

[First Reprint]

**ASSEMBLY, No. 4394**

**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

INTRODUCED DECEMBER 1, 2011

**Sponsored by:**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Camden)**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

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**District 7 (Burlington and Camden)**

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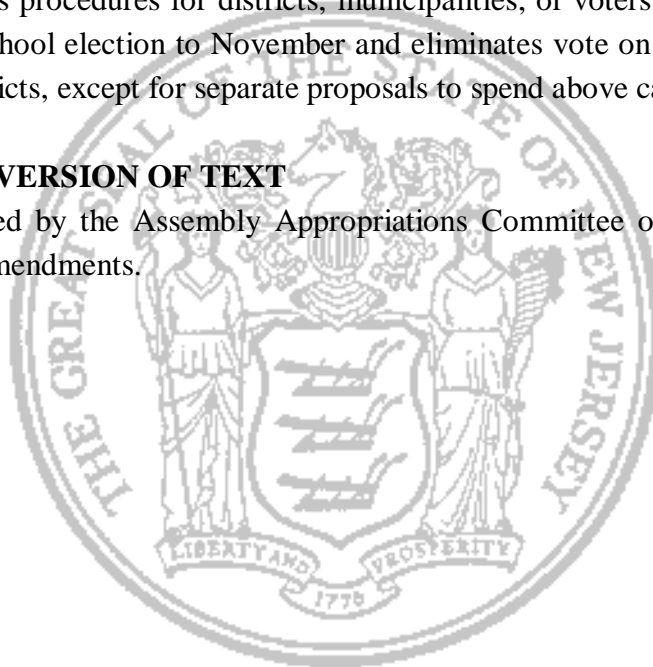
**Assemblyman O'Scanlon**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on December 8, 2011, with amendments.



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

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

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

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

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

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

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

**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 AAP committee amendments adopted December 8, 2011.

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

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

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

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

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

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

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

1 of the annual school election to the third Tuesday in April. In the  
2 event that all the constituent districts approve moving the date of  
3 the election, then the date of the annual school election for the  
4 limited purpose regional school district shall also be conducted on  
5 the third Tuesday in April.

6

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

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

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

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

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

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

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

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

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

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

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

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

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

1 education. Notwithstanding the provisions of this subsection to the  
2 contrary, the commissioner may adjust the date for the submission  
3 of district budgets if the commissioner determines that the  
4 availability of preliminary aid numbers for the subsequent school  
5 year warrants such adjustment.

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

10 (1) the district's advertised per pupil administrative costs for the  
11 2004-2005 school year inflated by the cost of living or 2.5 percent,  
12 whichever is greater; or

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

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

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

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

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

43 d. (1) A [district shall submit, as appropriate, to the board of  
44 school estimate or to the voters of the district at the annual school  
45 budget election conducted pursuant to the provisions of P.L.1995,  
46 c.278 (C.19:60-1 et al.), a] district's general fund tax levy [which  
47 does] shall not exceed the district's adjusted tax levy as calculated

1 pursuant to sections 3 and 4 of P.L.2007, c.62 (C.18A:7F-38 and  
2 18A:7F-39).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

19  
20 3. Section 4 of P.L.2007, c.62 (C.18A:7F-39) is amended to  
21 read as follows:

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

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

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

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

40 (2) All proposals to increase the tax levy submitted pursuant to  
41 this subsection shall include interpretive statements specifically  
42 identifying the program purposes for which the proposed funds  
43 shall be used and a clear statement on whether approval will affect  
44 only the current year or result in a permanent increase in the levy.  
45 The proposals shall be submitted and approved pursuant to sections  
46 5 and 6 of P.L.1996, c.138 (C.18A:7F-5 and 18A:7F-6).

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

1 e. A school district that has not been granted approval to  
2 exceed the cap pursuant to subsection c. of this section, may add to  
3 its adjusted tax levy in any one of the next three succeeding budget  
4 years, the amount of the difference between the maximum  
5 allowable amount to be raised by taxation for the current school  
6 budget year and the actual amount to be raised by taxation for the  
7 current school budget year.

