

19:60-1

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(School elections)

NJSA: 19:60-1  
LAWS OF: 1995 CHAPTER: 278  
BILL NO: A1705  
SPONSOR(S): Wolfe and Corodemus

DATE INTRODUCED: May 2, 1994

COMMITTEE: ASSEMBLY State Government

SENATE: ---

AMENDED DURING PASSAGE: Yes  
Third reprint enacted

DATE OF PASSAGE: ASSEMBLY: December 1, 1994 Re-enacted 11-9-95

SENATE: June 16, 1994 Re-enacted 12-7-95

DATE OF APPROVAL: December 15, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:  
SPONSOR STATEMENT:

Also attached:  
statement wiht floor  
amendments, adopted  
6-12-95

COMMITTEE STATEMENT: ASSEMBLY:

SENATE:

FISCAL NOTE: Yes

VETO MESSAGE: Yes

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

974.90 New Jersey. Deartment of Education.  
E24 Comprehensive plan for educational improvement and financing.  
1995m November, 1995.  
[see p. 55--attached]

KBG:pp

P.L.1995, CHAPTER 278, approved December 15, 1995

1994 Assembly No. 1705 (Third Reprint)

1 AN ACT concerning school elections, supplementing Title 19 of  
2 the Revised Statutes and amending and repealing parts of the  
3 statutory law.

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

7 1. (New section) a. An annual school election shall be held in  
8 each type II district on the third Tuesday in April. However, in  
9 any school year, the Commissioner of Education shall make any  
10 adjustments to the school budget and election calendar which  
11 may be necessary to change the annual school election date if  
12 that date coincides with a period of religious observance. The  
13 commissioner shall inform local school boards<sup>3</sup>, county clerks and  
14 boards of elections<sup>3</sup> of these adjustments no later than the first  
15 working day in January of the year in which the adjustments are  
16 to occur.

17 b. All school elections shall be by ballot and<sup>2</sup>, except as  
18 otherwise provided by P.L. , c. (C. et al.)(now  
19 pending before the Legislature as this bill),<sup>2</sup> shall be conducted in  
20 the manner provided for general elections pursuant to Title 19 of  
21 the Revised Statutes<sup>2</sup>[, except that no]. No<sup>2</sup> grouping of  
22 candidates or party designation shall appear on any ballot to<sup>2</sup> be  
23 used <sup>2</sup>[by any candidate]<sup>2</sup> in a school election.

24 2. (New section) a. The board of education of a type II  
25 district may call a special election of the legal voters of the  
26 district at any time when in its judgment the interests of the  
27 schools require it, or whenever 50 of the legal voters shall by  
28 petition so request, but no special school election shall be called  
29 to be held in any municipality on any day within 20 days before or  
30 after the day fixed according to law for the holding of any  
31 primary election for the general election or municipal or general  
32 election, and no more than two special school elections shall be  
33 called by any board of education within any period of six months  
34 to submit to the legal voters of the district for their adoption or  
35 rejection any proposal, resolution or question authorizing the  
36 issuance of bonds of the district, for the same purpose, unless the  
37 Commissioner of Education shall first have certified in writing  
38 the necessity therefor.

39 b. No business shall be transacted at any special election  
40 except such as shall have been set forth in the notices by which  
41 the election was called and in the notices of any special election,  
42 called upon petition as foresaid, there shall be inserted the

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:

<sup>1</sup> Assembly ASG committee amendments adopted November 21, 1994.

<sup>2</sup> Senate floor amendments adopted June 12, 1995.

<sup>3</sup> Assembly amendments adopted in accordance with Governor's  
recommendations September 18, 1995.

1 purposes named in the petition so far as the same are not in  
2 conflict with the provisions of Title 18A of the New Jersey  
3 Statutes.

4 3. (New section) Notwithstanding the provisions of R.S.19:6-1,  
5 for school elections the county board of the county in which the  
6 election district is located shall designate two members of the  
7 district board of election <sup>1</sup>[, not more than one of whom shall be  
8 of the same political party,]<sup>1</sup> to perform all the duties of the  
9 district board for that election, except that where electronic  
10 voting systems are in use in any election district in which there  
11 are more than 900 registered voters, the county board shall  
12 designate four members of the district board <sup>1</sup>[, not more than  
13 two of whom shall be of the same political party,]<sup>1</sup> to perform all  
14 the duties of the district board for that election.  
15 <sup>2</sup>Notwithstanding the provisions of R.S.19:6-10, the county board  
16 shall appoint one of the persons so designated to serve as judge  
17 and the other or another, as the case may be, of those persons so  
18 designated to serve as inspector for school elections.<sup>2</sup>

19 4. (New section) The secretary of each board of education,  
20 not later than <sup>3</sup>10 o'clock a.m. of<sup>3</sup> the <sup>1</sup>[fiftieth] <sup>2</sup>[45th<sup>1</sup>]  
21 <sup>3</sup>[10th<sup>2</sup>] <sup>17th</sup><sup>3</sup> day preceding the annual school election or a  
22 special school election, shall make and certify and forward to the  
23 clerk of the county in which the school district is located a  
24 statement designating any public question to be voted upon by the  
25 voters of the district which may be required pursuant to the  
26 provisions of P.L. . c. (C. )(now pending before the  
27 Legislature as this bill) or Title 18A of the New Jersey Statutes.

28 5. (New section) Notwithstanding the provisions of  
29 R.S.19:13-4, each nominating petition for a candidate to be voted  
30 upon at a school election shall be addressed to the <sup>3</sup>[clerk of the  
31 county in which the district is situated] secretary of the board of  
32 education<sup>3</sup> and therein shall be set forth:

33 a. A statement that the signers of the petition are all qualified  
34 voters of the school district or, in the case of a regional school  
35 district, qualified voters of the constituent district which the  
36 candidate shall represent on the board of education of the  
37 regional district;

38 b. The name, residence and post office address of the person  
39 endorsed and the office for which he is endorsed;

40 c. That the signers of the petition endorse the candidate  
41 named in the petition for that office and request that the  
42 person's name be printed upon the official ballot to be used at  
43 the ensuing election; and

44 d. That the person so endorsed is legally qualified to be  
45 elected to the office.

46 <sup>2</sup>Any form of a petition of nomination hereunder which is  
47 provided to candidates in a school election shall contain the  
48 following notice: "Notice: All candidates are required by law to  
49 comply with the provisions of 'The New Jersey Campaign  
50 Contributions and Expenditures Reporting Act'. For further  
51 information, please call (insert phone number of the Election Law  
52 Enforcement Commission)."<sup>2</sup>

53 6. (New section) Accompanying the nominating petition and to  
54 be filed therewith, there shall be a certificate signed by the  
55 person endorsed in the petition stating that:

1 a. The person is qualified to be elected to the office for which  
2 the person is nominated, including a specific affirmation that the  
3 person is not disqualified as a voter pursuant to R.S.19:4-1;

4 b. The person consents to stand as a candidate for election; and

5 c. If elected, the person agrees to accept and qualify into that  
6 office.

7 7. (New section) <sup>2</sup>[Notwithstanding the provisions of  
8 R.S.19:13-5, each] Each<sup>2</sup> candidate to be voted upon at a school  
9 election shall be nominated directly by petition, <sup>2</sup>and the  
10 procedures for such nomination shall, to the extent not  
11 inconsistent with the provisions of P.L. , c. (C. et al.) (now  
12 pending before the Legislature as this bill), conform to the  
13 procedure for nominating candidates by direct petition under  
14 chapter 13 of Title 19 of the Revised Statutes. Notwithstanding  
15 the provisions of R.S.19:13-5, however, a petition of nomination  
16 for such office shall be<sup>2</sup> signed by at least 10 persons, none of  
17 whom shall be the candidate himself, and filed with the <sup>3</sup>[clerk of  
18 the county in which the district is situated] secretary of the  
19 board of education<sup>3</sup> on or before four p.m. of the <sup>1</sup>[54th] <sup>50th<sup>1</sup></sup>  
20 day preceding the date of the <sup>1</sup>school<sup>1</sup> election. The signatures  
21 need not all appear upon a single petition and any number of  
22 petitions may be filed on behalf of any candidate but no petition  
23 shall contain the endorsement of more than one candidate.

24 <sup>2</sup>Any candidate may withdraw as a candidate in a school  
25 election by filing a notice in writing, signed by the candidate, of  
26 such withdrawal with the <sup>3</sup>[clerk of the county] secretary of the  
27 board of education<sup>3</sup> before the 44th day before the date of the  
28 election, and thereupon the name of that candidate shall be  
29 withdrawn by the <sup>3</sup>[clerk] secretary of the board of education<sup>3</sup>  
30 and shall not be printed on the ballot.

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

35 Whenever written objection to a petition of nomination  
36 hereunder shall have been made and timely filed with the  
37 <sup>3</sup>[county clerk, the clerk shall file his] secretary of the board of  
38 education, the board of education shall file its<sup>3</sup> determination of  
39 the objection on or before the 44th day preceding the school  
40 election. The last day upon which a candidate may file with the  
41 Superior Court a verified complaint setting forth any invasion or  
42 threatened invasion of the candidate's rights under the  
43 candidate's petition of nomination shall be the 46th day before  
44 the election. The last day upon which a candidate whose petition  
45 of nomination or any affidavit thereto is defective may amend  
46 such petition or affidavit shall be the 44th day before the  
47 election.<sup>2</sup>

48 8. (New section) Notwithstanding the provisions of  
49 R.S.19:14-12, the position which the names of candidates shall  
50 have upon the annual school election ballot in each school district  
51 shall be determined by the <sup>3</sup>[county clerk of the county in which  
52 the school district is situated] secretary of the board of  
53 education<sup>3</sup> by conducting a drawing in the following manner:

54 a. <sup>1</sup>[The county clerk shall establish the time and date of the  
55 drawing of the names.]<sup>1</sup> The drawing shall be done by the

1 <sup>3</sup>[county clerk<sup>2</sup>,<sup>2</sup> or the clerk's deputy] secretary of the board  
2 of education<sup>3</sup> <sup>1</sup>seven working days following the <sup>2</sup>last day for<sup>2</sup>  
3 filing<sup>1</sup> <sup>2</sup>a petition for the nomination of such a candidate<sup>2</sup>. The  
4 person making the drawing shall make public announcement at  
5 the drawing of each name, the order in which the name is drawn  
6 and the term of office for which the drawing is made.

7 b. A separate drawing shall be made for each full term and for  
8 each unexpired term, respectively. The names of the several  
9 candidates for whom petitions have been filed for each of the  
10 terms shall be written upon paper slips which shall be placed in  
11 capsules of the same size, shape, color and substance and then  
12 placed in a covered box with an aperture in the top large enough  
13 to admit a person's hand and to allow the capsules to be drawn  
14 therefrom. The box shall be turned and shaken thoroughly to mix  
15 the capsules and the capsules shall be withdrawn one at a time.

16 c. Where there is more than one person to be elected for a  
17 given term of office, the position of the names on the ballots for  
18 each term of office shall be determined as above described. The  
19 name of the candidate for each term of office first drawn from  
20 the box shall be printed directly below the proper term for which  
21 the person was nominated and the name of the candidate next  
22 drawn shall be printed next in order, and so on, until the last  
23 name shall be drawn from the box.

24 <sup>3</sup>The secretary of the board of education shall, within two days  
25 following the drawing, certify to the county clerk the results of  
26 the drawing.<sup>3</sup>

27 29. (New section) The ballot for a school election shall be a  
28 single or blanket form of ballot, upon which shall be printed in  
29 bold-faced type the words "OFFICIAL SCHOOL ELECTION  
30 BALLOT" or "OFFICIAL SPECIAL SCHOOL ELECTION  
31 BALLOT", as appropriate. Any public question which is to be  
32 submitted to the voters at a school election shall be printed in a  
33 separate space below or to the right of, as the county clerk shall  
34 determine, the listing of candidates in the election.

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

49 All public questions to be voted upon at a school election by  
50 the voters of more than one municipality shall be placed first  
51 before any question to be voted upon at that election by the  
52 voters of a single municipality.

53 Every county clerk shall have ready for the printer a copy of  
54 the contents of official ballots required by law to be printed for

1 use at a school election, as follows: in the case of the annual  
 2 school election, not later than <sup>3</sup>[10 o'clock a.m. of the eighth]  
 3 the 17th<sup>3</sup> day preceding that election; and in the case of any  
 4 special school election, not later than two business days following  
 5 receipt by the clerk of official notice of the complete content of  
 6 the ballot to be voted upon at that election.<sup>2</sup>

7 <sup>2</sup>[19.] 10.<sup>2</sup> (New section) The county clerk shall cause samples  
 8 of the official school election ballot to be printed in the same  
 9 manner as prescribed for the printing of sample ballots for the  
 10 general election by R.S.19:14-21. In counties not having a  
 11 superintendent of elections where the county board of elections  
 12 does not have the equipment or facilities to address and mail  
 13 sample ballot envelopes, the delivery of such sample ballots for  
 14 mailing, issuance of a receipt for such delivery, and the mailing  
 15 of sample ballots shall be effected in the same manner as  
 16 prescribed for the sample ballot for the general election under  
 17 subsection a. of R.S.19:14-21; and in counties having a  
 18 superintendent of elections and in other counties where the  
 19 county board of elections may have such equipment or facilities,  
 20 the delivery of ballots for mailing, issuance of a receipt for such  
 21 delivery, and the mailing of sample ballots shall be effected in  
 22 the same manner as prescribed for the sample ballot for the  
 23 general election under subsection b. of R.S.19:14-21 <sup>2</sup>, subject to  
 24 the condition that the latest time at which the county clerk may  
 25 furnish sample ballots for mailing shall be the eighth day  
 26 preceding the school election<sup>2</sup> <sup>3</sup>]; except that in any case, the  
 27 delivery of such sample ballots shall be made to and the issuance  
 28 of such receipt and mailing of the ballots shall be made by the  
 29 secretary of the board of education in the school district in which  
 30 the election is to be held<sup>3,1</sup>.

31 <sup>1</sup>[9.] <sup>2</sup>[10.1] 11.<sup>2</sup> (New section) The district board of election  
 32 <sup>1</sup>[may] shall<sup>1</sup>, for any school election, utilize a poll list instead of  
 33 the signature copy register <sup>1</sup>[which] . The poll list<sup>1</sup> shall be  
 34 arranged in a column or columns appropriately headed so as to  
 35 indicate the election, the date thereof, and the school district  
 36 and election district in which the same is used, in such a manner  
 37 that each voter voting in the polling place at the election may  
 38 sign the voter's name and state the voter's address therein and  
 39 the number of the voter's official ballot may be indicated  
 40 opposite the signature. The district board shall compare the  
 41 signature in the poll lists with that in the signature copy registers  
 42 before accepting the ballot.

43 <sup>1</sup>[10.] <sup>2</sup>[11.1] 12.<sup>2</sup> (New section) All costs, charges and  
 44 expenses, including the compensation of the members of the  
 45 district boards and the compensation and expenses of the county  
 46 board <sup>1</sup>of elections<sup>1</sup> <sup>3</sup>, the county superintendent of elections<sup>3</sup>  
 47 and the clerk <sup>1</sup>[thereof] of the county<sup>1</sup> for any school election  
 48 shall be paid by the board of education of the school district.  
 49 <sup>3</sup>All costs, charges and expenses submitted to the board of  
 50 education for payment shall be itemized and shall include the  
 51 separate identification of costs to prepare, print and distribute  
 52 sample ballots.<sup>3</sup>

53 <sup>1</sup>[11.] <sup>2</sup>[12.1] 13.<sup>2</sup> R.S.19:1-1 is amended to read as follows:

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

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

5 "General election" means the annual election to be held on the  
6 first Tuesday after the first Monday in November.

7 "Primary election" means the procedure whereby the members  
8 of a political party in this State or any political subdivision  
9 thereof nominate candidates to be voted for at general elections,  
10 or elect persons to fill party offices, or delegates and alternates  
11 to national conventions.

