for the election of electors for President and Vice-President of the United States. The bill as originally introduced required the petition to be signed by not less

than 15% of voters who voted in the district at the last general election held for the election of all the members of the General Assembly.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 4394
STATE OF NEW JERSEY
214th LEGISLATURE

DATED: DECEMBER 13, 2011

SUMMARY

- Synopsis:** Establishes procedures for districts, municipalities, or voters to opt to move the annual school election to November and eliminates vote on school budgets for such districts, except for separate proposals to spend above cap.
- Type of Impact:** Potential Expenditure Decrease
- Agencies Affected:** Local School Districts

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Local Cost	Potential Minimal Decrease		

- The Office of Legislative Services notes that Assembly Bill No. 4394 of 2011 would likely lead to a minimal expenditure decrease in school districts that choose to move the annual school election to coincide with the November general election. Analysis of districts' expenditure data for the 2009-2010 school year shows that districts spent, on average, 0.08 percent of their general fund budgets on school elections. There would be no fiscal impact in a school district that does not change the date of its annual school election.

BILL DESCRIPTION

Assembly Bill No. 4394 of 2011 provides a mechanism for a school district to move its annual school election from the third Tuesday in April to coincide with the general election in November. Under the bill, the date of the annual election could be moved as a result of voter approval, adoption of a resolution by the board of education of a Type II school district without a board of school estimate, or adoption of a resolution by the governing body of the municipality constituting the school district. A school district that changes the date of its annual school would not require voter approval of its budget, except for a proposal to exceed its tax levy growth limitation; a vote on a separate proposal would occur at the November general election.

FISCAL ANALYSIS***EXECUTIVE BRANCH***

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services notes that Assembly Bill No. 4394 would likely lead to a minimal expenditure decrease in school districts that choose to change the date of the annual school election. In the expenditure data that school districts report to the Department of Education, expenditures associated with school elections are recorded under the general administration expenditure item labeled, "other purchased professional services." In the 2009-2010 school year, this expenditure item accounted for, on average, 0.08 percent of Type II districts' general fund expenditures. It should be noted, however, that this figure may include other district expenditures incurred that are not related to the school election (e.g., legal, auditing, and negotiations services). As such, the potential savings would be lower than 0.08 percent, on average, of the districts' general fund budgets. There would be no fiscal impact in a school district that does not change the date of its annual school election.

Section: Education

Analyst: Allen T. Dupree
Lead Fiscal Analyst

Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 4394

with Assembly Floor Amendments
(Proposed by Assemblyman GREENWALD)

ADOPTED: DECEMBER 15, 2011

This floor amendment:

- provides some flexibility for the county clerks in the placement on the ballot of the names of candidates for school board membership, proposals for additional funds by school boards, and voting instructions;
- provides that candidates for the school board who seek election at a November school election would be required to file their petitions of nomination with the county clerk and that the deadline for filing such petitions would be the day of the holding of the primary election for the general election; and
- changes the effective date from “January 1 following the date of enactment” to “immediately.”

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 4394

STATE OF NEW JERSEY 214th LEGISLATURE

DATED: DECEMBER 21, 2011

SUMMARY

- Synopsis:** Establishes procedures for districts, municipalities, or voters to opt to move the annual school election to November and eliminates vote on school budgets for such districts, except for separate proposals to spend above cap.
- Type of Impact:** Potential Expenditure Decrease
- Agencies Affected:** Local School Districts

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Local Cost	Potential Minimal Decrease		

- The Office of Legislative Services notes that Assembly Bill No. 4394 (1R) of 2011 would likely lead to a minimal expenditure decrease in school districts that choose to move the annual school election to coincide with the November general election. Analysis of districts' expenditure data for the 2009-2010 school year shows that districts spent, on average, 0.08 percent of their general fund budgets on school elections. There would be no fiscal impact in a school district that does not change the date of its annual school election.

BILL DESCRIPTION

Assembly Bill No. 4394 (1R) of 2011 provides a mechanism for a school district to move its annual school election from the third Tuesday in April to coincide with the general election in November. Under the bill, the date of the annual election could be moved as a result of voter approval, adoption of a resolution by the board of education of a Type II school district without a board of school estimate, or adoption of a resolution by the governing body of the municipality constituting the school district. A school district that changes the date of its annual school would not require voter approval of its budget, except for a proposal to exceed its tax levy growth

limitation; a vote on a separate proposal would occur at the November general election.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services notes that Assembly Bill No. 4394 (1R) would likely lead to a minimal expenditure decrease in school districts that choose to change the date of the annual school election. In the expenditure data that school districts report to the Department of Education, expenditures associated with school elections are recorded under the general administration expenditure item labeled, "other purchased professional services." In the 2009-2010 school year, this expenditure item accounted for, on average, 0.08 percent of Type II districts' general fund expenditures. It should be noted, however, that this figure may include other district expenditures incurred that are not related to the school election (e.g., legal, auditing, and negotiations services). As such, the potential savings would be lower than 0.08 percent, on average, of the districts' general fund budgets. There would be no fiscal impact in a school district that does not change the date of its annual school election.