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

9

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

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

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

24

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

26 18A:8-36. At **[all elections]** any election in which an  
27 appropriation must be authorized [by], a majority of the total votes  
28 cast thereon in all of the territory of the consolidated school district  
29 shall be necessary for the authorization.

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

31

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

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

1 for the holding of any primary election for the general election or  
2 general election or municipal election held within the district].

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

4

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

6 18A:10-3. Each board of education shall organize annually at a  
7 regular meeting held not later than at 8 p.m. at which time new  
8 members shall take office:

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

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

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

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

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

21

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

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

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

46 If there are more than nine constituent districts, the members on  
47 the board shall be apportioned among the constituent districts and  
48 the weight of their votes in all proceedings of the board shall be

1 determined by the appropriate executive county superintendent or  
2 superintendents through the following procedure:

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

6 b. A representative ratio shall be calculated by adding the  
7 number of inhabitants of all constituent districts and dividing the  
8 sum by the board size.

9 c. All constituent districts shall be listed in ascending order of  
10 their number of inhabitants. If the first constituent district in said  
11 list has a number of inhabitants which is less than the representative  
12 ratio, it shall be combined with the constituent district contiguous to  
13 it having the smallest number of inhabitants. This process shall be  
14 repeated for each successively larger constituent district or  
15 combination of constituent districts until all remaining constituent  
16 districts or combinations of constituent districts shall have a number  
17 of inhabitants equal to, or exceeding the representative ratio. The  
18 districts formed in this manner shall be known as representative  
19 districts.

20 d. There shall be established a priority list according to the  
21 method of equal proportions for the apportionment of the members  
22 of the regional district board of education among the representative  
23 districts.

24 e. The members of the regional district board of education shall  
25 be apportioned among the representative districts according to the  
26 method of equal proportions, and where a representative district is  
27 composed of more than one constituent district, members shall be  
28 elected at large from within the representative district.

29 f. The number of inhabitants of each representative district  
30 shall be divided by the number of members assigned to that district  
31 to find the number of inhabitants per members.

32 g. The vote to be cast by each member of the regional district  
33 board of education in all proceedings of the board shall be  
34 determined by dividing the number of inhabitants per member in the  
35 representative district from which the member is elected by the  
36 representative ratio for the regional district, and rounding off the  
37 quotient to the nearest tenth of a full vote.

38 Wherever any statute or bylaw of the board requires decision in  
39 any matter by vote of a majority of the board members, or of the  
40 members present, this shall be interpreted as meaning a majority of  
41 the weighted votes of all members, or of the members present, as  
42 the case may be.

43 h. Whenever the above reapportionment procedure is used for a  
44 regional district having more than nine constituent districts, the  
45 terms of office of all incumbent board of education members shall  
46 terminate on the day on which the annual organization meeting of  
47 the board is held pursuant to N.J.S.18A:13-12 following  
48 certification by the executive county superintendent of the

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

15 If any constituent district is a consolidated district, or a district  
16 composed of two or more municipalities, and

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

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

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

29

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

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

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

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

46

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

48 18A:13-12. The board shall hold a regular meeting forthwith

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

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

17

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

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

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

31

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

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

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

46

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

48 18A:13-17. a. The regional board of education shall, at each

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

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

21

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

23 18A:13-19. If the voters reject any of the items submitted at the  
24 annual April school election, within two days thereafter the board  
25 of education of the regional district shall certify to the governing  
26 body of each municipality, included within the regional district, the  
27 item or items so rejected, and such governing bodies, after  
28 consultation with the board, and no later than May 19 shall  
29 determine the amount or amounts for the ensuing school year and  
30 cause the same to be certified by the respective municipal clerks to  
31 the board of education of the regional district. The board and the  
32 governing bodies shall follow the procedures established in section  
33 5 of P.L.1996, c.138 (C.18A:7F-5) and N.J.S.18A:22-37.  
34 (cf: P.L.1996, c.138, s.48)

35

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

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

1 for school purposes, and the appropriations of the funds necessary  
2 to carry out the same and the authorization of the issuance and sale  
3 of bonds in order to provide for the payment therefor in whole or in  
4 part and the calling and holding of special elections when necessary  
5 for any such purposes and to carry out any or all of said purposes.