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

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

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

18 "Municipality" includes any city, town, borough, village, or  
19 township.

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

24 "Public office" includes any office in the government of this  
25 State or any of its political subdivisions filled at elections by the  
26 electors of the State or political subdivision.

27 "Public question" includes any question, proposition or  
28 referendum required by the legislative or governing body of this  
29 State or any of its political subdivisions to be submitted by  
30 referendum procedure to the voters of the State or political  
31 subdivision for decision at elections.

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

37 "Party office" means the office of delegate or alternate to the  
38 national convention of a political party or member of the State,  
39 county or municipal committees of a political party.

40 "Masculine" includes the feminine, and the masculine pronoun  
41 wherever used in this Title shall be construed to include the  
42 feminine.

43 "Presidential year" means the year in which electors of  
44 President and Vice-President of the United States are voted for  
45 at the general election.

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

49 "District board" means the district board of registry and  
50 election in an election district.

51 "County board" means the county board of elections in a  
52 county.

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

1 "Commissioner" means the commissioner of registration in  
2 counties.

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

6 (cf: P.L.1965, c.213, s.1)

7 <sup>2</sup>14. R.S.19:3-2 is amended to read as follows:

8 19:3-2. All elective public offices in this State or any of its  
9 political subdivisions, except such as are provided by law to be  
10 filled at special [or], municipal or school elections, shall be filled  
11 at the general elections as hereinafter provided. All vacancies in  
12 public offices to be filled by election, except such as are provided  
13 by law to be filled at special or municipal elections, shall be  
14 filled at the general elections. All public questions to be voted  
15 upon by the people of the entire State and all other public  
16 questions, except such as are provided by law to be decided at  
17 any other elections, shall be voted upon and decided at the  
18 general elections.<sup>2</sup>

19 (cf: P.L.1948, c.438, s.2)

20 <sup>2</sup>15. R.S.19:6-12 is amended to read as follows:

21 19:6-12. The office of a member of a district board in an  
22 election district shall be deemed vacant upon such member  
23 becoming a candidate for an office to be voted upon at any  
24 primary, general election, school election, or special election for  
25 which he was appointed to serve, such candidacy to be  
26 determined by the filing of a petition of nomination, duly  
27 accepted by such member, in the manner provided by law. The  
28 municipal or county clerk with whom such petition and  
29 acceptance may be filed shall forthwith notify the county board  
30 of the county in which such election district is located, giving the  
31 name and residence of the member of the district board who has  
32 thus become a candidate, and the vacancy shall be filled as  
33 provided by law.<sup>2</sup>

34 (cf: R.S.19:6-12)

35 <sup>1</sup>[12.] <sup>2</sup>[13.] <sup>1</sup>16.<sup>2</sup> 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.  
40 hereof, except for such of the contents as may be omitted  
41 pursuant to subsection c. or d. hereof. Such notice shall be  
42 published once during the 30 days next preceding the day fixed  
43 for the closing of the registration books for the primary election,  
44 once during the calendar week next preceding the week in which  
45 the primary election is held, once during the 30 days next  
46 preceding the day fixed for the closing of the registration books  
47 for the general election, and once during the calendar week next  
48 preceding the week in which the general election is held.

49 b. Such notice shall set forth:

50 (1) For the primary election:

51 (a) That a primary election for making nominations for the  
52 general election, for the selection of members of the county  
53 committees of each political party, and in each presidential year  
54 for the selection of delegates and alternates to national



1 conventions of political parties, will be held on the day and  
2 between the hours and at the places provided for by or pursuant  
3 to this Title.

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

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

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

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

18 (2) For the general election:

19 (a) That a general election will be held on the day and between  
20 the hours and at the places provided for by or pursuant to this  
21 Title.

22 (b) The place or places at which and hours during which a  
23 person may register; the procedure for transfer of registration,  
24 and the date on which the books are closed for registration or  
25 transfer of registration.

26 (c) The several State, county and municipal offices to be filled  
27 and, except as provided in section 19:14-33 of this Title as to  
28 publication of notice of any Statewide proposition directed by the  
29 Legislature to be submitted to the people, the State, county and  
30 municipal public questions to be voted upon at such general  
31 election.

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

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

39 (3) For a school election:

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

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

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

44 (d) Such other information as may be required by law.

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

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

53 (2) All offices to be filled, or nominations made therefor, or  
54 public questions to be voted upon, by the voters of the entire

1 State or of the entire county shall be set forth in a newspaper or  
 2 newspapers which, singly or in combination, have general  
 3 circulation throughout the county;

4 (3) Information relating to nominations and elections in each  
 5 Legislative District comprised in whole or part in the county,  
 6 shall be published in at least a newspaper or newspapers which  
 7 singly or in combination, have general circulation in every  
 8 municipality of the county which is comprised in such legislative  
 9 district.

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

14 e. Notwithstanding anything to the contrary in this section, in  
 15 a school election the county board shall give notice of each  
 16 election not less than 10 days prior to the date fixed for the  
 17 election, by posting at least 7 copies of the notice, one on each  
 18 schoolhouse in the district and the others at such public places  
 19 therein as the board shall direct and causing a copy thereof to be  
 20 published at least once, in at least one newspaper published in  
 21 each municipality in the district and, if no newspaper is published  
 22 in any such municipality or such a newspaper will not be published  
 23 in time to publish the notice in accordance with this section,  
 24 then, as to the municipality, in at least one newspaper published  
 25 in the county or State and circulating in the municipality.

26 [e.] f. The cost of publishing the notices required by this  
 27 section shall be paid by the respective counties or for school  
 28 elections, by the respective school district .

29 (cf. P.L.1991, c.429, s.9)

30 <sup>1</sup>[13.] <sup>2</sup>[14.] <sup>1</sup>17.<sup>2</sup> R.S. 19:14-4 is amended to read as follows:

31 19:14-4. In the center of the ballot immediately below the  
 32 perforated line shall be printed in bold-faced type the words  
 33 "Official general election ballot." Below these words and  
 34 extending across the ballot shall appear the words: "Name of  
 35 (municipality), ward, election district, date of election, John  
 36 Doe, county clerk." The blank spaces shall be filled in with the  
 37 name of the proper municipality, the ward and district numbers  
 38 and the date of the election. For school elections the name of  
 39 the school district and of the municipality or municipalities  
 40 comprising the district shall also be indicated thereon. The name  
 41 of the county clerk shall be a facsimile of his signature. Below  
 42 the last stated words extending across the ballot and at the  
 43 extreme left shall be printed the words "Instructions to the  
 44 voter," and immediately to the right there shall be a bracket  
 45 embracing the following instructions numbered consecutively:

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

48 (2) To mark a cross x , plus +, check ✓ or when writing a name  
 49 on this ballot use only <sup>1</sup>[black] ink or <sup>1</sup>[black lead] pencil.

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

54 (4) To vote for any person whose name is not printed on this

1 ballot, write or paste the name of such person under the proper  
2 title of office in the column designated personal choice and mark  
3 a cross x , plus + or check ✓ in the square to the left of the name  
4 so written or pasted.

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

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

15 (7) To vote for all the electors of any party, mark a cross x ,  
16 plus + or check ✓ in <sup>1</sup>[black]<sup>1</sup> ink or <sup>1</sup>[black]<sup>1</sup> pencil in the square  
17 at the left of the surnames of the candidates for president and  
18 vice-president for whom you desire to vote.

19 Below the above-stated instructions and information and,  
20 except when compliance with section 19:14-15 of this Title as to  
21 State-wide propositions otherwise requires, three inches below  
22 the perforated line and parallel to it, there shall be printed a  
23 six-point diagram rule extending across the ballot to within not  
24 less than a half inch to the right and left edges of the paper.

25 (cf: P.L.1994, c.77, s.6)

26 <sup>1</sup>[14. R.S.19:14-21 is amended to read as follows:

27 19:14-21. The county clerk shall cause samples of the official  
28 general election ballot to be printed in English, but for each  
29 election district within the county in which the primary language  
30 of 10% or more of the registered voters is Spanish, shall cause  
31 samples of the official general election ballot to be printed  
32 bilingually in English and Spanish.

33 a. In counties not having a superintendent of elections where  
34 the county board of elections does not have the equipment or  
35 facilities to address and mail sample ballot envelopes, the county  
36 clerk not later than noon of the eighth day prior to the general  
37 election shall furnish to the municipal clerk of each municipality  
38 in his county one and one-tenth times as many such sample  
39 ballots and stamped envelopes as there are voters registered, to  
40 enable each district board in each municipality to mail one of  
41 such sample ballots to each voter who is registered in the  
42 municipality for such election and shall take a receipt for the  
43 same from each of the municipal clerks, which receipt shall  
44 indicate the number of such sample ballots and stamped  
45 envelopes delivered by the county clerk and the date and hour of  
46 their delivery.

47 b. In counties having a superintendent of elections, and in  
48 other counties where the county board of elections may have the  
49 equipment or facilities to prepare a properly stamped envelope  
50 addressed to each registered voter in the county for mailing, the  
51 county clerk, not later than the thirtieth day preceding the  
52 general election, shall furnish to the commissioner of registration  
53 located in his county one and one-tenth times as many stamped  
54 envelopes as there are registered voters in the county and not

1 later than noon of the twelfth day preceding the general election  
2 shall furnish to the commissioner of registration located in the  
3 county, one and one-tenth times as many sample ballots as there  
4 are registered voters in the county to enable the commissioner of  
5 registration of the county to mail one of such sample ballots to  
6 each voter registered in the county for such election and shall  
7 take a receipt for the same from the commissioner of  
8 registration, which receipt shall indicate the number of such  
9 sample ballots and stamped envelopes delivered by the county  
10 clerk and the date and hour of their delivery. County boards of  
11 elections which elect to operate under the provisions of this  
12 paragraph shall notify their county clerk in sufficient time to  
13 enable him to make the necessary arrangements the first year.

14 c. The county clerk in counties having a superintendent of  
15 elections shall also deliver to the county board not later than the  
16 twelfth day preceding the general election 10 such sample ballots  
17 of each election district of each municipality in the county.

18 d. Notwithstanding the above, sample ballots for a special  
19 school election shall be prepared and mailed only to the  
20 registered voters of a municipality comprising a type II special  
21 needs school district, as defined pursuant to P.L.1990, c.52  
22 (C.18A:7D-1 et seq.), located in a city of the first class having a  
23 population in excess of 300,000 according to the 1980 federal  
24 decennial census. The board of education of all other school  
25 districts may, by resolution, direct that sample ballots be  
26 prepared and mailed to the voters of the municipalities  
27 comprising the school district in which the special election is to  
28 be held. The cost of preparing and mailing the sample ballots  
29 shall be paid by the board of education of the school district.

30 (cf: P.L.1974, c.30, s.2)]<sup>1</sup>

31 <sup>2</sup>[15. Section 4 of P.L.1991, c.429 (C.19:8-3.4) is amended to  
32 read as follows:

33 4. No later than [May 15th] April 1st of each year, each county  
34 board of elections shall report to the Secretary of State, on the  
35 form provided by the Secretary of State, a list of all polling  
36 places in the county, specifying any found inaccessible. The  
37 county board of elections shall indicate the reasons for  
38 inaccessibility, and the efforts made pursuant to this act to  
39 locate alternative polling places or to make the existing facilities  
40 accessible. Each county board of elections shall notify the  
41 Secretary of State of any changes in polling place locations  
42 before the next general election, including any changes required  
43 due to the alteration of district boundaries.<sup>1</sup>

44 (cf: P.L.1991, c.429, s.4)]<sup>2</sup>

45 <sup>1</sup>[15.]<sup>2</sup>[16.]<sup>1</sup> 18.<sup>2</sup> R.S.19:15-2 is amended to read as follows:

46 19:15-2. The district boards shall open the polls for such  
47 election at seven o'clock in the morning and close them at eight  
48 o'clock in the evening, and shall keep them open during the whole  
49 day of election between these hours <sup>1</sup>[.]<sup>1</sup> ; except that for a  
50 school election the polls shall be open between the hours of five  
51 and nine P.M. and during any additional time which the <sup>1</sup>(county)  
52 school<sup>1</sup> board may designate between the hours of seven A.M. and  
53 nine P.M.

54 The board may allow one member thereof at a time to be  
55 absent from the polling place and room for a period not exceeding

1 one hour between the hours of one o'clock and five o'clock in the  
2 afternoon or for such shorter time as it shall see fit.

3 At no time from the opening of the polls to the completion of  
4 the canvass shall there be less than a majority of the board  
5 present in the polling room or place, except that during a school  
6 election there shall always be at least <sup>1</sup>[one member] <sup>2</sup>two  
7 members <sup>1</sup>of <sup>1</sup>[the] each district election <sup>1</sup>board present.

8 (cf: R.S.19:15-2)

9 <sup>1</sup>[16.] <sup>2</sup>[17.] <sup>1</sup>19. <sup>2</sup>R.S.19:17-3 is amended to read as follows:

10 19:17-3. After the district board shall have made up and  
11 certified such statements, it shall at the same time and with the  
12 ballot boxes, as hereinafter provided, deliver or safely transmit  
13 one of the statements to the clerk of the municipality wherein  
14 such election is held, who shall forthwith file the same. In  
15 counties having a superintendent of elections one of such  
16 statements shall forthwith be filed with the superintendent of  
17 elections of the county. The superintendent may arrange to  
18 accept such certificates in such municipality within the county at  
19 the office of the clerk of such municipality or some other  
20 convenient place. Any municipal clerk who shall refuse to permit  
21 such superintendent or his deputies or assistants access to his  
22 office for the purpose of collecting such certificates or any  
23 municipal clerk or other person who shall interfere or obstruct  
24 the superintendent, his deputies or assistants in the collection of  
25 such certificates, or any member of a district board who shall  
26 willfully fail or refuse to deliver such statement to the  
27 superintendent, his deputies or assistants as the case may be,  
28 shall be guilty of a misdemeanor. In all counties the board shall,  
29 immediately after election, deliver or safely transmit another of  
30 the statements to the clerk of the county, who shall forthwith  
31 file the same.

32 For a school election a statement shall also be delivered to the  
33 board of education of the district holding the election and to the  
34 county superintendent of schools in the county in which the  
35 district is situated.

36 If officers were voted for or public questions were voted upon  
37 at the election by the voters of the entire State or of more than  
38 one county thereof, or of a congressional district, then the board  
39 shall, immediately after the election, inclose, seal up and  
40 transmit the fourth statement to the Secretary of State by mail  
41 in stamped envelopes to be furnished by the Secretary of State,  
42 addressing the same in the following manner: "To the Secretary  
43 of State of New Jersey, Trenton, New Jersey." Upon receiving  
44 such statements the Secretary of State shall forthwith file the  
45 same in his office.

46 (cf: P.L.1953, c.19, s.19)

47 <sup>2</sup>20. Section 2 of P.L.1994, c.170 (C.19:31-3.3) is amended to  
48 read as follows:

49 2. In those counties in which the commissioner of registration  
50 employs data processing equipment capable of creating or  
51 receiving, storing, and printing a digitalized image of the  
52 signature of a person registered to vote, the commissioner may  
53 eliminate the use of the duplicate permanent registration binders  
54 and may authorize and direct the use at the polls in place of such

1 a binder, as a signature copy register for the purposes of this  
2 Title.] and Title 40 of the Revised Statutes, [and  
3 N.J.S.18A:14-47,] of a polling record which identifies on each  
4 page the election at which the record is used, which indicates for  
5 each registrant the name and address of the registrant and  
6 identifies the municipality and the particular election district  
7 therein from which the person is registered, and which includes  
8 adjacent to the registrant's name and address an imprint of the  
9 digitalized image of the registrant's signature and sufficient  
10 space, immediately to the left or right of that imprint, for the  
11 registrant to sign the record, which imprint and signature shall be  
12 used as the signature comparison record as prescribed by this  
13 Title. The polling record shall also include for each registrant  
14 sufficient space for the notation of remarks as provided by  
15 R.S.19:15-23 and for the recording of any challenge and the  
16 determination thereof by the district board as provided by  
17 R.S.19:15-24, or by other elections officials charged with the  
18 same duties as the district board in connection with the conduct  
19 of an election. In the case of a primary election, the polling  
20 record shall also indicate for each registrant the political party,  
21 if any, of which the registrant is a member for the purpose of  
22 voting at that primary election.