Section: Education
Analyst: Allen T. Dupree
Lead Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 4394

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 5, 2012

The Assembly Budget Committee reports favorably Assembly Bill No. 4394 (2R), with committee amendments.

As amended, this bill establishes procedures for moving the date of a Type II school district's annual school election to the day of the general election in November. Under the first procedure, the question will be presented to the voters for their approval if a petition signed by not less than 15% of the number of legally qualified voters who voted in the district at the last preceding general election held for the election of electors for President and Vice-President of the United States is filed with the board of education. Under a second procedure, the date of the annual school election may be moved to November without voter approval, upon the adoption of a resolution by the board of education of the district or the governing body or governing bodies of the municipality or municipalities which comprise the district. If the district's annual school election is moved to November, then the district's board members will be elected in November and take office at the beginning of January; and any proposal for additional funds above the school district's tax levy cap would also be presented to the voters at that time. A district that has moved its annual school election to November would not require voter approval for its base budget, which is a budget with a proposed tax levy that does not exceed its tax levy cap. If the date of the annual school election is moved to November, then a district may not move the school election to the third Tuesday in April until at least four annual school elections have been held in November.

In addition to the procedures described above that allow a school district to move the date of its annual election to November, in the event that all of the constituent districts of a limited purpose regional school district approve moving the date of their annual school elections to November by any of the procedures established under the bill, then the annual school election for the limited purpose regional school district will also be held in November.

A school district that moves its annual school election to November will continue to be required to submit its budget to the Commissioner of Education for approval. If, however, a district determines when it is preparing its budget to seek voter approval for additional funds over its tax levy growth limitation, that district will submit a temporary budget to the commissioner. The temporary budget may not exceed the district's tax levy growth limitation calculated pursuant to N.J.S.A.18A:7F-37 et al.

If the voters approve the proposal for additional spending, the board of education will submit the resulting final budget to the commissioner and the tax levy for the school year will be recertified to reflect the additional amount. The bill directs the Director of Local Government Services in the Department of Community Affairs and the Director of the Division of Taxation in the Department of Treasury, in consultation with the Commissioner of Education, to take such action as deemed necessary for the delivery of estimated tax bills for districts adopting a temporary budget and any necessary subsequent recertification of the school tax levy. If the voters disapprove the proposal for additional funds, the district's temporary budget will be its final budget for that school year.

This bill does not alter the process for the approval of budgets for school districts which conduct their annual school election on the third Tuesday in April. The bill also does not alter budget approval in Type I school districts. In Type I districts the board of education submits the district budget to a board of school estimate for approval. If the board of school estimate reduces the district's proposed budget, the district may appeal the reduction to the Commissioner of Education. These districts will also continue to submit proposals for additional funds over their tax levy cap to the board of school estimate for approval.

FISCAL IMPACT:

The Office of Legislative Services (OLS) notes that the bill may lead to a minimal, albeit indeterminate, decrease in expenditures among school districts that move the annual school election to coincide with the November general election. School districts record expenditures for election services under general administration, other purchased professional services. The OLS determined that this expenditure category accounted for 0.08 percent, on average, of Type II districts' total audited general fund expenditures for the 2009-2010 school year. As such, the OLS anticipates that the bill will lead to a minimal expenditure decrease in most situations in which a school district chooses to change the date of the school election.

There is one specific circumstance in which the bill may lead to an expenditure increase in certain communities. The bill provides that a limited purpose regional school district or any of its constituent school districts may change the date of its annual school election even if the

other does not. As such, it is plausible that a given community may have two separate school election dates each year, one for the constituent school district, and one for the limited purpose regional school district, yielding an overall increase in costs.

COMMITTEE AMENDMENTS:

The amendments provide that the question of moving the date of a school district's annual school election will be presented to the voters at the general election. The bill in its original form also allowed the question to be presented to the voters at an annual or special school election.

The amendments clarify that a local or regional school district may utilize the procedures outlined in the bill to move the date of its school election, and eliminate the requirement that each of the constituent districts of a limited purpose regional school district must approve moving the date of the annual school election for any of the constituent districts or the limited purpose regional district to move the date of the school election. The bill does, however, continue to provide that if all of the constituent districts of a limited purpose regional school district approve moving the date of the annual school election, then the annual school election for the limited purpose regional school district will also be held on that date.

The amendments eliminate the requirement that the Department of Community Affairs promulgate regulations concerning the delivery of estimated tax bills and the recertification of the tax levy in the case of a school district which is adopting a temporary budget pending the approval of the voters of additional spending. The amendments provide instead that the Director of the Division of Local Government Services and the Director of the Division of Taxation, in consultation with the Commissioner of Education, will take action deemed necessary in regard to estimated tax bills and tax levy recertification.