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

7

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

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

37 (cf: N.J.S.18A:13-46)

38

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

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



1 board shall fix his compensation; provided, however, that the  
2 secretary shall not receive compensation from the board for any  
3 period during which he is an elected or appointed member of the  
4 board.

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

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

12

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

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

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

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

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

2 18A:22-32. At or after the public hearing on the budget but not  
3 later than 18 days prior to the April school election, the board of  
4 education of each type II district having no board of school estimate  
5 shall fix and determine by a recorded roll call majority vote of its  
6 full membership the amount of money to be raised pursuant to  
7 section 5 of P.L.1996, c.138 (C.18A:7F-5) and any additional  
8 **[amounts]** funds to be voted upon by the legal voters of the district  
9 at the **[annual]** April or November school election pursuant to  
10 paragraph (9) of subsection d. of section 5 of that act, which sum or  
11 sums shall be designated in the notice calling the election as  
12 required by law.

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

14

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

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

1 the surplus account to be applied towards the district's budget. The  
2 amount re-certified shall be included in the taxes assessed, levied  
3 and collected in the municipality or municipalities comprising the  
4 district.

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

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

31

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

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

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

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

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

10

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

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

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

27

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

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

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

42

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

44       19:1-1. As used in this Title:

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

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

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

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

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

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

14 "Municipality" includes any city, town, borough, village, or  
15 township.

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

19 "Public office" includes any office in the government of this  
20 State or any of its political subdivisions filled at elections by the  
21 electors of the State or political subdivision.

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

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

32 "Party office" means the office of delegate or alternate to the  
33 national convention of a political party or member of the State,  
34 county or municipal committees of a political party.

35 "Masculine" includes the feminine, and the masculine pronoun  
36 wherever used in this Title shall be construed to include the  
37 feminine.

38 "Presidential year" means the year in which electors of President  
39 and Vice-President of the United States are voted for at the general  
40 election.

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

44 "District board" means the district board of registry and election  
45 in an election district.

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

47 "Superintendent" means the superintendent of elections in  
48 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.2011, c.134, s.1)

7

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

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

22 b. Such notice shall set forth:

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

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

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

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

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

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

44 (f) In the case of the notice published during the calendar week  
45 next preceding the week in which the primary election is held, that  
46 a voter who, prior to the election, shall have moved within the same  
47 county without (i) filing, on or before the 21st day preceding the  
48 election, a notice of change of residence with the commissioner of

1 registration of the county or the municipal clerk of the municipality  
2 in which the voter resides on the day of the election, (ii) returning  
3 the confirmation notice sent to the voter by the commissioner of  
4 registration of the county, if such a notice has been sent to the voter,  
5 or (iii) otherwise notifying the commissioner of registration of the  
6 voter's change of address within the county shall be permitted to  
7 correct the voter's registration and to vote in the primary election by  
8 provisional ballot at the polling place of the district in which the  
9 voter resides on the day of the election. The notice shall further  
10 provide that the voter may contact the county commissioner of  
11 registration or municipal clerk to determine the proper polling place  
12 location for the voter.

13 (2) For the general election:

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

17 (b) The place or places at which and hours during which a  
18 person may register, the procedure for transfer of registration, and  
19 the date on which the books are closed for registration or transfer of  
20 registration.

21 (c) The several State, county and municipal offices, and where  
22 applicable, school board offices to be filled, notice of any school  
23 district propositions to be submitted to the people and, except as  
24 provided in R.S.19:14-33 of this Title as to publication of notice of  
25 any Statewide proposition directed by the Legislature to be  
26 submitted to the people, the State, county and municipal public  
27 questions to be voted upon at such general election.

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

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

35 (f) In the case of the notice published during the calendar week  
36 next preceding the week in which the general election is held, that a  
37 voter who, prior to the election, shall have moved within the same  
38 county without (i) filing, on or before the 21st day preceding the  
39 election, a notice of change of residence with the commissioner of  
40 registration of the county or the municipal clerk of the municipality  
41 in which the voter resides on the day of the election, (ii) returning  
42 the confirmation notice sent to the voter by the commissioner of  
43 registration of the county, if such a notice has been sent to the voter,  
44 or (iii) otherwise notifying the commissioner of registration of the  
45 voter's change of address within the county shall be permitted to  
46 correct the voter's registration and to vote in the general election by  
47 provisional ballot at the polling place of the district in which the  
48 voter resides on the day of the election. The notice shall further

1 provide that the voter may contact the county commissioner of  
2 registration or municipal clerk to determine the proper polling place  
3 location for the voter.