23 Polling records for each election shall be prepared by the  
24 commissioner of registration not later than the 14th day  
25 preceding the election. At each election, the delivery of the  
26 polling records to the municipal clerk or secretary of the board of  
27 education in a Type II school district, as appropriate, and to the  
28 district boards or other elections officials charged with the same  
29 duties as the district board in connection with the conduct of an  
30 election, and the return of those records by the district boards or  
31 such other elections officials to the commissioner of registration,  
32 shall be made in the manner and in accordance with the schedule  
33 prescribed by law for the delivery and return at that election of  
34 the signature copy registers.

35 The commissioner of registration shall retain the polling  
36 records for any election for a period of not less than six years  
37 following that election.<sup>2</sup>

38 (cf: P.L.1994, c.170, s.2)

39 <sup>1</sup>[17.] <sup>2</sup>[18.] <sup>1</sup> <sup>2</sup> R.S.19:45-6 is amended to read as follows:

40 19:45-6. The compensation of each member of the district  
41 boards for all services performed by them under the provisions of  
42 this Title shall be as follows:

43 In all counties, for all services rendered including the counting  
44 of the votes, and in counties wherein voting machines are used,  
45 the tabulation of the votes registered on the voting machines, and  
46 the delivery of the returns, registry binders, ballot boxes and keys  
47 for the voting machines to the proper election officials, \$75.00  
48 each time the primary election, the general election or any  
49 special election is held under this Title; provided, however, that:

50 a. (1) The member of the board charged with the duty of  
51 obtaining and signing for the signature copy registers shall  
52 receive an additional \$12.50 per election, such remuneration  
53 being limited to only one board member per election, or \$6.25 to  
54 each of two board members if they share such responsibility for

1 the signature copy registers, and (2) the member of the board  
2 charged with the duty of returning the signature copy registers  
3 shall receive an additional \$12.50 per election, such remuneration  
4 being limited to only one board member per election, or \$6.25 to  
5 each of two board members if they share such responsibility for  
6 the signature copy registers;

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

12 c. In counties wherein voting machines are used no  
13 compensation shall be paid for any services rendered at any  
14 special election held at the same time as any primary or general  
15 election. Such compensation shall be in lieu of all other fees and  
16 payments.

17 d. Compensation for district board members serving at a  
18 school election shall be paid by the board of education of the  
19 school district conducting the election at an hourly rate of \$5.77,  
20 exclusive of any adjustments to that compensation which may be  
21 made pursuant to subsection a., b. or c. of this section.

22 Compensation due each member shall be paid within 30 days  
23 but not within 20 days after each election; provided, however,  
24 that no compensation shall be paid to any member of any such  
25 district board who may have been removed from office or  
26 application for the removal of whom is pending under the  
27 provisions of R.S.19:6-4.

28 (cf: P.L.1987, c.151, s.2)

29 <sup>2</sup>22. Section 2 of P.L.1953, c.211 (C.19:57-2) is amended to  
30 read as follows:

31 2. Whenever used in this act, the following terms shall, unless  
32 the context indicates otherwise, be construed to have the  
33 following meanings:

34 "Absentee ballot" means any military service ballot or civilian  
35 absentee ballot as herein defined.

36 "Absentee voter" means any person qualified to vote a military  
37 service ballot or a civilian absentee ballot under the provisions of  
38 this act.

39 "Armed Forces of the United States" means any branch or  
40 department of the United States Army, Navy, Air Force, Coast  
41 Guard or Marine Corps.

42 "Civilian absentee ballot" means a ballot for use by a civilian  
43 absentee voter as prescribed by this act.

44 "Civilian absentee voter" means any qualified and registered  
45 voter of the State who expects to be absent from the State on the  
46 day of any election and any qualified and registered voter who  
47 will be within the State on the day of any election but because of  
48 illness or physical disability, including blindness or pregnancy, or  
49 because of the observance of a religious holiday pursuant to the  
50 tenets of his religion, or because of resident attendance at a  
51 school, college or university, or because of the nature and hours  
52 of his employment, will be unable to cast his ballot at the polling  
53 place in his election district on the day of the election.

1 "Election," "general election," "primary election for the  
2 general election," "municipal election," "school election," and  
3 "special election" shall mean, respectively, such elections as  
4 defined in the Title to which this is a supplement (R.S.19:1-1 et  
5 seq.).

6 "Family member" means an adult who is a spouse, parent,  
7 child, grandparent, grandchild or sibling of a voter, whether by  
8 adoption or natural relationship. It shall also include any adult  
9 occupant regularly living with a voter in any residential building  
10 or part of a building intended for the use of no more than one  
11 family.

12 "Incapacitated absentee voter" means a voter who, due to  
13 incapacity, is unable to complete his ballot.

14 "Military service" means active service by any person, as a  
15 member of any branch or department of the United States Army,  
16 Navy, Air Force, Coast Guard or Marine Corps, or as a member  
17 of the maritime or merchant marine service, or as a reservist  
18 absent from his place of residence and undergoing training under  
19 Army, Navy, Air Force, Coast Guard or Marine Corps direction,  
20 at a place other than that of such person's residence.

21 "Military service voter" means a qualified elector under the  
22 Constitution and the laws of this State who comes within one of  
23 the following categories:

24 (a) Persons in the military service and their spouses and  
25 dependents.

26 (b) Patients in a veterans' hospital located in any place other  
27 than the place of their residences who have been in the military  
28 service in any war in which the United States has been engaged  
29 and have been discharged or released from such service.

30 (c) Civilians attached to or serving with the Armed Forces of  
31 the United States without this State and their spouses and  
32 dependents when residing with or accompanying them.

33 "Military service ballot" means a ballot for use by a military  
34 service voter as prescribed by this act.

35 "Member of the maritime or merchant marine service" means  
36 any person employed as an officer or crew member of a vessel  
37 documented under the laws of the United States, or a vessel  
38 owned by the United States, or a vessel of foreign-flag registry  
39 under charter to or control of the United States or enrolled with  
40 the United States for employment or training for employment, or  
41 maintained by the United States for emergency relief service as  
42 an officer or crew member of any such vessel or any such person  
43 as otherwise defined in section 107 of Pub.L. 99-410, the  
44 "Uniformed and Overseas Citizens Absentee Voting Act," (42  
45 U.S.C.§1973ff-6).<sup>2</sup>

46 (cf: P.L.1993, c.73, s.1)

47 <sup>2</sup>23. Section 7 of P.L.1953, c.211 (C.19:57-7) is amended to  
48 read as follows:

49 7. The county clerk of the county, in the case of any Statewide  
50 for] election, countywide election, or school election in a regional  
51 or other school district comprising more than one municipality;  
52 the clerk of the municipality, in the case of any municipal  
53 election; the secretary of the board of education, in the case of  
54 any school election] or school election in a school district  
55 comprising a single municipality; and the commissioners or other



1 governing or administrative body of the district, in the case of  
2 any election to be held in any fire district, road district,  
3 sewerage district, street lighting district, water supply district or  
4 other special district, other than a municipality, created for  
5 specified public purposes within one or more municipalities, shall  
6 publish or cause to be published the following notices in  
7 substantially the following forms:

8 **NOTICE TO MILITARY SERVICE VOTERS AND**  
9 **TO THEIR RELATIVES AND FRIENDS**

10 If you are in the military service, or the spouse or dependent of  
11 a person in military service or are a patient in a veterans'  
12 hospital or a civilian attached to or serving with the Armed  
13 Forces of the United States without the State of New Jersey, or  
14 the spouse or dependent of and accompanying or residing with a  
15 civilian attached to or serving with the Armed Forces of the  
16 United States, and desire to vote, or if you are a relative or  
17 friend of any such person who, you believe, will desire to vote in  
18 the ..... (school, municipal, primary, general  
19 or other) election to be held on ..... (date of  
20 election) kindly write to the undersigned at once making  
21 application for a military service ballot to be voted in said  
22 election to be forwarded to you, stating your name, age, serial  
23 number if you are in military service, home address and the  
24 address at which you are stationed or can be found, or if you  
25 desire the military service ballot for a relative or friend then  
26 make application under oath for a military service ballot to be  
27 forwarded to him, stating in your application that he is over the  
28 age of 18 years and stating his name, serial number if he is in  
29 military service, home address and the address at which he is  
30 stationed or can be found.

31 Military service voters may also apply for a military service  
32 ballot by sending a federal postcard application form to the  
33 undersigned.

34 On the application for a military service ballot, military  
35 service voters may request that a military service ballot be sent  
36 for all subsequent elections held during this calendar year.

37 (NOTE: MILITARY SERVICE VOTER CLAIMING MILITARY  
38 STATION AS HOME ADDRESS FOR VOTING PURPOSES MAY  
39 NOT USE MILITARY ABSENTEE BALLOT UNLESS REGISTERED  
40 TO VOTE IN THE MUNICIPALITY WHERE SUCH STATION IS  
41 LOCATED.)

42 Forms of application other than federal postcard application  
43 forms can be obtained from the undersigned. Dated .....

44 .....  
45 (signature and title of county clerk)  
46 .....

47 (address of county clerk)  
48 **NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE**  
49 **BALLOTS**

50 If you are a qualified and registered voter of the State who  
51 expects to be absent outside the State on .....(date of  
52 election) or a qualified and registered voter who will be within  
53 the State on ..... (date of election) but because of  
54 permanent and total disability, or because of illness or temporary

1 physical disability, or because of the observance of a religious  
 2 holiday pursuant to the tenets of your religion, or because of  
 3 resident attendance at a school, college, or university, or because  
 4 of the nature and hours of employment, will be unable to cast  
 5 your ballot at the polling place in your district on said date, and  
 6 you desire to vote in the ..... (school, municipal,  
 7 primary, general, or other) election to be held on .....  
 8 (date of election) kindly complete the application form below and  
 9 send to the undersigned, or write or apply in person to the  
 10 undersigned at once requesting that a civilian absentee ballot be  
 11 forwarded to you. Such request must state your home address,  
 12 and the address to which said ballot should be sent, and must be  
 13 signed with your signature, and state the reason why you will not  
 14 be able to vote at your usual polling place. No civilian absentee  
 15 ballot will be furnished or forwarded to any applicant unless  
 16 request therefor is received not less than seven days prior to the  
 17 election, and contains the foregoing information.

18 Voters who are permanently and totally disabled shall, after  
 19 their initial request and without further action on their part, be  
 20 forwarded an absentee ballot application by the county clerk for  
 21 all future elections in which they are eligible to vote.  
 22 Application forms may be obtained by applying to the undersigned  
 23 either in writing or by telephone, or the application form  
 24 provided below may be completed and forwarded to the  
 25 undersigned. Dated .....

26 (signature and title of county clerk)  
 27 .....  
 28 (address of county clerk)  
 29 .....  
 30 (Telephone No. of county clerk)

31 APPLICATION FORM FOR CIVILIAN  
 32 ABSENTEE BALLOT  
 33 (Form to be prepared by the Secretary of State pursuant  
 34 to section 17 of P.L.1977, c.47 (C.19:57-4.1)).

35 Such notices shall be separately published prior to the 50th day  
 36 immediately preceding the holding of any election.

37 Notices relating to any Statewide or countywide election shall  
 38 be published by the county clerk in at least two newspapers  
 39 published in the county. All other officials charged with the duty  
 40 of publishing such notices shall publish the same in at least one  
 41 newspaper published in each municipality or district in which the  
 42 election is to be held or if no newspaper be published in said  
 43 municipality or district, then in a newspaper published in the  
 44 county and circulating in such municipality, municipalities or  
 45 district. All such notices shall be display advertisements.<sup>2</sup>

46 (cf: P.L.1993, c.73, s.3)

47 <sup>2</sup>24. N.J.S.18A:6-9 is amended to read as follows:

48 18A:6-9. The commissioner shall have jurisdiction to hear and  
 49 determine, without cost to the parties, all controversies and  
 50 disputes arising under the school laws, excepting those governing  
 51 higher education, or under the rules of the state board or of the  
 52 commissioner. For the purposes of this Title, controversies and  
 53 disputes concerning the conduct of school elections shall not be  
 54 deemed to arise under the school laws.<sup>2</sup>

55 (cf: N.J.S.18A:6-9)

1       225. Section 16 of P.L.1987, c.399 (C.18A:7A-49) is amended  
2 to read as follows:

3       16. a. The State district superintendent shall annually provide  
4 to the commissioner an assessment of the progress of the district  
5 toward meeting the requirements necessary for State  
6 certification. The commissioner shall formally report to the  
7 State board and to the Governor and the Legislature on the  
8 district's progress.

9       b. Based upon the annual assessment of progress and the  
10 district's having received State certification, but not sooner than  
11 five years after the establishment of the State-operated school  
12 district, the commissioner may recommend to the State board  
13 that local control be reestablished.

14       c. Upon a determination by the State board that local control  
15 should be reestablished, the State district superintendent and  
16 those members of the superintendent's staff appointed by  
17 operation of these laws relating to State-operated school  
18 districts shall continue to serve for a one year transition period  
19 upon conclusion of which their term of service shall expire  
20 without prejudice to the right of the district board of education  
21 to reappoint any or all such persons to similar positions within the  
22 district.

23       d. Not more than one year following the reestablishment of  
24 local control, the board shall [conduct] call a special election for  
25 purposes of placing the question of classification status before  
26 the voters of the district, which election shall be conducted in  
27 accordance with the provisions of Title 19 of the Revised  
28 Statutes concerning school elections.

29       e. If the voters of the district shall elect to become a type I  
30 district, it shall be governed by the provisions of chapter 9 of  
31 Title 18A of the New Jersey Statutes relating to type I districts  
32 after January 31 next ensuing, unless the district is established in  
33 a city of the first class, in which case it shall be governed after  
34 June 30 next ensuing. The members of the district board of  
35 education at the time of said election shall continue in office  
36 until expiration of their respective terms and the qualification in  
37 office of their successors.

38       f. If the voters of the district shall so select that the district  
39 shall become a type II district, it shall be governed by the  
40 provisions of chapter 9 of Title 18A relating to type II districts  
41 and the members of the board of education at the time of said  
42 election shall remain and continue in office until the expiration  
43 of their respective terms and the qualification of their respective  
44 successors.

