

[First Reprint]

SENATE, No. 3148

STATE OF NEW JERSEY

214th LEGISLATURE

INTRODUCED DECEMBER 8, 2011

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Assemblymen O'Scanlon and Chivukula

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 Senate State Government, Wagering, Tourism & Historic Preservation Committee on December 15, 2011, with amendments.

(Sponsorship Updated As Of: 1/10/2012)

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 ¹number of¹
14 legally qualified voters who voted in the district at the last
15 preceding general election held for the election of ¹**[all of the**
16 **members of the General Assembly]** electors for President and Vice-
17 President of the United States¹ is filed with the board of education.
18 The question shall be submitted to the voters of the district at the
19 next annual school election, special school election, or general
20 election as determined by the board of education, provided that at
21 least 60 days have lapsed since the date of the filing of the petition.
22 In the event that the question is not approved by the voters, no
23 petition may be filed to submit the question to the voters within one
24 year after an election shall have been held pursuant to any petition
25 filed pursuant to this subsection.

26 The date of the annual school election may be moved to the first
27 Tuesday after the first Monday in November without voter
28 approval, upon the adoption of a resolution by the board of
29 education of a 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

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SSG committee amendments adopted December 15, 2011.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 c. Annually, on or before March 4, each district board of
47 education shall adopt, and submit to the commissioner for approval,
48 together with such supporting documentation as the commissioner

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

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

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

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

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

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

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

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

44 d. (1) A [district shall submit, as appropriate, to the board of
45 school estimate or to the voters of the district at the annual school
46 budget election conducted pursuant to the provisions of P.L.1995,
47 c.278 (C.19:60-1 et al.), a] district's general fund tax levy [which
48 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
11 Legislature as this bill), or the board of school estimate authorize
12 the general fund tax levy, the district shall submit the resulting
13 budget to the commissioner within 15 days of the [action of the
14 voters or municipal governing body or bodies, whichever is later, or
15 of the 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 district
17 not having a board of school estimate shall at **[each annual]** the
18 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 'held on that date'.

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 'annual' school elections 'held
17 on that date' .

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

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

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

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

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

1 voter resides on the day of the election. The notice shall further
2 provide that the voter may contact the county commissioner of
3 registration or municipal clerk to determine the proper polling place
4 location for the voter.

5 (3) For a school election:

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

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

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

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

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

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

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

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

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

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

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

48 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 'whenever possible' . Above each of
36 such titles of office, except the one at the top, shall be printed a
37 two-point diagram rule in place of the two-point hair line rule.
38 Below the titles of such offices shall be printed the names of the
39 candidates for the offices.

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

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

47 Immediately to the left of the name of each candidate, at the
48 extreme left of each column, including the personal choice column,

1 shall be printed a square, one-quarter of an inch in size, formed by
2 two-point diagram rules. In the personal choice column no names
3 of candidates shall be printed.

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

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

9

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

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

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

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

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

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

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

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

44

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

46 19:14-16. The words to be printed on the perforated coupon
47 shall be printed in twelve-point bold-faced capital letters and the
48 figures in eighteen and twenty-two-point bold-faced type. At the

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

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

33

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

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

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

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

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

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

14 At no time from the opening of the polls to the completion of the
15 canvass shall there be less than a majority of the board present in
16 the polling room or place, except that during a school election held
17 at a time other than at the time of the general election there shall
18 always be at least one member of each district election board
19 present or if more than two district board members are designated to
20 serve at the polling place, at least two members present.
21 (cf: P.L.2001, c.245, s.3)

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

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

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

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

45 b. In the case of any member of the board who is required
46 under R.S.19:50-1 to attend in a given year a training program for
47 district board members, but who fails to attend such a training

1 program in that year, that compensation shall be \$50.00 for each of
2 those elections;

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

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

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

25

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

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

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

45 An annual school election shall be held simultaneously with the
46 general election on the first Tuesday after the first Monday in
47 November in school districts in which the annual school election
48 has been moved to that date pursuant to subsection a. of section 1 of

1 P.L. , c. (C.) (pending before the Legislature as this bill).
2 The annual school election in November shall be for the purpose of
3 submitting a proposal to the voters for the approval of additional
4 funds pursuant to paragraph (9) of subsection d. of section 5 of
5 P.L.1996, c.138 (C.18A:7F-5), for the purpose of electing members
6 of the board of education, and for any other purpose authorized by
7 law.