4 (3) For a school election:

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

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

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

9 (d) That a voter who, prior to the election, shall have moved  
10 within the same county without (i) filing, on or before the 21st day  
11 preceding the election, a notice of change of residence with the  
12 commissioner of registration of the county or the municipal clerk of  
13 the municipality in which the voter resides on the day of the  
14 election, (ii) returning the confirmation notice sent to the voter by  
15 the commissioner of registration of the county, if such a notice has  
16 been sent to the voter, or (iii) otherwise notifying the commissioner  
17 of registration of the voter's change of address within the county  
18 shall be permitted to correct the voter's registration and to vote in  
19 the school election by provisional ballot at the polling place of the  
20 district in which the voter resides on the day of the election,

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

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

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

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

34 (2) All offices to be filled, or nominations made therefor, or  
35 public questions to be voted upon, by the voters of the entire State  
36 or of the entire county shall be set forth in a newspaper or  
37 newspapers which, singly or in combination, have general  
38 circulation throughout the county;

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

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

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



1 f. The cost of publishing the notices required by this section  
2 shall be paid by the respective counties, unless otherwise provided  
3 for by law.

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

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

11  
12 26. R.S.19:14-4 is amended to read as follows:

13 19:14-4. In the center of the ballot immediately below the  
14 perforated line shall be printed in bold-faced type the words  
15 "Official general election ballot." Below these words and extending  
16 across the ballot shall appear the words: "Name of (municipality),  
17 ..... ward, ..... school district (if applicable),  
18 ..... election district, ..... date of election,  
19 ..... John Doe, county clerk." The blank spaces shall be  
20 filled in with the name of the proper municipality, the ward and  
21 district numbers and the date of the election. For school elections  
22 the name of the school district and of the municipality or  
23 municipalities comprising the district shall also be indicated  
24 thereon. The name of the county clerk shall be a facsimile of his  
25 signature. Below the last stated words extending across the ballot  
26 and at the extreme left shall be printed the words "Instructions to  
27 the voter," and immediately to the right there shall be a bracket  
28 embracing the following instructions numbered consecutively:

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

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

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

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

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

46 (6) Do not mark this ballot in any other manner than above  
47 provided for and make no erasures. Should this ballot be wrongly  
48 marked, defaced, torn or any erasure made thereon or otherwise

1 rendered unfit for use return it and obtain another. In presidential  
2 years, the following instructions shall be printed upon the general  
3 election ballot:

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

8 Below the above-stated instructions and information and, except  
9 when compliance with [section 19:14-15 of this Title] R.S.19:14-  
10 13 as to Statewide propositions otherwise requires, three inches  
11 below the perforated line and parallel to it, there shall be printed a  
12 six-point diagram rule extending across the ballot to within not less  
13 than a half inch to the right and left edges of the paper.

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

15

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

17 19:14-8. In the columns of each of the political parties which  
18 made nominations at the next preceding primary election to the  
19 general election and in the personal choice column, within the space  
20 between the two-point hair line rules, there shall be printed the title  
21 of each office to be filled at such election, except as hereinafter  
22 provided.

23 Such titles of office shall be arranged in the following order:  
24 electors of President and Vice-President of the United States;  
25 member of the United States Senate; Governor; member of the  
26 House of Representatives; member of the State Senate; members of  
27 the General Assembly; county executive, in counties that have  
28 adopted the county executive plan of the "Optional County Charter  
29 Law," P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk;  
30 surrogate; register of deeds and mortgages; county supervisor;  
31 members of the board of chosen freeholders; coroners; mayor and  
32 members of municipal governing bodies, and any other titles of  
33 office. Candidates for members of a school board shall be listed in  
34 a section of the ballot that is clearly separate from the section  
35 featuring other candidates. Above each of such titles of office,  
36 except the one at the top, shall be printed a two-point diagram rule  
37 in place of the two-point hair line rule. Below the titles of such  
38 offices shall be printed the names of the candidates for the offices.