45       g. If the commissioner cannot recommend that local control be  
46 reestablished in a district five years after the establishment of a  
47 State-operated school district, then the commissioner shall  
48 provide a comprehensive report to the State board and to the  
49 Governor and the Legislature, including a detailed analysis of the  
50 causes for the failure of the district to achieve certification and  
51 an assessment of the amount of time necessary for the  
52 continuation of the State-operated school district. On the basis  
53 of that report the State board shall determine whether to  
54 continue the State-operated school district or return the district

1 to local control pursuant to this section.<sup>2</sup>

2 (cf: P.L.1987, c.399, s.16)

3 <sup>226.</sup> N.J.S.18A:8-20 is amended to read as follows:

4 18A:8-20. The first board of education of the new district and  
5 the first board of education of the remaining district shall each  
6 prepare and submit, to the voters of the district, as required by  
7 law, the first budgets for said district and they shall make proper  
8 provision for [conducting] an election to be conducted, in  
9 accordance with the provisions of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)[now  
10 pending before the Legislature as this bill], for the members of  
11 the board of education of the district to replace the appointed  
12 members of the board, for such terms that three members of the  
13 board of the district, as thereafter constituted, will be elected  
14 each year, at an annual election to be held in the district at the  
15 same time as that on which the next annual election for the  
16 original district would have been held [and at appropriate places  
17 within the territorial limits of the district to be fixed by said  
18 board].<sup>2</sup>

19 (cf: N.J.S.18A:8-20)

20 <sup>227.</sup> N.J.S.18A:8-36 is amended to read as follows:

21 18A:8-36. At all elections [there shall be at least one polling  
22 place located within the territorial limits of each of the former  
23 constituent school districts and] any appropriation must be  
24 authorized by a majority of the total votes cast thereon in all of  
25 the territory of the consolidated school district.<sup>2</sup>

26 (cf: N.J.S.18A:8-36)

27 <sup>228.</sup> N.J.S.18A:9-10 is amended to read as follows:

28 18A:9-10. If the membership of the board in any such district  
29 so becoming a type II district is less than nine, it shall be  
30 increased to nine by the election of added members at the next  
31 annual school election, unless the adopting election shall have  
32 been held more than 130 days or less than 60 days before the date  
33 fixed for such annual school election, in which case they shall be  
34 elected at a special school election which shall be called [and  
35 held] by the members of the board so holding over, if the adopting  
36 election was held more than 130 days before the annual school  
37 election, then not less than 60 or more than 70 days after the  
38 adopting election, or if the adopting election was held less than  
39 60 days before the annual school election, then not less than 60 or  
40 more than 70 days after such annual school election, excluding in  
41 each instance from the calculation of the period which will elapse  
42 between such 60 and 70 days any period which would elapse  
43 between the twenty-first day before and the twenty-first day  
44 after any day fixed according to law for the holding of any  
45 primary election for the general election or general election or  
46 municipal election held within the district.<sup>2</sup>

47 (cf: P.L.1985, c.92, s.1)

48 <sup>1</sup>[18.] <sup>2</sup>[19.] <sup>29</sup><sup>2</sup> N.J.S.18A:12-15 is amended to read as  
49 follows:

50 18A:12-15. Vacancies in the membership of the board shall be  
51 filled as follows:

52 a. By the county superintendent, if the vacancy is caused by  
53 the absence of candidates for election to the school board or by  
54 the removal of a member because of lack of qualifications, or is

1 not filled within 65 days following its occurrence:

2 b. By the county superintendent, to a number sufficient to  
3 make up a quorum of the board if, by reason of vacancies, a  
4 quorum is lacking;

5 c. By special election, if in the annual school election two or  
6 more candidates qualified by law for membership on the school  
7 board receive an equal number of votes. Such special election  
8 shall be held only upon recount and certification by the  
9 <sup>1</sup>[commissioner] county board of elections<sup>1</sup> of such election  
10 result, shall be restricted to such candidates, shall be held within  
11 60 days of the annual school election, and shall be conducted in  
12 accordance with procedures for annual and special school  
13 elections set forth in [chapter 14 of Title 18A of the New Jersey  
14 Statutes] Title 19 of the Revised Statutes. The vacancy shall be  
15 filled by the county superintendent if in such special election two  
16 or more candidates qualified by law for membership on the school  
17 board receive an equal number of votes;

18 d. By special election if there is a failure to elect a member at  
19 the annual school election due to improper election procedures.  
20 Such special election shall be restricted to those persons who  
21 were candidates at such annual school election, shall be held  
22 within 60 days of such annual school election, and shall be  
23 conducted in accordance with the procedures for annual and  
24 special school elections set forth in [chapter 14 of Title 18A of  
25 the New Jersey Statutes] Title 19 of the Revised Statutes;

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

29 f. By the board in all other cases.

30 Each member so appointed shall serve until the organizational  
31 meeting following the next annual election unless he is appointed  
32 to fill a vacancy occurring within the 60 days immediately  
33 preceding such election to fill a term extending beyond such  
34 election, in which case he shall serve until the organizational  
35 meeting following the second annual election next succeeding the  
36 occurrence of the vacancy, and any vacancy for the remainder of  
37 the term shall be filled at the annual election or the second  
38 annual election next succeeding the occurrence of the vacancy as  
39 the case may be.

40 (cf: P.L.1978, c.136, s.28)

41 <sup>1</sup>[19.] <sup>2</sup>[20.] <sup>1</sup>30. <sup>2</sup>Section 1 of P.L.1987, c.161 (C.18A:12-19.1)  
42 is amended to read as follows:

43 1. If the board of education of a school district organized  
44 pursuant to subarticle C of Article 4 of Chapter 12 of Title 18A  
45 of the New Jersey Statutes shall determine by resolution that it  
46 is in the best interest of the public schools of the district that the  
47 terms of the members of the board shall be decreased from five  
48 years to three years, the question shall be submitted to the voters  
49 of the district at the next annual school election and the question  
50 shall be stated in the notice of the election prepared pursuant to  
51 [N.J.S.18A:14-19] R.S.19:12-7 .

52 (cf: P.L.1987, c.161, s.1)

53 <sup>2</sup>31. N.J.S.18A:13-5 is amended to read as follows:

1 18A:13-5. Elections in regional districts shall be conducted as  
2 in other local districts except that [there shall be at least one  
3 polling place in each of the constituent districts and] in any such  
4 elections, unless otherwise provided by this Title, the total vote  
5 of the entire regional district, without regard to the territorial  
6 boundaries of the constituent districts, shall be counted in  
7 determining the result of the election.

8 In any case in which a proposal for the creation of a regional  
9 district or for the enlargement of a regional district is submitted,  
10 such proposal shall be adopted only if a majority of the votes cast  
11 thereon

12 a. In each of the local districts, other than a consolidated  
13 district, proposing to form the regional district,

14 b. In the consolidated district proposing to form the regional  
15 district without regard to the territorial boundaries of the  
16 constituent districts, or

17 c. In the regional district to be enlarged, and in each district  
18 proposed to enlarge it,

19 shall be cast in favor of the adoption of such proposal.<sup>2</sup>

20 (cf: P.L.1968, c.240, s.1)

21 <sup>232.</sup> N.J.S.18A:13-10 is amended to read as follows:

22 18A:13-10. The board of education of each regional district  
23 shall provide for the holding, in accordance with the provisions of  
24 P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (now pending before the Legislature as  
25 this bill), of an annual school election for the regional district on  
26 the third Tuesday in April.

27 At such election there shall be elected for terms of three  
28 years, beginning on any day of the first or second week following  
29 such election, the members of the regional boards of education to  
30 succeed those members of the board whose terms shall expire in  
31 that year, except as is in this chapter provided for the election of  
32 the first elected members of the board.<sup>2</sup>

33 (cf: P.L.1992, c.159, s.10)

34 <sup>233.</sup> N.J.S.18A:13-34 is amended to read as follows:

35 18A:13-34. If the boards of education of two or more local  
36 districts, or the board of education of a consolidated district, or  
37 of a district comprising two or more municipalities, and the  
38 commissioner or his representative, after consultation, study and  
39 investigation, shall determine, that it is advisable for such  
40 districts to join and create, or for such district to become

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

43 (b) a limited purpose regional school district to provide and  
44 operate, in the territory comprised within such local districts or  
45 district, one or more of the following: elementary schools, junior  
46 high schools, high schools, vocational schools, special schools,  
47 health facilities or particular educational services or facilities,  
48 that board or boards shall by resolution frame and adopt a  
49 proposal to that effect stating also the manner in which the  
50 amounts to be raised for annual or special appropriations for such  
51 proposed regional school district, including the amounts to be  
52 raised for interest upon, and the redemption of bonds payable by  
53 the regional district, shall be apportioned upon the basis of:

54 a. the portion of each municipality's equalized valuation  
55 allocated to the regional district, calculated as described in the

1 definition of equalized valuation in section 3 of P.L.1990, c.52  
2 (C.18A:7D-3);

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

7 c. any combination of apportionment based upon equalized  
8 valuations pursuant to subsection a. of this section or pupil  
9 enrollments pursuant to subsection b. of this section, and each  
10 such board shall call for, and conduct, upon the same day,] a  
11 special school election to be held upon the same day in each  
12 municipality in its district and shall submit thereat the question  
13 whether or not the proposal shall be approved, briefly describing  
14 the contents of the resolution and stating the date of its adoption  
15 and they may submit also, at the special election, as part of such  
16 proposal, any other provisions which may be submitted, at such a  
17 special election, under the provisions of this chapter but no such  
18 special election shall be held on any day before April 15 or after  
19 December 1 of any calendar year. Except as otherwise provided  
20 herein, the special election shall be conducted in accordance with  
21 the provisions of P.L. , c. (C. ) (now pending before  
22 the Legislature as this bill).<sup>2</sup>

23 (cf: P.L.1993, c.67, s.2)

24 <sup>2</sup>34. N.J.S.18A:17-7 is amended to read as follows:

25 18A:17-7. The secretary shall give notice of all regular or  
26 special meetings of the board to the members thereof and [post  
27 and give notice of annual and special elections of the legal voters  
28 of the district required by law to be held and of the object or  
29 objects for which the election is called,] record the minutes of all  
30 proceedings of the board and the results of any annual or special  
31 school election in suitable minute books.<sup>2</sup>

32 (cf: N.J.S.18A:17-7)

33 <sup>3</sup>35. Section 21 of P.L.1990, c.52 (C.18A:7D-26) is amended to  
34 read as follows:

35 21. Annually, within [seven] two days following the transmittal  
36 of the budget message to the Legislature by the Governor  
37 pursuant to section 11 of P.L.1944, c.112 (C.52:27B-20), the  
38 commissioner shall notify each district of the maximum amount  
39 of aid payable to the district under the provisions of P.L.1990,  
40 c.52 (C.18A:7D-1 et al.) in the succeeding year and shall notify  
41 each district that is subject to the provisions of section 85 of  
42 P.L.1990, c.52 (C.18A:7D-28) of the district's maximum  
43 permissible local levy budget for the succeeding year. The actual  
44 aid payment to each district shall be determined after the  
45 district's budget is adopted.<sup>3</sup>

46 (cf: P.L.1992, c.159, s.2)

47 <sup>3</sup>36. Section 22 of P.L.1990, c.52 (C.18A:7D-27) is amended to  
48 read as follows:

49 22. Annually, on or before March [8] 4, local boards of  
50 education shall submit to the commissioner a copy of their  
51 proposed budgets for the next school year. The commissioner  
52 shall review each item of appropriation within the current  
53 expense and capital outlay sections of the general fund budget  
54 and shall determine the adequacy of the budget with regard to

1 the annual reports submitted pursuant to section 11 of P.L.1975,  
2 c.212 (C.18A:7A-11) and such other criteria as may be  
3 established by the State board.<sup>3</sup>

4 (cf: P.L.1993, c.83, s.2)

5 <sup>337.</sup> N.J.S.18A:22-7 is amended to read as follows:

6 18A:22-7. The board of education of every school district  
7 having a board of school estimate shall prepare and deliver to  
8 each member of the board of school estimate, on or before [the  
9 fourth Tuesday in] March 22 in each year, and the board of  
10 education of every other school district shall prepare a budget for  
11 the school district for the ensuing year, on or before [the fourth  
12 Tuesday in] March 22.<sup>3</sup>

13 (cf: P.L.1992, c.159, s.12)

14 <sup>338.</sup> Section 17 of P.L.1987, c.399 (C.18A:7A-50) is amended  
15 to read as follows:

16 17. The State district superintendent of a State-operated  
17 school district shall develop a budget on or before [the fourth  
18 Tuesday in] March 22 and shall present this budget to the board of  
19 education to elicit the board's comments and recommendations.  
20 This budget shall conform in all respects with the requirements of  
21 chapter 22 of Title 18A of the New Jersey Statutes and shall be  
22 subject to the limitations on spending by local school districts  
23 otherwise required by P.L.1990, c.52 (C.18A:7D-1 et al.).<sup>3</sup>

24 (cf: P.L.1992, c.159, s.6)

25 <sup>339.</sup> N.J.S.18A:22-10 is amended to read as follows:

26 18A:22-10. Upon the preparation of its budget, each board of  
27 education shall fix a date, place and time for the holding of a  
28 public hearing upon said budget and the amounts of money  
29 necessary to be appropriated for the use of the public schools for  
30 the ensuing school year and the various items and purposes for  
31 which the same are to be appropriated. In districts having a  
32 board of school estimate, the hearing shall be held before the  
33 board of school estimate between [the fourth Tuesday in] March  
34 22 and [April 8] March 29 and in districts having no board of  
35 school estimate the hearing shall be held before the board of  
36 education between [the fourth Tuesday in] March 22 and [April 8]  
37 March 29.<sup>3</sup>

38 (cf: P.L.1992, c.159, s.13)

39 <sup>340.</sup> Section 18 of P.L.1987, c.399 (C.18A:7A-51) is amended  
40 to read as follows:

41 18. Upon the preparation of its budget, the State district  
42 superintendent shall fix a date, place and time for the holding of  
43 a public hearing upon the budget and the amounts of money  
44 necessary to be appropriated for the use of the public schools for  
45 the ensuing school year, and the various items and purposes for  
46 which the same are to be appropriated, which hearing shall be  
47 held between [the fourth Tuesday in] March 22 and [April 8]  
48 March 29. Notice of the hearing, contents of the notice and the  
49 format and purpose of the hearing shall be as provided in  
50 N.J.S.18A:22-11, N.J.S.18A:22-12 and N.J.S.18A:22-13.<sup>3</sup>

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

52 <sup>341.</sup> N.J.S.18A:22-11 is amended to read as follows:

53 18A:22-11. The board of education shall cause notice of such  
54 public hearing and the statement annexed to the budget to be



1 published at least once in at least one newspaper published in the  
2 district and if no newspaper be published therein, then in at least  
3 one newspaper circulating in said district not less than [seven]  
4 four days prior to the date fixed for such public hearing.<sup>3</sup>

5 (cf: N.J.S.18A:22-11)

6 <sup>3</sup>42. N.J.S.18A:22-32 is amended to read as follows:

7 18A:22-32. At or after the public hearing on the budget but  
8 not later than [12] 18 days prior to the election, the board of  
9 education of each type II district having no board of school  
10 estimate shall fix and determine by a recorded roll call majority  
11 vote of its full membership the amount of money to be voted  
12 upon by the legal voters of the district at the annual election,  
13 which sum or sums shall be designated in the notice calling such  
14 election as required by law.<sup>3</sup>

15 (cf: P.L.1978, c.136, s.11)

16 <sup>3</sup>43. Section 3 of P.L.1995, c.236 (C.18A:7E-8) is amended to  
17 read as follows:

18 3. a. Any school district whose budgeted per pupil  
19 administrative spending for the preceding school year exceeds the  
20 median budgeted per pupil administrative spending for the  
21 preceding school year for districts of the same operating type by  
22 the percentage indicated in subsection c. of this section shall  
23 have its school aid reduced by the dollar amount of the excess.  
24 The penalty shall not exceed 10% of the district's budgeted  
25 administrative spending. All school districts shall be notified of  
26 their per pupil administrative costs and the applicable median per  
27 pupil cost by October 1 of the year preceding the affected year,  
28 and any adjustments caused by subsequent restorations of  
29 municipal reductions or proposals to exceed the permissible  
30 maximum net budget shall be made no later than November 1 of  
31 that year.

32 b. Administrative spending shall include expenditures for  
33 improvement of instruction services and other support services -  
34 instructional staff; support services-general administration;  
35 support services-school administration; business and other  
36 support services, including salaries, purchased professional  
37 services, purchased technical services, other purchased services,  
38 supplies and materials, interest on current loans, and  
39 miscellaneous expenditures; and the prorata share of fringe  
40 benefits for salaries included in the preceding categories for the  
41 employer's share of Social Security, pension payments other than  
42 for the Teachers' Pension and Annuity Fund, unemployment  
43 compensation, and other generally recognized employee benefits.  
44 Administrative spending shall not include expenditures for  
45 in-service teacher training and professional development or for  
46 the preparation, printing and mailing of sample ballots. The  
47 amount of any judgements against the school district shall be  
48 deducted from the total amount of expenditures. All  
49 expenditures shall be based originally upon the district's  
50 budgeted data of the preceding year and adjusted in the  
51 subsequent year based upon audited data; however, the median  
52 budgeted per pupil administrative spending calculated for  
53 districts of the same operating type pursuant to subsection a. of  
54 this section shall not be recalculated.