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

ASSEMBLY, No. 4394

STATE OF NEW JERSEY 214th LEGISLATURE

DATED: FEBRUARY 21, 2012

SUMMARY

- Synopsis:** Establishes procedures for districts, municipalities, or voters to opt to move the annual school election to November and eliminates vote on school budgets for such districts, except for separate proposals to spend above cap.
- Type of Impact:** Potential Expenditure Decrease
- Agencies Affected:** Local School Districts

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Local Cost	Potential Minimal Decrease		

- The Office of Legislative Services (OLS) notes that Assembly Bill No. 4394 (3R) of 2011 would likely lead to a minimal expenditure decrease in school districts that choose to move the annual school election to coincide with the November general election. Analysis of districts' expenditure data for the 2009-2010 school year shows that districts spent, on average, 0.08 percent of their general fund budgets on school elections.
- While the OLS anticipates an overall potential expenditure decrease, some communities may experience a marginal expenditure increase. Under the bill, it is possible for a limited purpose regional school district to have a different annual school election date than some of the constituent school districts that comprise the regional district. In this situation, some communities will have two elections each year, yielding an overall expenditure increase.

BILL DESCRIPTION

Assembly Bill No. 4394 (3R) of 2011 provides a mechanism for a local or regional school district to move its annual school election from the third Tuesday in April to coincide with the general election in November. Under the bill, the date of the annual election could be moved as

a result of voter approval, adoption of a resolution by the board of education of a school district, other than a Type II school district with a board of school estimate, or adoption of a resolution by the governing body of the municipality constituting the school district. A school district that changes the date of its annual school would not require voter approval of its budget, except for a proposal to exceed its tax levy growth limitation; a vote on a separate proposal would occur at the November general election.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that Assembly Bill No. 4394 (3R) would likely lead to a minimal expenditure decrease in school districts that choose to change the date of the annual school election. In the expenditure data that school districts report to the Department of Education, expenditures associated with school elections are recorded under the general administration expenditure item labeled, "other purchased professional services." In the 2009-2010 school year, this expenditure item accounted for, on average, 0.08 percent of Type II districts' general fund expenditures. It should be noted, however, that this figure may include other district expenditures incurred that are not related to the school election (e.g., legal, auditing, and negotiations services). As such, the potential savings would be lower than 0.08 percent, on average, of the districts' general fund budgets.

While the OLS anticipates that the overall impact of A-4394 (3R) will be a potential decrease in expenditures, certain communities may experience a marginal increase in expenditures. The bill provides that a limited purpose regional school district or any constituent district may change the date of its annual school election even if the other does not. This creates the potential that voters in some communities would cast ballots twice in each school year, once for the constituent school district and once for the limited purpose regional school district. Having separate election dates in one community would lead to a marginal increase in the total costs. Statewide, there are 58 limited purpose regional school districts that serve approximately 200 municipalities.¹

Section: Education
Analyst: Allen T. Dupree
Lead Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

¹ A small number of municipalities are constituents of two limited purposed regional school districts.

Governor Chris Christie Signs Tool Kit Legislation to Allow School Board Elections to Be Moved to November

Tuesday, January 17, 2012 Tags: [Education](#)

Bill Finally Provides Pathways for Local Government Savings and Increased Voter Participation in District Elections

Trenton, NJ – Acting on his commitment to work in a bipartisan manner to get results for the people of New Jersey, Governor Chris Christie today signed into law legislation allowing for local school board and budget elections to be moved from April to November. The bill, passed with bipartisan support in the legislature, puts into law a tool kit proposal originally introduced by Governor Christie in May 2010.

"After decades in Trenton of fruitlessly discussing the idea of moving school district elections to November, leaders in this state today have again demonstrated that we can get things done for the people of New Jersey when we work together," said Governor Christie. "This bipartisan tool kit bill finally gives real pathways for school boards or voters to move district elections to November, providing the bright prospect for both local government savings and increased voter participation in the process. With this legislation now law, I urge school board members and voters in every one of our districts to act as quickly as possible to take hold of these benefits."

The legislation, A-4394/S-3148, establishes procedures for moving the date of a school district's annual school election to the day of the general election in November. Under the first procedure, the date of the annual school election may be moved to November upon the adoption of a resolution by the board of education or the governing body of the municipality.

Alternatively, a ballot question would be presented to a school district's voters for their approval if a petition is filed with the board of education, signed by not less than 15 percent of the number of legally qualified voters who voted in the district at the last presidential general election. The district would then hold a vote on the petition in the subsequent November election.

A district that has moved its annual school election to November would not require voter approval for a base budget, but any proposal to exceed the 2 percent tax levy cap would be presented for voter approval in November. District board members elected in November would take office at the beginning of January.

The primary sponsors of A-4394/S-3148 are Senators Donald Norcross (D-Camden, Gloucester), and Shirley Turner (D-Mercer), and Assemblymen Louis Greenwald (D-Camden, Gloucester), Paul Moriarty (D-Camden, Gloucester), Wayne DeAngelo (D-Mercer, Middlesex), Troy Singleton (D-Burlington, Gloucester), Jerry Green (D-Middlesex, Somerset, Union) and Jon Bramnick (R-Essex, Morris, Somerset, Union).

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