39 The arrangement of the names of candidates for any office for  
40 which more than one are to be elected shall be determined in the  
41 manner hereinafter provided, as in the case of candidates nominated  
42 by petition.

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

46 Immediately to the left of the name of each candidate, at the  
47 extreme left of each column, including the personal choice column,  
48 shall be printed a square, one-quarter of an inch in size, formed by

1 two-point diagram rules. In the personal choice column no names  
2 of candidates shall be printed.

3 To the right of the title of each office in the party columns and  
4 the personal choice column shall be printed the words "Vote for,"  
5 inserting in words the number of persons to be elected to such  
6 office.

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

8

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

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

14 Such titles of office shall be arranged in the following order:  
15 electors of President and Vice-President of the United States;  
16 member of the United States Senate; Governor and Lieutenant  
17 Governor; member of the House of Representatives; member of the  
18 State Senate; members of the General Assembly; county executive,  
19 in counties that have adopted the county executive plan of the  
20 "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et  
21 seq.); sheriff; county clerk; surrogate; register of deeds and  
22 mortgages; county supervisor; members of the board of chosen  
23 freeholders; coroners; mayor and members of municipal governing  
24 bodies; members of the school board, when appropriate, and any  
25 other titles of office.

26 Above each of the titles of office, except the one on the top, shall  
27 be printed a two-point diagram rule in place of the two-point hair  
28 line rule. Below the titles of each of the offices shall be printed the  
29 names of each of the candidates for each of such offices followed  
30 by the designation or designations mentioned in the petitions filed.

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

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

39 To the right of the title of each office shall be printed the words  
40 "Vote for " inserting in words the number of candidates to be  
41 elected to such office.

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

43

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

45 19:14-16. The words to be printed on the perforated coupon  
46 shall be printed in twelve-point bold-faced capital letters and the  
47 figures in eighteen and twenty-two-point bold-faced type. At the  
48 head of the ballot the words "Official General Election Ballot" shall

1 be printed in at least thirty-point bold-faced capital letters. The  
2 name of municipality, ward, school district, election district, and  
3 date, as appropriate, shall be printed in twelve-point bold-faced  
4 capital letters. The words "Instructions to the voter" shall be  
5 printed in twelve-point bold-faced capitals and small letters, while  
6 the instructions embraced within the brackets shall be printed in  
7 eight-point bold-faced capital and small letters. The column  
8 designations shall be printed in eighteen-point bold-faced capital  
9 letters and the accompanying instructions shall be printed in eight-  
10 point capitals and small letters. The titles of office and  
11 accompanying instructions shall be printed in ten-point bold-faced  
12 capital and small letters. When there is no nomination made at the  
13 primary for an office, the title shall be printed in the space where  
14 such title should appear, and the words "No Nomination Made" in  
15 type large enough to fill the entire space or spaces shall be printed  
16 therein. The names of all candidates shall be printed in ten-point  
17 capital letters. The designations following the candidates' names in  
18 the nomination by petition column or columns shall be printed in  
19 ten-point capitals and small letters, except that where they overrun  
20 the space within the column the designations may be abbreviated,  
21 and all spaces between the two-point hair line rules not occupied by  
22 the titles of office and names of candidates shall be printed in with  
23 scroll or filling to guide the voter against wrongly marking the  
24 ballot. On the foot of the ballot the words "Public Questions to be  
25 Voted Upon" shall be printed in eighteen-point bold-faced capital  
26 letters. The accompanying instructions shall be printed in eight-  
27 point capital and small letters. The public questions to be voted  
28 upon shall be printed in ten-point capital and small letters, and the  
29 words "Yes" and "No" shall be printed in twelve-point bold-faced  
30 capital letters.

31 (cf: R.S.19:14-16)

32

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

34 19:14-22. The official general election sample ballots shall be as  
35 nearly as possible facsimiles of the official general election ballot to  
36 be voted at such election and shall have printed thereon, after the  
37 words which indicate the number of the election district for which  
38 such sample ballots are printed, the name of the school district,  
39 when appropriate, the street address or location of the polling place  
40 in the election district, the hours between which the polls shall be  
41 open, and shall be printed on paper different in color from the  
42 official general election ballot, and have the following words  
43 printed in large type at the top: "This ballot cannot be voted. It is a  
44 sample copy of the official general election ballot used on election  
45 day."