1 c. The percentage shall equal 129% in the first year of  
2 implementation, 128% in the second year, 127% in the third year,  
3 126% in the fourth year and 125% in the fifth year and each  
4 succeeding year.

5 d. A school district may appeal a penalty imposed pursuant to  
6 this section to the Commissioner of Education. The appeal shall  
7 be based on the following factors:

8 (1) an error made by the Department of Education in  
9 calculating the administrative spending of the school district;

10 (2) an error made by the school district in reporting data to  
11 the department;

12 (3) costs associated with services provided by a school district  
13 to other districts in joint educational or service arrangements  
14 other than a sending-receiving relationship; and

15 (4) any other factor deemed appropriate by the commissioner.<sup>3</sup>  
16 (cf: P.L.1995, c.236, s.3)

17 <sup>1</sup>[20.] <sup>2</sup>[21.] <sup>3</sup>[35.] <sup>4</sup>44.<sup>3</sup> N.J.S.18A:24-29 is amended to read  
18 as follows:

19 18A:24-29. A proposal for the confirmation of any ordinance,  
20 required by this article to be approved by the qualified voters of  
21 the municipality comprised within a district, shall be submitted  
22 to such voters at a general, special or municipal election to be  
23 held therein, whenever the governing body of the municipality  
24 shall have, by resolution or ordinance, directed that the same be  
25 so submitted and, in the case of a special election, specified the  
26 day, which shall be not less than 41 days after the passage of such  
27 ordinance, and the time thereof, the place or places thereof and  
28 the polling districts therefor by reference to the general election  
29 districts established and used in the municipality, and the hours  
30 (which need include only four consecutive hours) during which the  
31 polls at such election shall be open. It shall be the duty of the  
32 clerk of the municipality to give notice of any such election,  
33 setting forth the proposition to be submitted and the day and  
34 time and place or places thereof and the polling districts therefor  
35 and the hours during which the polls at such election will be  
36 open. At least seven days before the date thereof, the clerk shall  
37 post not less than seven copies of such notice, one on each  
38 schoolhouse within the municipality and the others at such other  
39 public places in the municipality as he may select, and shall  
40 publish said notice in a newspaper published in the municipality if  
41 there be one or, if there be no such newspaper, in a newspaper  
42 published in the county and circulating in the municipality. No  
43 other or different notice of said election shall be required to be  
44 posted, published, delivered or otherwise given in any manner,  
45 except those required to be given by [section 18A:14-25]  
46 R.S.19:12-7 . Such election shall be held and the result of the  
47 balloting on such question ascertained and determined in  
48 accordance with the provisions of Title 19, Elections, of the  
49 Revised Statutes, which are not inconsistent with this section and  
50 are applicable to the holding in such municipality of a general,  
51 special or municipal election, as the case may be, but any notice  
52 or demand therein required to be given to or made upon any  
53 person or body for the performance of an official duty with  
54 regard to such election shall be sufficient, if given or made at

1 least 10 days before the date of such election, except as  
2 otherwise required by this section.

3 (cf: N.J.S.18A:24-29)

4 <sup>1</sup>[21.] <sup>2</sup>[22.1] <sup>3</sup>[36.2] <sup>45.3</sup> Section 1 of P.L.1983, c.69  
5 (C.40A:4-45.3a1) is amended to read as follows:

6 1. Notwithstanding the provisions of Title 19 of the Revised  
7 Statutes to the contrary, referenda conducted by any  
8 municipality pursuant to subsection i. of section 3 of P.L.1976,  
9 c.68 (C.40A:4-45.3), for the purpose of increasing the municipal  
10 budget by more than 5% over the previous year's final  
11 appropriations, may be conducted with respect to the provision of  
12 polling places and the compensation of election workers in the  
13 same manner as is provided for school elections under [Title 18A  
14 of the New Jersey Statutes] Title 19 of the Revised Statutes .

15 (cf: P.L.1983, c.69, s.1)

16 <sup>1</sup>[22.] <sup>2</sup>[23.1] <sup>3</sup>[37.2] <sup>46.3</sup> The following sections are hereby  
17 repealed:

18 N.J.S.18A:14-1 through 18A:14-104 inclusive;

19 P.L.1983, c.63, s.3 (C.18A:14-2.1);

20 P.L.1973, c.71 (C.18A:14-4a);

21 <sup>1</sup>P.L.1991, c.429, ss.13-17 (C.18A:14-5.1 to 18A:14-5.5);<sup>1</sup>

22 P.L.1981, c.99, s.1 (C.18A:14-6.1);

23 P.L.1987, c.328, s.6 (C.18A:14-10.1);

24 P.L.1979, c.49 (C.18A:14-26.1);

25 P.L.1973, c.18, s.1-14 (C.18A:14-63.1 to 18A:14-63.14);

26 R.S.19:12-4.

27 <sup>1</sup>[23.] <sup>2</sup>[24.1] <sup>3</sup>[38.2] <sup>47.3</sup> This act shall take effect <sup>3</sup>[180] <sup>90<sup>3</sup></sup>  
28 days following the date of enactment.

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Places school elections under district boards of election.

STATEMENT

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This bill places school elections under the jurisdiction of the district boards of election and repeals the school election laws in Title 18A.

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Places school elections under district boards of election.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1705

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 21, 1994

The Assembly State Government Committee reports favorably and with committee amendments Assembly, No. 1705.

This bill provides for the transfer of jurisdiction over the conduct of school board elections from the local boards of education to the officials responsible for the conduct of other elections, i.e., the county boards and district boards of elections. The bill effectuates the transfer by repealing provisions of the Education code (Title 18A of the New Jersey Statutes) governing the conduct of school board elections and broadening the application of the relevant provisions of the Election code (Title 19 of the Revised Statutes) to cover such elections. Statutory provisions which relate uniquely to school board elections are reconstituted in Title 19 as a separate chapter of that title.

Under the bill, as under present law (N.J.S.A.18A:66-2 and 66-2.1), school elections would be held on the third Tuesday in April, with the Commissioner of Education retaining responsibility for adjustment of the election calendar to avoid conflict with a period of religious observance. Also as under present law (N.J.S.A.18A:14-45), the polling place at a school election would be required to be open between 5:00 and 9:00 p.m. on the day of the election and during any earlier hours on that day, beginning at 7:00 a.m., as may be designated by the school board.

The existing prohibition (N.J.S.A.18A:14-1) against any grouping of, or use of party designation by, candidates in a school election is continued. Elected boards of education would retain the authority (now accorded under N.J.S.A.18A:14-3 and 14-3.1) to call a special election in the interests of the schools or upon the petition of 50 legal voters.

Poll workers at school elections, now appointed by the local boards of education (N.J.S.A.18A:14-6), would be designated by the county board of elections from among members of the district boards of election. Generally, only two poll workers would be required to staff the polling place, as compared with the four now required under N.J.S.A.18A:14-8; in an election district of more than 800 resident voters that uses an electronic voting system, four poll workers would be required.

The bill requires the secretary of the board of education to certify to the county clerk a statement designating any public question to be voted upon in a school election.

The content of a petition nominating a candidate in a school election and of the candidate's certificate of acceptance, the minimum number of persons (10) whose signature is required on a nominating petition, and the deadline for filing the petition and

certificate would continue as under present law (N.J.S.A.18A:14-9 and 14-10). The petition and certificate would no longer be filed with the secretary of the board of education, but with the county clerk.

The procedure prescribed for conducting the drawing for ballot position in school elections would be substantially the same as under present law (N.J.S.A.18A:14-13), except that responsibility for the drawing is shifted from the board secretary to the county clerk.

Use at school elections of poll lists, rather than the signature comparison record used at other elections (N.J.S.A.19:31A-8), to record voting is made mandatory; under current law (N.J.S.A.18A:14-48), the use of poll lists is optional.

The bill makes specific provision that the costs of school elections, including the cost of compensating poll workers and the expenses of the county board and county clerk, are to be borne by the board of education of the school district in which the election is held.

Provisions for the content and publication of notices of school elections are incorporated into the relevant statute in Title 19 in substantially the same form as under current law (N.J.S.A.18A:14-19), except that responsibility for issuance of the notice is shifted from the school board secretary to the county board of elections.

The distribution of sample ballots in school elections, presently required only in special needs school districts located in a city of the first class having a 1980 census population of more than 300,000 (N.J.S.A.18A:14-29), would be required in all school districts.

The hourly rate of compensation payable to poll workers in school elections (now established by N.J.S.A.18A:14-8) would remain the same.

Finally, the bill amends references in the law to school elections to bring those references into conformity with the new statutory scheme.

#### COMMITTEE AMENDMENTS

The committee adopted amendments to the bill to (1) conform its provisions to those of substantially similar legislation, S-1390 (Ciesla), now pending in the Senate; (2) broaden application of a requirement that sample ballots be distributed for school elections; and (3) effect technical changes.

(1) The conforming amendments: (a) delete a requirement that district board workers in school elections be designated on a bipartisan basis; (b) adjust the deadline for certification to the county clerk of any public question to be submitted at a school election from the 50th to the 45th day preceding the election; (c) adjust the deadline for filing a petition nominating a candidate in a school election from the 54th to the 50th day preceding the election; (d) eliminate a provision giving the county clerk discretion to choose the time and date for the drawing of names of school election candidates for ballot position and specify instead that the drawing shall be held seven working days following the filing; (e) require, rather than allow, district boards' use of poll lists for recordation of votes in school elections; (f) transfer from the county board to the school board the authority to extend the hours for voting in school elections and require that t District board

members shall be present at all times at such elections; and (g) clarify that the county board of elections is the agency responsible for any recount and certification of a tie vote in a school election.

(2) The amendment concerning sample ballots extends the requirement that sample ballots are to be distributed in school elections to all Type II districts and provides that such distribution is to be effected in a manner similar to that applicable to the distribution of sample ballots for the general election.

(3) The technical amendments (a) clarify references in section 10 of the bill to the county board of elections and county clerk; (b) update the language of R.S.19:14-4, which the bill amends, to reflect changes in that section resulting from the enactment of P.L.1994, c.77; (c) advance the deadline for the annual report by the county board of elections to the Secretary of State of polling places found inaccessible to voters to reflect that the annual school election, rather than the primary election, is to become the first generally held election of the calendar year under Title 19; and (d) include the relevant sections of P.L.1991, c.429 among the laws repealed by the legislation.

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ASSEMBLY STATE GOVERNMENT COMMITTEE

AMENDMENTS

to

ASSEMBLY, No. 1705

(Sponsored by Assemblyman WOLFE)



REPLACE SECTION 3 TO READ:

3. (New section) Notwithstanding the provisions of R.S.19:6-1, for school elections the county board of the county in which the election district is located shall designate two members of the district board of election <sup>1</sup>[, not more than one of whom shall be of the same political party,]<sup>1</sup> to perform all the duties of the district board for that election, except that where electronic voting systems are in use in any election district in which there are more than 900 registered voters, the county board shall designate four members of the district board <sup>1</sup>[, not more than two of whom shall be of the same political party,]<sup>1</sup> to perform all the duties of the district board for that election.

REPLACE SECTION 4 TO READ:

4. (New section) The secretary of each board of education, not later than the <sup>1</sup>[fiftieth] 45th<sup>1</sup> day preceding the annual school election or a special school election, shall make and certify and forward to the clerk of the county in which the school district is located a statement designating any public question to be voted upon by the voters of the district which may be required pursuant to the provisions of P.L. , c. (C. )(now pending before the Legislature as this bill) or Title 18A of the New Jersey Statutes.

REPLACE SECTION 7 TO READ:

7. (New section) Notwithstanding the provisions of R.S. 19:13-5, each candidate to be voted upon at a school election shall be nominated directly by petition, signed by at least 10 persons, none of whom shall be the candidate himself, and filed with the clerk of the county in which the district is situated on or before four p.m. of the <sup>1</sup>[54th] 50th<sup>1</sup> day preceding the date of the <sup>1</sup>school<sup>1</sup> election. The signatures need not all appear upon a single petition and any number of petitions may be filed on behalf of any candidate but no petition shall contain the endorsement of more than one candidate.

REPLACE SECTION 8 TO READ:

8. (New section) Notwithstanding the provisions of R.S.19:14-12, the position which the names of candidates shall have upon the annual school election ballot in each school district shall be determined by the county clerk of the county in which the school district is situated by conducting a drawing in the following manner:



a. <sup>1</sup>[The county clerk shall establish the time and date of the drawing of the names.]<sup>1</sup> The drawing shall be done by the county clerk, or the clerk's deputy <sup>1</sup>seven working days following the filing<sup>1</sup>. The person making the drawing shall make public announcement at the drawing of each name, the order in which the name is drawn and the term of office for which the drawing is made.

b. A separate drawing shall be made for each full term and for each unexpired term, respectively. The names of the several candidates for whom petitions have been filed for each of the terms shall be written upon paper slips which shall be placed in capsules of the same size, shape, color and substance and then placed in a covered box with an aperture in the top large enough to admit a person's hand and to allow the capsules to be drawn therefrom. The box shall be turned and shaken thoroughly to mix the capsules and the capsules shall be withdrawn one at a time.

c. Where there is more than one person to be elected for a given term of office, the position of the names on the ballots for each term of office shall be determined as above described. The name of the candidate for each term of office first drawn from the box shall be printed directly below the proper term for which the person was nominated and the name of the candidate next drawn shall be printed next in order, and so on, until the last name shall be drawn from the box.

**INSERT NEW SECTION 9 TO READ:**

<sup>1</sup>9. (New section) The county clerk shall cause samples of the official school election ballot to be printed in the same manner as prescribed for the printing of sample ballots for the general election by R.S.19:14-21. In counties not having a superintendent of elections where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, the delivery of such sample ballots for mailing, issuance of a receipt for such delivery, and the mailing of sample ballots shall be effected in the same manner as prescribed for the sample ballot for the general election under subsection a. of R.S.19:14-21; and in counties having a superintendent of elections and in other counties where the county board of elections may have such equipment or facilities, the delivery of ballots for mailing, issuance of a receipt for such delivery, and the mailing of sample ballots shall be effected in the same manner as prescribed for the sample ballot for the general election under subsection b. of R.S.19:14-21; except that in any case, the delivery of such sample ballots shall be made to and the issuance of such receipt and mailing of the ballots shall be made by the secretary of the board of education in the school district in which the election is to be held.<sup>1</sup>

**REPLACE SECTION 9 TO READ:**

<sup>1</sup>9.] <sup>1</sup>10.<sup>1</sup> (New section) The district board of election <sup>1</sup>[may] shall<sup>1</sup>, for any school election, utilize a poll list instead of the signature copy register <sup>1</sup>[which]. The poll list<sup>1</sup> shall be arranged in a column or columns appropriately headed so as to indicate the

election, the date thereof, and the school district and election district in which the same is used, in such a manner that each voter voting in the polling place at the election may sign the voter's name and state the voter's address therein and the number of the voter's official ballot may be indicated opposite the signature. The district board shall compare the signature in the poll lists with that in the signature copy registers before accepting the ballot.

**REPLACE SECTION 10 TO READ:**

<sup>1</sup>[10.] 11.<sup>1</sup> (New section) All costs, charges and expenses, including the compensation of the members of the district boards and the compensation and expenses of the county board <sup>1</sup>of elections<sup>1</sup> and the clerk <sup>1</sup>[thereof] of the county<sup>1</sup> for any school election shall be paid by the board of education of the school district.