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

47

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

1 19:15-2. The district boards shall open the polls for such  
2 election at 6:00 A.M. and close them at 8:00 P.M., and shall keep  
3 them open during the whole day of election between these hours;  
4 except that for a school election held at a time other than at the time  
5 of the general election the polls shall be open between the hours of  
6 5:00 P.M. and 9:00 P.M. and during any additional time which the  
7 school board may designate between the hours of 7:00 A.M. and  
8 9:00 P.M.

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

13 At no time from the opening of the polls to the completion of the  
14 canvass shall there be less than a majority of the board present in  
15 the polling room or place, except that during a school election held  
16 at a time other than at the time of the general election there shall  
17 always be at least one member of each district election board  
18 present or if more than two district board members are designated to  
19 serve at the polling place, at least two members present.

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

21

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

23 19:45-6. The compensation of each member of the district  
24 boards for all services performed by them under the provisions of  
25 this Title shall be as follows:

26 In all counties, for all services rendered including the counting of  
27 the votes, and in counties wherein voting machines are used, the  
28 tabulation of the votes registered on the voting machines, and the  
29 delivery of the returns, registry binders, ballot boxes and keys for  
30 the voting machines to the proper election officials, \$200 each time  
31 the primary election, the general election or any special election is  
32 held under this Title; provided, however, that:

33 a. (1) The member of the board charged with the duty of  
34 obtaining and signing for the signature copy registers shall receive  
35 an additional \$12.50 per election, such remuneration being limited  
36 to only one board member per election, or \$6.25 to each of two  
37 board members if they share such responsibility for the signature  
38 copy registers, and (2) the member of the board charged with the  
39 duty of returning the signature copy registers shall receive an  
40 additional \$12.50 per election, such remuneration being limited to  
41 only one board member per election, or \$6.25 to each of two board  
42 members if they share such responsibility for the signature copy  
43 registers;

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

1 c. In counties wherein voting machines are used no  
2 compensation shall be paid for any services rendered at any special  
3 election held at the same time as any primary or general election.  
4 Such compensation shall be in lieu of all other fees and payments;  
5 and

6 d. Compensation for district board members serving at a school  
7 election held at a time other than the time of the general election  
8 shall be paid by the board of education of the school district  
9 conducting the election at an hourly rate of \$5.77, except that the  
10 board of education may compensate such district board members at  
11 a pro-rated hourly rate consistent with the daily rate up to a  
12 maximum of \$14.29. The provisions of subsections a., b., and c. of  
13 this section shall also apply to district board members serving at a  
14 school election held at a time other than at the time of the general  
15 election, except that in the case of subsection b., the compensation  
16 shall be at an hourly rate of \$3.85.

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

23

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

26 1. a. **[An]** Except as otherwise provided in this section, an  
27 annual school election shall be held in [each] a type II district on  
28 the third Tuesday in April. However, in any school year, the  
29 Commissioner of Education shall make any adjustments to the  
30 school budget and election calendar which may be necessary to  
31 change the annual school election date or any other school budget  
32 and election calendar date if that date coincides with a period of  
33 religious observance that limits significantly the usual activities of  
34 the followers of a particular religion or that would result in  
35 significant religious consequences for such followers. The  
36 commissioner shall inform local school boards, county clerks and  
37 boards of elections of these adjustments no later than the first  
38 working day in January of the year in which the adjustments are to  
39 occur.

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

43 An annual school election shall be held simultaneously with the  
44 general election on the first Tuesday after the first Monday in  
45 November in school districts in which the annual school election  
46 has been moved to that date pursuant to subsection a. of section 1 of  
47 P.L. , c. (C. ) (pending before the Legislature as this bill). The  
48 annual school election in November shall be for the purpose of

1 submitting a proposal to the voters for the approval of additional  
2 funds pursuant to paragraph (9) of subsection d. of section 5 of  
3 P.L.1996, c.138 (C.18A:7F-5), for the purpose of electing members  
4 of the board of education, and for any other purpose authorized by  
5 law.

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

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

13

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

16 3. a. Notwithstanding the provisions of R.S.19:6-1, for school  
17 elections held at times other than at the time of the general election  
18 the county board of the county in which the election district is  
19 located shall designate two members of the district board of election  
20 to perform all the duties of the district board for that election,  
21 except that where electronic voting systems are in use in any  
22 election district in which there are more than 900 registered voters,  
23 the county board shall designate four members of the district board  
24 to perform all the duties of the district board for that election.  
25 Notwithstanding the provisions of R.S.19:6-10, the county board  
26 shall appoint one of the persons so designated to serve as judge and  
27 the other or another, as the case may be, of those persons so  
28 designated to serve as inspector for school elections.

29 b. Notwithstanding the provisions of subsection a. or any other  
30 law to the contrary:

31 (1) Upon the request of a board of education or the clerk of a  
32 municipality in the county or upon its own initiative, the county  
33 board may designate the polling place and voting equipment of one  
34 election district to serve as the polling place and voting equipment  
35 for the voters of one or more other election districts for school  
36 elections held at times other than at the time of the general election.  
37 Such a designation shall be based on the casting of no more than  
38 500 ballots during each of the two preceding annual April school  
39 elections by the voters of the election districts for which that polling  
40 place is designated. If, at two consecutive annual April school  
41 elections thereafter, the number of ballots cast by the voters in those  
42 election districts is more than 500, the county board shall effect an  
43 appropriate revision of the election districts using that polling place.  
44 If a request is from a municipal clerk, the request shall apply only  
45 to the election districts in that municipality.

46 (2) If one polling place is designated for two or more election  
47 districts, the county board shall designate at least two members  
48 from among the members of the district boards of election of those

1 election districts to perform all the duties of the district board for  
2 the school election held at times other than at the time of the  
3 general election. The county board shall also appoint one of the  
4 persons so designated to serve as judge and another of those persons  
5 to serve as inspector for school elections.

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

7  
8 35. Section 4 of P.L.1995, c.278 (C.19:60-4) is amended to read  
9 as follows:

10 4. The secretary of each board of education shall, not later than  
11 10 o'clock a.m. of the 18th day preceding the annual April school  
12 election or a special school election, make and certify and forward  
13 to the clerk of the county in which the school district is located a  
14 statement designating the public question to be voted upon by the  
15 voters of the district which may be required pursuant to the  
16 provisions of P.L.1995, c.278 (C.19:60-1 et al.) or Title 18A of the  
17 New Jersey Statutes.

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

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

29  
30 36. Section 7 of P.L.1995, c.278 (C.19:60-7) is amended to read  
31 as follows:

32 7. Each candidate to be voted upon at a school election shall be  
33 nominated directly by petition, and the procedures for such  
34 nomination shall, to the extent not inconsistent with the provisions  
35 of P.L.1995, c.278 (C.19:60-1 et al.), conform to the procedure for  
36 nominating candidates by direct petition under chapter 13 of Title  
37 19 of the Revised Statutes. Notwithstanding the provisions of  
38 R.S.19:13-5, however, a petition of nomination for such office shall  
39 be signed by at least 10 persons, one of whom may be the  
40 candidate, and filed with the secretary of the board of education on  
41 or before four p.m. of the 50th day preceding the date of the April  
42 school election and the 64th day preceding the date of the  
43 November school election, as applicable. The signatures need not  
44 all appear upon a single petition and any number of petitions may  
45 be filed on behalf of any candidate but no petition shall contain the  
46 endorsement of more than one candidate.

47 Any candidate may withdraw as a candidate in a school election  
48 by filing a notice in writing, signed by the candidate, of such



1 withdrawal with the secretary of the board of education before the  
2 44th day before the date of the April election or the 54th day before  
3 the date of the November election, as applicable, and thereupon the  
4 name of that candidate shall be withdrawn by the secretary of the  
5 board of education and shall not be printed on the ballot.