**RENUMBER SECTIONS 11 AND 12 AS SECTIONS 12 AND 13**

**REPLACE SECTION 13 TO READ:**

<sup>1</sup>[13.] 14.<sup>1</sup> R.S. 19:14-4 is amended to read as follows:

19:14-4. In the center of the ballot immediately below the perforated line shall be printed in bold-faced type the words "Official general election ballot." Below these words and extending across the ballot shall appear the words: "Name of (municipality), ward, election district, date of election, John Doe, county clerk." The blank spaces shall be filled in with the name of the proper municipality, the ward and district numbers and the date of the election. For school elections the name of the school district and of the municipality or municipalities comprising the district shall also be indicated thereon. The name of the county clerk shall be a facsimile of his signature. Below the last stated words extending across the ballot and at the extreme left shall be printed the words "Instructions to the voter," and immediately to the right there shall be a bracket embracing the following instructions numbered consecutively:

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

(2) To mark a cross x , plus +, check ✓ or when writing a name on this ballot use only <sup>1</sup>[black]<sup>1</sup> ink or <sup>1</sup>[black lead]<sup>1</sup> pencil.

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

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

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

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

(7) To vote for all the electors of any party, mark a cross x , plus + or check ✓ in <sup>1</sup>[black]<sup>1</sup> ink or <sup>1</sup>[black]<sup>1</sup> pencil in the square at the left of the surnames of the candidates for president and vice-president for whom you desire to vote.

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

<sup>1</sup>[(cf:P.L.1947, c. 104, s.1)] (cf: P.L.1994, c.77, s.6)<sup>1</sup>

~~OMIT~~ DELETE SECTION 14 IN ITS ENTIRETY

INSERT NEW SECTION 15 TO READ:

<sup>1</sup>15. Section 4 of P.L.1991, c.429 (C.19:8-3.4) is amended to read as follows:

4. No later than [May 15th] April 1st of each year, each county board of elections shall report to the Secretary of State, on the form provided by the Secretary of State, a list of all polling places in the county, specifying any found inaccessible. The county board of elections shall indicate the reasons for inaccessibility, and the efforts made pursuant to this act to locate alternative polling places or to make the existing facilities accessible. Each county board of elections shall notify the Secretary of State of any changes in polling place locations before the next general election, including any changes required due to the alteration of district boundaries.<sup>1</sup>

(cf: P.L.1991, c.429, s.4)

REPLACE SECTION 15 TO READ:

<sup>1</sup>[15.] 16.<sup>1</sup> R.S.19:15-2 is amended to read as follows:

19:15-2. The district boards shall open the polls for such election at seven o'clock in the morning and close them at eight o'clock in the evening, and shall keep them open during the whole day of election between these hours <sup>1</sup>[.]<sup>1</sup> ; except that for a school election the polls shall be open between the hours of five and nine P.M. and during any additional time which the <sup>1</sup>(county) school<sup>1</sup> board may designate between the hours of seven A.M. and nine P.M.

The board may allow one member thereof at a time to be absent from the polling place and room for a period not exceeding one hour between the hours of one o'clock and five o'clock in the afternoon or for such shorter time as it shall see fit.

At no time from the opening of the polls to the completion of the canvass shall there be less than a majority of the board present in the polling room or place, except that during a school

election there shall always be at least <sup>1</sup>[one member] two members<sup>1</sup> of <sup>1</sup>[the] each district election<sup>1</sup> board present .  
(cf: R.S.18-2)

RENUMBER SECTIONS 16 AND 17 AS SECTIONS 17 AND 18

REPLACE SECTION 18 TO READ:

<sup>1</sup>[18.] 19.<sup>1</sup> N.J.S.18A:12-18 is amended to read as follows:

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

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

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

c. By special election, if in the annual school election two or more candidates qualified by law for membership on the school board receive an equal number of votes. Such special election shall be held only upon recount and certification by the <sup>1</sup>[commissioner] county board of elections<sup>1</sup> of such election result, shall be restricted to such candidates, shall be held within 60 days of the annual school election, and shall be conducted in accordance with procedures for annual and special school elections set forth in [chapter 14 of Title 18A of the New Jersey Statutes] Title 19 of the Revised Statutes. The vacancy shall be filled by the county superintendent if in such special election two or more candidates qualified by law for membership on the school board receive an equal number of votes;

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

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

f. By the board in all other cases.

Each member so appointed shall serve until the organizational meeting following the next annual election unless he is appointed to fill a vacancy occurring within the 60 days immediately preceding such election to fill a term extending beyond such election, in which case he shall serve until the organizational meeting following the second annual election next succeeding the occurrence of the vacancy, and any vacancy for the remainder of the term shall be filled at the annual election or the second annual election next succeeding the occurrence of the vacancy as the case may be.

(cf: P.L.1978, c.136, s.28)

RENUMBER SECTIONS 18 THROUGH 21 AS SECTIONS 20  
THROUGH 22

REPLACE SECTION 22 TO READ:

<sup>1</sup>[22.] <sup>1</sup>23. <sup>1</sup>The following sections are hereby repealed:

N.J.S. 18A:14-1 through 18A:14-104 inclusive;

P.L.1983, c.83, s.3 (C.18A:14-2.1);

P.L.1973, c.71 (C.18A:14-4a);

<sup>1</sup>P.L.1981, c.429, ss.13-17 (C.18A:14-5.1 to 18A:14-5.5);<sup>1</sup>

P.L.1981, c.99, s.1 (C.18A:14-6.1);

P.L.1987, c.328, s.6 (C.18A:14-10.1);

P.L.1979, c.49 (C.18A:14-26.1);

P.L.1973, c.18, s.1-14 (C.18A:14-83.1 to 18A:14-83.14);

R.S. 19:12-4.

RENUMBER SECTION 23 AS SECTION 24

SENATE Amendments  
(Proposed by Senator CIESLA)

10

ADOPTED  
JUN 12 1995

ASSEMBLY, No. 1705 (1R)  
(Sponsored by Assemblyman WOLFE)

REPLACE SECTION 1 TO READ:

1. (New section) a. An annual school election shall be held in each type II district on the third Tuesday in April. However, in any school year, the Commissioner of Education shall make any adjustments to the school budget and election calendar which may be necessary to change the annual school election date if that date coincides with a period of religious observance. The commissioner shall inform local school boards of these adjustments no later than the first working day in January of the year in which the adjustments are to occur.

b. All school elections shall be by ballot and<sup>2</sup>, except as otherwise provided by P.L. , c. (C. et al.)(now pending before the Legislature as this bill).<sup>2</sup> shall be conducted in the manner provided for general elections pursuant to Title 19 of the Revised Statutes<sup>2</sup>[, except that no]. No<sup>2</sup> grouping of candidates or party designation shall <sup>2</sup>appear on any ballot <sup>10</sup>be used <sup>2</sup>[by any candidate]<sup>2</sup> in a school election.

REPLACE SECTION 3 TO READ:

3. (New section) Notwithstanding the provisions of R.S.19:6-1, for school elections the county board of the county in which the election district is located shall designate two members of the district board of election <sup>1</sup>[, not more than one of whom shall be of the same political party,]<sup>1</sup> to perform all the duties of the district board for that election, except that where electronic voting systems are in use in any election district in which there are more than 900 registered voters, the county board shall designate four members of the district board <sup>1</sup>[, not more than two of whom shall be of the same political party,]<sup>1</sup> to perform all the duties of the district board for that election. <sup>2</sup>Notwithstanding the provisions of R.S.19:6-10, the county board shall appoint one of the persons so designated to serve as judge and the other or another, as the case may be, of those persons so designated to serve as inspector for school elections.<sup>2</sup>

REPLACE SECTION 4 TO READ:

4. (New section) The secretary of each board of education, not later than the <sup>1</sup>[fiftieth] <sup>2</sup>[45th<sup>1</sup>] <sup>10th</sup><sup>2</sup> day preceding the annual school election or a special school election, shall make and certify and forward to the clerk of the county in which the school district is located a statement designating any public question to be voted upon by the voters of the district which may be required pursuant to the provisions of P.L. , c. (C. )(now pending before the Legislature as this bill) or Title 18A of the New Jersey Statutes.

REPLACE SECTION 5 TO READ:

5. (New section) Notwithstanding the provisions of R.S.19:13-4, each nominating petition for a candidate to be voted

upon at a school election shall be addressed to the clerk of the county in which the district is situated and therein shall be set forth:

a. A statement that the signers of the petition are all qualified voters of the school district or, in the case of a regional school district, qualified voters of the constituent district which the candidate shall represent on the board of education of the regional district;

b. The name, residence and post office address of the person endorsed and the office for which he is endorsed;

c. That the signers of the petition endorse the candidate named in the petition for that office and request that the person's name be printed upon the official ballot to be used at the ensuing election; and

d. That the person so endorsed is legally qualified to be elected to the office.

<sup>2</sup>Any form of a petition of nomination hereunder which is provided to candidates in a school election shall contain the following notice: "Notice: All candidates are required by law to comply with the provisions of 'The New Jersey Campaign Contributions and Expenditures Reporting Act'. For further information, please call (insert phone number of the Election Law Enforcement Commission)."<sup>2</sup>

REPLACE SECTION 7 TO READ:

7. (New section) <sup>2</sup>[Notwithstanding the provisions of R.S.19:13-5, each] Each<sup>2</sup> candidate to be voted upon at a school election shall be nominated directly by petition, <sup>2</sup>and the procedures for such nomination shall, to the extent not inconsistent with the provisions of P.L. , c. (C. et al.) (now pending before the Legislature as this bill) conform to the procedure for nominating candidates by direct petition under chapter 13 of Title 19 of the Revised Statutes. Notwithstanding the provisions of R.S.19:13-5, however, a petition of nomination for such office shall be<sup>2</sup> signed by at least 10 persons, none of whom shall be the candidate himself, and filed with the clerk of the county in which the district is situated on or before four p.m. of the <sup>1</sup>[54th] <sup>1</sup>50th<sup>1</sup> day preceding the date of the <sup>1</sup>school<sup>1</sup> election. The signatures need not all appear upon a single petition and any number of petitions may be filed on behalf of any candidate but no petition shall contain the endorsement of more than one candidate.

<sup>2</sup>Any candidate may withdraw as a candidate in a school election by filing a notice in writing, signed by the candidate, of such withdrawal with the clerk of the county before the 44th day before the date of the election, and thereupon the name of that candidate shall be withdrawn by the clerk and shall not be printed on the ballot.

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

Whenever written objection to a petition of nomination hereunder shall have been made and timely filed with the county

clerk, the clerk shall file his determination of the objection on or before the 44th day preceding the school election. The last day upon which a candidate may file with the Superior Court a verified complaint setting forth any invasion or threatened invasion of the candidate's rights under the candidate's petition of nomination shall be the 46th day before the election. The last day upon which a candidate whose petition of nomination or any affidavit thereto is defective may amend such petition or affidavit shall be the 44th day before the election.<sup>2</sup>

REPLACE SECTION 8 TO READ:

8. (New section) Notwithstanding the provisions of R.S.19:14-12, the position which the names of candidates shall have upon the annual school election ballot in each school district shall be determined by the county clerk of the county in which the school district is situated by conducting a drawing in the following manner:

a. <sup>1</sup>[The county clerk shall establish the time and date of the drawing of the names.]<sup>1</sup> The drawing shall be done by the county clerk <sup>for</sup> the clerk's deputy <sup>1</sup>seven working days following the <sup>2</sup>last day for <sup>2</sup>filing <sup>1</sup> <sup>2</sup>a petition for the nomination of such a candidate<sup>2</sup>. The person making the drawing shall make public announcement at the drawing of each name, the order in which the name is drawn and the term of office for which the drawing is made.

b. A separate drawing shall be made for each full term and for each unexpired term, respectively. The names of the several candidates for whom petitions have been filed for each of the terms shall be written upon paper slips which shall be placed in capsules of the same size, shape, color and substance and then placed in a covered box with an aperture in the top large enough to admit a person's hand and to allow the capsules to be drawn therefrom. The box shall be turned and shaken thoroughly to mix the capsules and the capsules shall be withdrawn one at a time.

c. Where there is more than one person to be elected for a given term of office, the position of the names on the ballots for each term of office shall be determined as above described. The name of the candidate for each term of office first drawn from the box shall be printed directly below the proper term for which the person was nominated and the name of the candidate next drawn shall be printed next in order, and so on, until the last name shall be drawn from the box.

INSERT NEW SECTION 9 TO READ:

<sup>2</sup>9. (New section) The ballot for a school election shall be a single or blanket form of ballot, upon which shall be printed in bold-faced type the words "OFFICIAL SCHOOL ELECTION BALLOT" or "OFFICIAL SPECIAL SCHOOL ELECTION BALLOT", as appropriate. Any public question which is to be submitted to the voters at a school election shall be printed in a separate space below or to the right of, as the county clerk shall determine, the listing of candidates in the election.

In the columns in which are listed the titles of the offices to be filled at a school election and the names of candidates for those offices, the title of and the names of candidates for the office of member of the regional board of education shall appear above the title of and the names of candidates for the office of member of



the local board of education. With respect to either office, in the event that one or more persons are to be elected to membership thereon for a full term and one or more persons are to be elected to membership thereon to fill an unexpired term, the ballots shall designate which of the candidates to be voted for is to be elected for a full term and which for an unexpired term. In all cases in which one or more persons are to be elected for an unexpired term, the ballots shall indicate the duration of that unexpired term.

All public questions to be voted upon at a school election by the voters of more than one municipality shall be placed first before any question to be voted upon at that election by the voters of a single municipality.

Every county clerk shall have ready for the printer a copy of the contents of official ballots required by law to be printed for use at a school election, as follows: in the case of the annual school election, not later than 10 o'clock a.m. of the eighth day preceding that election; and in the case of any special school election, not later than two business days following receipt by the clerk of official notice of the complete content of the ballot to be voted upon at that election.<sup>2</sup>

REPLACE SECTION 9 TO READ:

<sup>1</sup> <sup>2</sup>[9.] <sup>10.</sup><sup>2</sup> (New section) The county clerk shall cause samples of the official school election ballot to be printed in the same manner as prescribed for the printing of sample ballots for the general election by R.S.19:14-21. In counties not having a superintendent of elections where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, the delivery of such sample ballots for mailing, issuance of a receipt for such delivery, and the mailing of sample ballots shall be effected in the same manner as prescribed for the sample ballot for the general election under subsection a. of R.S.19:14-21; and in counties having a superintendent of elections and in other counties where the county board of elections may have such equipment or facilities, the delivery of ballots for mailing, issuance of a receipt for such delivery, and the mailing of sample ballots shall be effected in the same manner as prescribed for the sample ballot for the general election under subsection b. of R.S.19:14-21 <sup>2</sup>, subject to the condition that the latest time at which the county clerk may furnish sample ballots for mailing shall be the eighth day preceding the school election<sup>2</sup>; except that in any case, the delivery of such sample ballots shall be made to and the issuance of such receipt and mailing of the ballots shall be made by the secretary of the board of education in the school district in which the election is to be held.<sup>1</sup>

RENUMBER SECTIONS 10 THROUGH 12 AS SECTIONS 11 THROUGH 13

INSERT NEW SECTION 14 TO READ:

<sup>2</sup>14. R.S.19:3-2 is amended to read as follows:  
19:3-2. All elective public offices in this State or any of its political subdivisions, except such as are provided by law to be filled at special (or), municipal or school elections, shall be filled at the general elections as hereinafter provided. All vacancies in

public offices to be filled by election, except such as are provided by law to be filled at special or municipal elections, shall be filled at the general elections. All public questions to be voted upon by the people of the entire State and all other public questions, except such as are provided by law to be decided at any other elections, shall be voted upon and decided at the general elections.<sup>2</sup>

(cf: P.L.1948, c.438, s.2)

INSERT NEW SECTION 15 TO READ:

<sup>2</sup>15. R.S.19:6-12 is amended to read as follows:

19:6-12. The office of a member of a district board in an election district shall be deemed vacant upon such member becoming a candidate for an office to be voted upon at any primary, general election, school election, or special election for which he was appointed to serve, such candidacy to be determined by the filing of a petition of nomination, duly accepted by such member, in the manner provided by law. The municipal or county clerk with whom such petition and acceptance may be filed shall forthwith notify the county board of the county in which such election district is located, giving the name and residence of the member of the district board who has thus become a candidate, and the vacancy shall be filled as provided by law.<sup>2</sup>

(cf: R.S.19:6-12)

RENUMBER SECTIONS 13 AND 14 AS SECTIONS 16 AND 17

OMIT SECTION 15 IN ITS ENTIRETY

RENUMBER SECTIONS 16 AND 17 AS SECTIONS 18 AND 19

INSERT NEW SECTION 20 TO READ:

<sup>2</sup>20. Section 2 of P.L.1994, c.170 (C.19:31-3.3) is amended to read as follows:

2. In those counties in which the commissioner of registration employs data processing equipment capable of creating or receiving, storing, and printing a digitalized image of the signature of a person registered to vote, the commissioner may eliminate the use of the duplicate permanent registration binders and may authorize and direct the use at the polls in place of such a binder, as a signature copy register for the purposes of this Title,] and Title 40 of the Revised Statutes,] and N.J.S.18A:14-47,] of a polling record which identifies on each page the election at which the record is used, which indicates for each registrant the name and address of the registrant and identifies the municipality and the particular election district therein from which the person is registered, and which includes adjacent to the registrant's name and address an imprint of the digitalized image of the registrant's signature and sufficient space, immediately to the left or right of that imprint, for the registrant to sign the record, which imprint and signature shall be used as the signature comparison record as prescribed by this Title. The polling record shall also include for each registrant sufficient space for the notation of remarks as provided by R.S.19:15-23 and for the recording of any challenge and the determination thereof by the district board as provided by R.S.19:15-24, or by other elections officials charged with the

same duties as the district board in connection with the conduct of an election. In the case of a primary election, the polling record shall also indicate for each registrant the political party, if any, of which the registrant is a member for the purpose of voting at that primary election.

Polling records for each election shall be prepared by the commissioner of registration not later than the 14th day preceding the election. At each election, the delivery of the polling records to the municipal clerk or secretary of the board of education in a Type II school district, as appropriate, and to the district boards or other elections officials charged with the same duties as the district board in connection with the conduct of an election, and the return of those records by the district boards or such other elections officials to the commissioner of registration, shall be made in the manner and in accordance with the schedule prescribed by law for the delivery and return at that election of the signature copy registers.

The commissioner of registration shall retain the polling records for any election for a period of not less than six years following that election.<sup>2</sup>

(cf: P.L.1994, c.170, s.2)

RENUMBER SECTION 18 AS SECTION 21

INSERT NEW SECTION 22 TO READ:

<sup>22</sup>. Section 2 of P.L.1953, c.211 (C.19:57-2) is amended to read as follows:

2. Whenever used in this act, the following terms shall, unless the context indicates otherwise, be construed to have the following meanings:

"Absentee ballot" means any military service ballot or civilian absentee ballot as herein defined.

"Absentee voter" means any person qualified to vote a military service ballot or a civilian absentee ballot under the provisions of this act.

"Armed Forces of the United States" means any branch or department of the United States Army, Navy, Air Force, Coast Guard or Marine Corps.

"Civilian absentee ballot" means a ballot for use by a civilian absentee voter as prescribed by this act.

"Civilian absentee voter" means any qualified and registered voter of the State who expects to be absent from the State on the day of any election and any qualified and registered voter who will be within the State on the day of any election but because of illness or physical disability, including blindness or pregnancy, or because of the observance of a religious holiday pursuant to the tenets of his religion, or because of resident attendance at a school, college or university, or because of the nature and hours of his employment, will be unable to cast his ballot at the polling place in his election district on the day of the election.

"Election," "general election," "primary election for the general election," "municipal election," "school election," and "special election" shall mean, respectively, such elections as defined in the Title to which this is a supplement (R.S.10:1-1 et seq.).

"Family member" means an adult who is a spouse, parent, child, grandparent, grandchild or sibling of a voter, whether by adoption or natural relationship. It shall also include any adult

occupant regularly living with a voter in any residential building or part of a building intended for the use of no more than one family.

"Incapacitated absentee voter" means a voter who, due to incapacity, is unable to complete his ballot.

"Military service" means active service by any person, as a member of any branch or department of the United States Army, Navy, Air Force, Coast Guard or Marine Corps, or as a member of the maritime or merchant marine service, or as a reservist absent from his place of residence and undergoing training under Army, Navy, Air Force, Coast Guard or Marine Corps direction, at a place other than that of such person's residence.

"Military service voter" means a qualified elector under the Constitution and the laws of this State who comes within one of the following categories:

(a) Persons in the military service and their spouses and dependents.

(b) Patients in a veterans' hospital located in any place other than the place of their residences who have been in the military service in any war in which the United States has been engaged and have been discharged or released from such service.

(c) Civilians attached to or serving with the Armed Forces of the United States without this State and their spouses and dependents when residing with or accompanying them.

"Military service ballot" means a ballot for use by a military service voter as prescribed by this act.

"Member of the maritime or merchant marine service" means any person employed as an officer or crew member of a vessel documented under the laws of the United States, or a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States or enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service as an officer or crew member of any such vessel or any such person as otherwise defined in section 107 of Pub.L. 99-410, the "Uniformed and Overseas Citizens Absentee Voting Act," (42 U.S.C. §1973ff-6).<sup>2</sup>

(cf: P.L.1993, c.73, s.1)

INSERT NEW SECTION 23 TO READ:

<sup>2</sup>23. Section 7 of P.L.1953, c.211 (C.19:57-7) is amended to read as follows:

7. The county clerk of the county, in the case of any Statewide lor) election, countywide election, or school election in a regional or other school district comprising more than one municipality; the clerk of the municipality, in the case of any municipal election; the secretary of the board of education, in the case of any school election] or school election in a school district comprising a single municipality; and the commissioners or other governing or administrative body of the district, in the case of any election to be held in any fire district, road district, sewerage district, street lighting district, water supply district or other special district, other than a municipality, created for specified public purposes within one or more municipalities, shall publish or cause to be published the following notices in substantially the following forms: .

**NOTICE TO MILITARY SERVICE VOTERS AND  
TO THEIR RELATIVES AND FRIENDS**

If you are in the military service, or the spouse or dependent of

a person in military service or are a patient in a veterans' hospital or a civilian attached to or serving with the Armed Forces of the United States without the State of New Jersey, or the spouse or dependent of and accompanying or residing with a civilian attached to or serving with the Armed Forces of the United States, and desire to vote, or if you are a relative or friend of any such person who, you believe, will desire to vote in the ..... (school, municipal, primary, general or other) election to be held on ..... (date of election) kindly write to the undersigned at once making application for a military service ballot to be voted in said election to be forwarded to you, stating your name, age, serial number if you are in military service, home address and the address at which you are stationed or can be found, or if you desire the military service ballot for a relative or friend then make application under oath for a military service ballot to be forwarded to him, stating in your application that he is over the age of 18 years and stating his name, serial number if he is in military service, home address and the address at which he is stationed or can be found.

Military service voters may also apply for a military service ballot by sending a federal postcard application form to the undersigned.

On the application for a military service ballot, military service voters may request that a military service ballot be sent for all subsequent elections held during this calendar year.

(NOTE: MILITARY SERVICE VOTER CLAIMING MILITARY STATION AS HOME ADDRESS FOR VOTING PURPOSES MAY NOT USE MILITARY ABSENTEE BALLOT UNLESS REGISTERED TO VOTE IN THE MUNICIPALITY WHERE SUCH STATION IS LOCATED.)

Forms of application other than federal postcard application forms can be obtained from the undersigned. Dated .....

.....  
(signature and title of county clerk)

.....  
(address of county clerk)

NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE BALLOTS

If you are a qualified and registered voter of the State who expects to be absent outside the State on .....(date of election) or a qualified and registered voter who will be within the State on ..... (date of election) but because of permanent and total disability, or because of illness or temporary physical disability, or because of the observance of a religious holiday pursuant to the tenets of your religion, or because of resident attendance at a school, college, or university, or because of the nature and hours of employment, will be unable to cast your ballot at the polling place in your district on said date, and you desire to vote in the ..... (school, municipal, primary, general, or other) election to be held on ..... (date of election) kindly complete the application form below and send to the undersigned, or write or apply in person to the undersigned at once requesting that a civilian absentee ballot be forwarded to you. Such request must state your home address, and the address to which said ballot should be sent, and must be

signed with your signature, and state the reason why you will not be able to vote at your usual polling place. No civilian absentee ballot will be furnished or forwarded to any applicant unless request therefor is received not less than seven days prior to the election, and contains the foregoing information.

Voters who are permanently and totally disabled shall, after their initial request and without further action on their part, be forwarded an absentee ballot application by the county clerk for all future elections in which they are eligible to vote. Application forms may be obtained by applying to the undersigned either in writing or by telephone, or the application form provided below may be completed and forwarded to the undersigned. Dated .....

(signature and title of county clerk)

.....  
(address of county clerk)

.....  
(Telephone No. of county clerk)

APPLICATION FORM FOR CIVILIAN  
ABSENTEE BALLOT

(Form to be prepared by the Secretary of State pursuant to section 17 of P.L.1977, c.47 (C.19:57-4.1)).

Such notices shall be separately published prior to the 50th day immediately preceding the holding of any election.

Notices relating to any Statewide or countywide election shall be published by the county clerk in at least two newspapers published in the county. All other officials charged with the duty of publishing such notices shall publish the same in at least one newspaper published in each municipality or district in which the election is to be held or if no newspaper be published in said municipality or district, then in a newspaper published in the county and circulating in such municipality, municipalities or district. All such notices shall be display advertisements.<sup>2</sup>  
(cf: P.L.1993, c.73, s.3)

INSERT NEW SECTION 24 TO READ:

<sup>2</sup>24. N.J.S.18A:6-9 is amended to read as follows:

18A:6-9. The commissioner shall have jurisdiction to hear and determine, without cost to the parties, all controversies and disputes arising under the school laws, excepting those governing higher education, or under the rules of the state board or of the commissioner. For the purposes of this Title, controversies and disputes concerning the conduct of school elections shall not be deemed to arise under the school laws.<sup>2</sup>

(cf: N.J.S.18A:6-9)

INSERT NEW SECTION 25 TO READ:

<sup>2</sup>25. Section 16 of P.L.1987, c.399 (C.18A:7A-49) is amended to read as follows:

16. a. The State district superintendent shall annually provide to the commissioner an assessment of the progress of the district toward meeting the requirements necessary for State certification. The commissioner shall formally report to the State board and to the Governor and the Legislature on the district's progress.

b. Based upon the annual assessment of progress and the district's having received State certification, but not sooner than

five years after the establishment of the State-operated school district, the commissioner may recommend to the State board that local control be reestablished.

c. Upon a determination by the State board that local control should be reestablished, the State district superintendent and those members of the superintendent's staff appointed by operation of these laws relating to State-operated school districts shall continue to serve for a one year transition period upon conclusion of which their term of service shall expire without prejudice to the right of the district board of education to reappoint any or all such persons to similar positions within the district.

d. Not more than one year following the reestablishment of local control, the board shall [conduct] call a special election for purposes of placing the question of classification status before the voters of the district, which election shall be conducted in accordance with the provisions of Title 19 of the Revised Statutes concerning school elections.

e. If the voters of the district shall elect to become a type I district, it shall be governed by the provisions of chapter 9 of Title 18A of the New Jersey Statutes relating to type I districts after January 31 next ensuing, unless the district is established in a city of the first class, in which case it shall be governed after June 30 next ensuing. The members of the district board of education at the time of said election shall continue in office until expiration of their respective terms and the qualification in office of their successors.

f. If the voters of the district shall so select that the district shall become a type II district, it shall be governed by the provisions of chapter 9 of Title 18A relating to type II districts and the members of the board of education at the time of said election shall remain and continue in office until the expiration of their respective terms and the qualification of their respective successors.

g. If the commissioner cannot recommend that local control be reestablished in a district five years after the establishment of a State-operated school district, then the commissioner shall provide a comprehensive report to the State board and to the Governor and the Legislature, including a detailed analysis of the causes for the failure of the district to achieve certification and an assessment of the amount of time necessary for the continuation of the State-operated school district. On the basis of that report the State board shall determine whether to continue the State-operated school district or return the district to local control pursuant to this section.<sup>2</sup>

(cf: P.L.1987, c.399, s.16)

INSERT NEW SECTION 26 TO READ:

<sup>2</sup>26. N.J.S.18A:8-20 is amended to read as follows:

18A:8-20. The first board of education of the new district and the first board of education of the remaining district shall each prepare and submit, to the voters of the district, as required by law, the first budgets for said district and they shall make proper provision for [conducting] an election to be conducted, in accordance with the provisions of P.L. , c. (C. ) now pending before the Legislature as this bill), for the members of

the board of education of the district to replace the appointed members of the board, for such terms that three members of the board of the district, as thereafter constituted, will be elected each year, at an annual election to be held in the district at the same time as that on which the next annual election for the original district would have been held [and at appropriate places within the territorial limits of the district to be fixed by said board].<sup>2</sup>

(cf: N.J.S.18A:8-20)

INSERT NEW SECTION 27 TO READ:

<sup>2</sup>27. N.J.S.18A:8-36 is amended to read as follows:

18A:8-36. At all elections [there shall be at least one polling place located within the territorial limits of each of the former constituent school districts and] any appropriation must be authorized by a majority of the total votes cast thereon in all of the territory of the consolidated school district.<sup>2</sup>

(cf: N.J.S.18A:8-36)

INSERT NEW SECTION 28 TO READ:

<sup>2</sup>28. N.J.S.18A:9-10 is amended to read as follows:

18A:9-10. If the membership of the board in any such district so becoming a type II district is less than nine, it shall be increased to nine by the election of added members at the next annual school election, unless the adopting election shall have been held more than 130 days or less than 60 days before the date fixed for such annual school election, in which case they shall be elected at a special school election which shall be called [and held] by the members of the board so holding over, if the adopting election was held more than 130 days before the annual school election, then not less than 60 or more than 70 days after the adopting election, or if the adopting election was held less than 60 days before the annual school election, then not less than 60 or more than 70 days after such annual school election, excluding in each instance from the calculation of the period which will elapse between such 60 and 70 days any period which would elapse between the twenty-first day before and the twenty-first day after any day fixed according to law for the holding of any primary election for the general election or general election or municipal election held within the district.<sup>2</sup>

(cf: P.L.1985, c.92, s.1)

RENUMBER SECTIONS 19 AND 20 AS SECTIONS 29 AND 30

INSERT NEW SECTION 31 TO READ:

<sup>2</sup>31. N.J.S.18A:13-5 is amended to read as follows:

18A:13-5. Elections in regional districts shall be conducted as in other local districts except that [there shall be at least one polling place in each of the constituent districts and] in any such elections, unless otherwise provided by this Title, the total vote of the entire regional district, without regard to the territorial boundaries of the constituent districts, shall be counted in determining the result of the election.

In any case in which a proposal for the creation of a regional district or for the enlargement of a regional district is submitted,



such proposal shall be adopted only if a majority of the votes cast thereon

a. In each of the local districts, other than a consolidated district, proposing to form the regional district,

b. In the consolidated district proposing to form the regional district without regard to the territorial boundaries of the constituent districts, or

c. In the regional district to be enlarged, and in each district proposed to enlarge it,

shall be cast in favor of the adoption of such proposal.<sup>2</sup>

(cf: P.L.1968, c.240, s.1)

INSERT NEW SECTION 32 TO READ:

<sup>2</sup>32. N.J.S.18A:13-10 is amended to read as follows:

18A:13-10. The board of education of each regional district shall provide for the holding, in accordance with the provisions of P.L. , c. (C. )(now pending before the Legislature as this bill), of an annual school election for the regional district on the third Tuesday in April.