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

10 Whenever written objection to a petition of nomination  
11 hereunder shall have been made and timely filed with the secretary  
12 of the board of education, the board of education shall file its  
13 determination of the objection on or before the 44th day preceding  
14 the April school election or the 61st day preceding the November  
15 school election, as applicable. The last day upon which a candidate  
16 may file with the Superior Court a verified complaint setting forth  
17 any invasion or threatened invasion of the candidate's rights under  
18 the candidate's petition of nomination shall be the 46th day before  
19 the April election or the 52nd day before the November election, as  
20 applicable. The last day upon which a candidate whose petition of  
21 nomination or any affidavit thereto is defective may amend such  
22 petition or affidavit shall be the 44th day before the April election  
23 or the 54th day before the November election, as applicable.

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

25

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

28 9. The ballot for a school election shall be a single or blanket  
29 form of ballot, upon which shall be printed in bold-faced type the  
30 words "OFFICIAL SCHOOL ELECTION BALLOT" or  
31 "OFFICIAL SPECIAL SCHOOL ELECTION BALLOT," as  
32 appropriate.

33 Any public question which is to be submitted to the voters at a  
34 school election shall be printed in a separate space below or to the  
35 right of, as the county clerk shall determine, the listing of  
36 candidates in the election.

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

1 ballots shall indicate the duration of that unexpired term.

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

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

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

22 At a school election held simultaneously with the general  
23 election, the names of the candidates for the office of member of the  
24 board of education shall appear on the ballot separately from the  
25 names of candidates for other offices. Any proposals for additional  
26 funds pursuant to paragraph (9) of subsection d. of section 5 of  
27 P.L.1996, c.138 (C.18A:7F-5) shall appear on the ballot in close  
28 proximity to the names of the candidates for the office of member  
29 of the board of education.

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

31

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

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

45 If one polling place is designated for two or more election  
46 districts pursuant to subsection b. of section 3 of P.L.1995, c.278  
47 (C.19:60-3), the provisions of this section shall apply to the  
48 members of the district boards of election designated to serve as the

1 election officers at the polling place for those election districts. The  
2 signature copy registers for those election districts shall be provided  
3 to those election officers.

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

5

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

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

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

31

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

33 54:4-45. The clerk or other proper officer of each type II school  
34 district **【in which the annual appropriations for school purposes to**  
35 **be raised by taxation, are voted by the inhabitants of the school**  
36 **district,】** having no board of school estimate shall, on or before  
37 May 19 in each year, transmit to the county board of taxation a  
38 certified statement of the amount of moneys appropriated for school  
39 purposes, which shall include interest to be paid, principal  
40 payments of indebtedness, and sinking fund requirements for the  
41 school year for which such appropriations are made, to be raised by  
42 taxation in the school district.

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

44

45 41. (New section) A board of education of a school district in  
46 which the annual school election has been moved to November  
47 pursuant to subsection a. of section 1 of P.L. , c. (C. ) (pending  
48 before the Legislature as this bill) and which has determined to

1 submit a proposal or proposals for additional funds to the voters at  
2 the annual school election pursuant to paragraph (9) of subsection  
3 d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), shall adopt and  
4 submit to the commissioner for approval pursuant to subsection c.  
5 of section 5 of P.L.1996, c.138 (C.18A:7F-5), a temporary budget  
6 for the school year pending the approval or disapproval of the  
7 proposal or proposals for additional funds by the voters. The  
8 temporary budget shall be calculated pursuant to the provisions of  
9 paragraph (1) of subsection d. of section 5 of P.L.1996, c.138  
10 (C.18A:7F-5) or P.L.2007, c.62 (C.18A:7F-37 et al.), as  
11 appropriate.

12

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

24

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

36

37 44. (New section) The Commissioner of Community Affairs, in  
38 consultation with the Commissioner of Education, shall promulgate  
39 rules pursuant to the "Administrative Procedure Act," P.L.1968,  
40 c.410 (C.52:14B-1 et seq.) for the procedure for the delivery of  
41 estimated tax bills and the recertification of the school district tax  
42 levy pursuant to section 43 of P.L. , c. (C. ) (pending before  
43 the Legislature as this bill) for districts in which the annual school  
44 election is in November and that determine to submit proposal or  
45 proposals for additional funds pursuant to paragraph (9) of  
46 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5).

47

48 45. (New section) In the case of a school district in which the

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

11

12 46. This act shall take effect on January 1 next following  
13 enactment.