At such election there shall be elected for terms of three years, beginning on any day of the first or second week following such election, the members of the regional boards of education to succeed those members of the board whose terms shall expire in that year, except as is in this chapter provided for the election of the first elected members of the board.<sup>2</sup>

(cf: P.L.1992, c.159, s.10)

INSERT NEW SECTION 33 TO READ:

<sup>2</sup>33. N.J.S.18A:13-34 is amended to read as follows:

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

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

(b) a limited purpose regional school district to provide and operate, in the territory comprised within such local districts or district, one or more of the following: elementary schools, junior high schools, high schools, vocational schools, special schools, health facilities or particular educational services or facilities, that board or boards shall by resolution frame and adopt a proposal to that effect stating also the manner in which the amounts to be raised for annual or special appropriations for such proposed regional school district, including the amounts to be raised for interest upon, and the redemption of bonds payable by the regional district, shall be apportioned upon the basis of:

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

b. the proportional number of pupils enrolled from each municipality on the 15th day of October of the prebudget year in

the same manner as would apply if each municipality comprised separate constituent school districts; or

c. any combination of apportionment based upon equalized valuations pursuant to subsection a. of this section or pupil enrollments pursuant to subsection b. of this section, and each such board shall call for, and conduct, upon the same day,) a special school election to be held upon the same day in each municipality in its district and shall submit thereat the question whether or not the proposal shall be approved, briefly describing the contents of the resolution and stating the date of its adoption and they may submit also, at the special election, as part of such proposal, any other provisions which may be submitted, at such a special election, under the provisions of this chapter but no such special election shall be held on any day before April 15 or after December 1 of any calendar year. Except as otherwise provided herein, the special election shall be conducted in accordance with the provisions of P.L. , c. (C. ) (now pending before the Legislature as this bill).<sup>2</sup>

(cf: P.L.1993, c.67, s.2)

INSERT NEW SECTION 34 TO READ:

<sup>2</sup>34. N.J.S.18A:17-7 is amended to read as follows:

18A:17-7. The secretary shall give notice of all regular or special meetings of the board to the members thereof ~~(and post~~ and give notice of annual and special elections of the legal voters of the district required by law to be held and of the object or objects for which the election is called. ~~Record~~ record the minutes of all proceedings of the board and the results of any annual or special school election in suitable minute books.<sup>2</sup>

(cf: N.J.S.18A:17-7)

RENUMBER SECTIONS 21 THROUGH 24 AS SECTIONS 35 THROUGH 38

STATEMENT

These amendments to this bill, which transfers responsibility for the conduct of school elections from boards of education to the officials responsible for conducting other elections under New Jersey's election code (Title 19 of the Revised Statutes), make numerous technical changes in the provisions of the education and elections statutes to provide more completely and explicitly for the effectuation of the purposes of the legislation.

In addition, the amendments make certain substantive changes in the bill to: (1) postpone the deadline for certification by the secretary of the board of education to the county clerk of any public question to be voted upon in a school election from the 48th day to the 10th preceding the election, so as to accommodate the board's inability to finalize the school budget question until it receives certification of State aid; (2) postpone accordingly the date by which sample ballots are required to be available for distribution; (3) conform the deadlines applicable to the

initiation and disposition of school election-related disputes to the candidates' filing deadline as revised under Assembly committee amendments to section 7; and (4) clarify that jurisdiction over school election-related disputes is removed from the Commissioner of Education and State Board of Education, so that such disputes will be handled in the same manner as those arising with respect to other elections.

LEGISLATIVE FISCAL ESTIMATE TO

[SECOND REPRINT]

**ASSEMBLY, No. 1705**

**STATE OF NEW JERSEY**

DATED: July 20, 1995

Assembly Bill No. 1705 (2R) of 1994 transfers the jurisdiction of conducting school board elections from the local boards of education to the county boards of election. The bill requires school districts to continue to pay the costs of conducting district elections, which includes compensating poll workers and reimbursing the county board and county clerk for expenses incurred to conduct such elections. The bill shifts the responsibility of notifying the public and conducting the drawing for ballot position from the school board secretary to the county board of elections. The bill also requires that poll lists, instead of signature comparison records, be used to record the vote. Under current law, poll lists are required during general elections but are optional for school board elections.

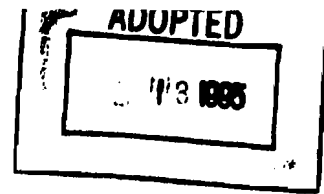
The bill permits the county boards of elections to appoint poll workers from among members of the district boards of elections. The bill increases the staffing requirements from two to four poll workers at polling places in election districts comprised of more than 900 resident voters and that use an electronic voting system. In addition, the bill requires that sample ballots for school elections be distributed in all school districts, instead of only in special needs districts with a 1980 population exceeding 300,000, as under present law. Sample ballots and poll lists are presently required to be used for each general election.

The Division of Elections in the Department of State, multiplied the State's 3,852,573 registered voters by a sample ballot cost of 25 cents each to estimate the additional cost to the State's school districts of implementing this bill at \$963,143 a year. Of the 25 cent ballot cost, the division estimates a cost of 19 cents for bulk rate mailing and six cents for printing and handling. The Office of Legislative Services (OLS) concurs with the division's estimate but notes that it does not reflect that ballots are presently mailed to approximately 90,000 registered voters in the Newark district. After making this adjustment, OLS estimates the total cost to school districts of mailing ballots under this bill at approximately \$941,000.

OLS further notes that the school districts may incur additional costs in complying with this bill. According to the division, certain school districts of more than 900 voters and utilizing an electronic voting system would be required to increase the number of poll workers per election district from two to four. In addition, the bill requires that county boards of elections to maintain poll lists. Information is not readily available to permit an estimate of these additional costs.

This fiscal estimate has been prepared pursuant to P.L. 1980. ....

ASSEMBLY BILL NO. 1705  
(Second Reprint)



To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 1705 (Second Reprint) with my recommendations for reconsideration.

A. Summary of Bill

The purpose of this bill is to increase voter participation and confidence in school elections by conforming the school election process to the general election process. The school election date remains the third Tuesday in April.

I fully support the goals of this legislation and the sponsors should be commended for their work on this bill. The school elections are an important vehicle for ensuring accountability in terms of both the quality and efficiency of the education provided by our public schools. However, I have been informed by the county clerks that the timeframes established in the bill for printing and distribution of sample ballots and absentee ballots are likely to result in sample ballots not reaching the voters until after the election and absentee ballots not being timely returned both of which may undermine the credibility of the election process. The county clerks have also indicated that certain administrative election functions are most effectively performed by local school boards.

B. Recommended Action

I recommend that the bill be modified to provide the county clerks with additional time to print and distribute sample ballots and absentee ballots and to make changes to the school budget process necessitated thereby. In order for the bill to apply to the 1996

school elections, I also recommend that the effective date of the legislation be changed to allow for application to the April 1996 school election. Finally, in order to ease the administrative burden on the counties, I recommend that the school boards be responsible for the issuance and filing of candidate nominations and drawings.

I recognize that school boards, county clerks, boards of election and the Department of Education will be hard pressed to meet the timelines set forth in the bill. However, the goals of the bill are of great importance to the citizens of this State and I am confident that these challenges can be met with the cooperation and dedication of all involved.

Therefore, I herewith return Assembly Bill No. 1705 (Second Reprint) and recommend that it be amended as follows:

- Page 1, Section 1, Line 13: After "local school boards" insert ", county clerks and boards of elections"
- Page 2, Section 4, Line 19: After "than" insert "10 o'clock a.m. of"; delete "10th" and insert "17th"
- Page 2, Section 5, Lines 29-30: Delete "clerk of the county in which the district is situated" and insert "secretary of the board of education"
- Page 3, Section 7, Lines 17-18: Delete "clerk of the county in which the district is situated" and insert "secretary of the board of education"
- Page 3, Section 7, Line 26: Delete "clerk of the county" and insert "secretary of the board of education"
- Page 3, Section 7, Line 28: Delete "clerk" and insert "secretary of the board of education"
- Page 3, Section 7, Lines 35-36: Delete "county clerk, the clerk shall file his" and insert "secretary of the board of education, the board of education shall file its"

- Page 3, Section 8, Lines 48-49: Delete "county clerk of the county in which the school district is situated" and insert "secretary of the board of education"
- Page 3, Section 8, Lines 52-53: Delete "county clerk or the clerk's deputy" and insert "secretary of the board of education"
- Page 4, Section 8, Line 22: New paragraph to read "The secretary of the board of education shall, within 2 days following the drawing, certify to the county clerk the results of the drawing."
- Page 4, Section 9, Line 51: Delete "10 o'clock a.m. of the eighth" and insert "the 17th"
- Page 5, Section 10, Lines 21-25: After "election" delete from "; except that" to "be held"
- Page 5, Section 12, Line 41: After "elections" insert ", the county superintendent of elections"
- Page 5, Section 12, Line 43: After "district." insert "All costs, charges and expenses submitted to the board of education for payment shall be itemized and shall include the separate identification of costs to prepare, print and distribute sample ballots."
- Page 22, Line 23: Before Section 35 insert new sections as follows:
35. Section 21 of P.L. 1990, c. 52 (C.18A:7D-26) is amended to read as follows:
- Annually, within [seven] two days following the transmittal of the budget message to the Legislature by the Governor pursuant to section 11 of P.L. 1944, c. 112 (C.52:27B-20), the commissioner shall notify each district of the maximum amount of aid payable to the district under the provisions of P.L. 1990, c. 52 (C.18A:7D-1 et al.) in the succeeding year and shall notify each district that is subject to the provisions of section 85 of

P.L. 1990, c. 52 (C.18A:7D-28) of the district's maximum permissible local levy budget for the succeeding year. The actual aid payment to each district shall be determined after the district's budget is adopted.

36. Section 22 of P.L. 1990, c. 52 (C.18A:7D-27) is amended to read as follows:

22. Annually, on or before March [8] 4, local boards of education shall submit to the commissioner a copy of their proposed budgets for the next school year. The commissioner shall review each item of appropriation within the current expense and capital outlay sections of the general fund budget and shall determine the adequacy of the budget with regard to the annual reports submitted pursuant to section 11 of P.L. 1975, c. 212 (C.18A:7A-11) and such other criteria as may be established by the State board.

37. N.J.S. 18A:22-7 is amended to read as follows:

The board of education of every school district having a board of school estimate shall prepare and deliver to each member of the board of school estimate, on or before [the fourth Tuesday in] March 22 in each year, and the board of education of every other school district shall prepare a budget for the school district for the ensuing year, on or before [the fourth Tuesday in] March 22.

38. Section 17 of P.L. 1987, c. 399 (C.18A:7A-50) is amended to read as follows:

17. The State district superintendent of a State-operated school district shall develop a budget on or before [the fourth Tuesday in] March 22 and shall present this budget to the board of education to elicit the board's comments and recommendations. This budget shall conform in all respects with the requirements of



chapter 22 of Title 18A of the New Jersey Statutes and shall be subject to the limitations on spending by local school districts otherwise required by P.L. 1990, c. 52 (C.18A:7D-1 et al.)

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

Upon the preparation of its budget, each board of education shall fix a date, place and time for the holding of a public hearing upon said budget and the amounts of money necessary to be appropriated for the use of the public schools for the ensuing school year and the various items and purposes for which the same are to be appropriated. In districts having a board of school estimate, the hearing shall be held before the board of school estimate between [the fourth Tuesday in] March 22 and [April 8] March 29 and in districts having no board of school estimate the hearing shall be held before the board of education between [the fourth Tuesday in] March 22 and [April 8] March 29.

40. Section 18 of P.L. 1987, c. 399 (C.18A:7A-51) is amended to read as follows:

Upon the preparation of its budget, the State district superintendent shall fix a date, place and time for the holding of a public hearing upon the budget and the amounts of money necessary to be appropriated for the use of the public schools for the ensuing school year, and the various items and purposes for which the same are to be appropriated, which hearing shall be held between [the fourth Tuesday in] March 22 and [April 8] March 29. Notice of the hearing, contents of the notice and the format and purpose of the hearing shall be as provided in N.J.S. 18A:22-11, N.J.S. 18A:22-12 and N.J.S. 18A:22-13.

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

The board of education shall cause notice of such public hearing and the statement annexed to the budget to be published at least once in at least one newspaper published in the district and if no newspaper be published therein, then in at least one newspaper circulating in said district not less than [seven] four days prior to the date fixed for such public hearing.

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

At or after the public hearing on the budget but not later than [12] 18 days prior to the election, the board of education of each type II district having no board of school estimate shall fix and determine by a recorded roll call majority vote of its full membership the amount of money to be voted upon by the legal voters of the district at the annual election, which sum or sums shall be designated in the notice calling such election as required by law.

43. Section 3 of P.L. 1995, c. 236 (C.18A:7E-3) is amended to read as follows:

a. Any school district whose budgeted per pupil administrative spending for the preceding school year exceeds the median budgeted per pupil administrative spending for the preceding school year for districts of the same operating type by the percentage indicated in subsection c. of this section shall have its school aid reduced by the dollar amount of the excess. The penalty shall not exceed 10% of the district's budgeted administrative spending. All school districts shall be notified of their per pupil administrative costs and the applicable median per pupil cost by October 1 of the year preceding the affected year, and any adjustments caused by subsequent restorations of municipal

reductions or proposals to exceed the permissible maximum net budget shall be made no later than November 1 of that year.

b. Administrative spending shall include expenditures for improvement of instruction services and other support services - instructional staff; support services-general administration general administration; support services-school administration; business and other support services, including salaries, purchased professional services, purchased technical services, other purchased services, supplies and materials, interest on current loans, and miscellaneous expenditures; and the prorata share of fringe benefits for salaries included in the preceding share of Social Security, pension payments other than for the Teachers' Pension and Annuity Fund, unemployment categories for the employer's compensation, and other generally recognized employee benefits. Administrative spending shall not include expenditures for in-service teacher training and professional development or for the preparation, printing and mailing of sample ballots. The amount of any judgments against the school district shall be deducted from the total amount of expenditures. All expenditures shall be based originally upon the district's budgeted data of the preceding year and adjusted in the subsequent year based upon audited data; however, the median budgeted per pupil administrative spending calculated for districts of the same operating type pursuant to subsection a. of this section shall not be recalculated.

c. The percentage shall equal 129% in the first year of implementation, 128% in the second year, 127% in the third year, 126% in the fourth year and 125% in the fifth year and each succeeding year.

d. A school district may appeal a penalty imposed pursuant to this section to the Commissioner of Education. The appeal shall be based on the following factors:

(1) an error made by the Department of Education in calculating the administrative spending of the school district;

(2) an error made by the school district in reporting data to the department;

(3) costs associated with services provided by a school district to other districts in joint educational or service arrangements other than a sending-receiving relationship; and

(4) any other factor deemed appropriate by the commissioner.

Pages 22-23:

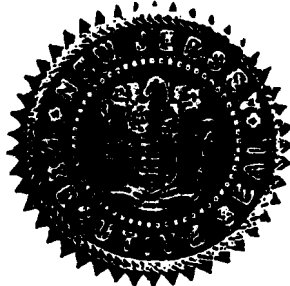
Renumber Sections 35, 36, 37 and 38 as Sections 44, 45, 46 and 47.

Page 23, Section 38, Line 32:

Delete "180" and insert "90"

Respectfully,

Christine Todd Whitman  
Governor



Attest:

Margaret M. Foti  
Chief Counsel to the Governor