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

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

15

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

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

31 b. Notwithstanding the provisions of subsection a. or any other
32 law to the contrary:

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

1 (2) If one polling place is designated for two or more election
2 districts, the county board shall designate at least two members
3 from among the members of the district boards of election of those
4 election districts to perform all the duties of the district board for
5 the school election held at times other than at the time of the
6 general election. The county board shall also appoint one of the
7 persons so designated to serve as judge and another of those persons
8 to serve as inspector for school elections.

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

10
11 35. Section 4 of P.L.1995, c.278 (C.19:60-4) is amended to read
12 as follows:

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

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

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

33
34 36. Section 7 of P.L.1995, c.278 (C.19:60-7) is amended to read
35 as follows:

36 7. Each candidate to be voted upon at a school election shall be
37 nominated directly by petition, and the procedures for such
38 nomination shall, to the extent not inconsistent with the provisions
39 of P.L.1995, c.278 (C.19:60-1 et al.), conform to the procedure for
40 nominating candidates by direct petition under chapter 13 of Title
41 19 of the Revised Statutes. Notwithstanding the provisions of
42 R.S.19:13-5, however, a petition of nomination for such office shall
43 be signed by at least 10 persons, one of whom may be the
44 candidate, and filed with the secretary of the board of education on
45 or before four p.m. of the 50th day preceding the date of the April
46 school election '[and] or with the county clerk on or before four
47 p.m. of' the '[64th day preceding the date of] day of the holding of

1 the primary election for the general election for candidates seeking
2 election as a member of a board of education at¹ the November
3 school election, as applicable. The signatures need not all appear
4 upon a single petition and any number of petitions may be filed on
5 behalf of any candidate but no petition shall contain the
6 endorsement of more than one candidate.

7 Any candidate may withdraw as a candidate in a school election
8 by filing a notice in writing, signed by the candidate, of such
9 withdrawal with the secretary of the board of education before the
10 44th day before the date of the April election or¹ with the county
11 clerk on¹ the ~~'[54th]~~ 60th¹ day before the date of the November
12 election, as applicable, and thereupon the name of that candidate
13 shall be withdrawn by the secretary of the board of education and
14 shall not be printed on the ballot.

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

19 Whenever written objection to a petition of nomination
20 hereunder shall have been made and timely filed with the secretary
21 of the board of education ¹or with the county clerk, as may be
22 appropriate¹, the board of education shall file its determination of
23 the objection on or before the 44th day preceding the April school
24 election or¹ the county clerk shall file the clerk's determination of
25 the objection on or before¹ the ~~'[61st]~~ 10th¹ day ~~'[preceding]~~ after
26 the last day for the filing of petitions for candidates seeking election
27 as a member of a board of education at¹ the November school
28 election, as applicable. The last day upon which a candidate may
29 file with the Superior Court a verified complaint setting forth any
30 invasion or threatened invasion of the candidate's rights under the
31 candidate's petition of nomination shall be the 46th day before the
32 April election or the ~~'[52nd]~~ 12th¹ day ~~'[before]~~ after the last day
33 for the filing of petitions for candidates seeking election as a
34 member of a board of education at¹ the November election, as
35 applicable. The last day upon which a candidate whose petition of
36 nomination or any affidavit thereto is defective may amend such
37 petition or affidavit shall be the 44th day before the April election
38 or the ~~'[54th]~~ 10th¹ day ~~'[before]~~ after the last day for the filing of
39 petitions for candidates seeking election as a member of a board of
40 education at¹ the November election, as applicable.

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

42

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

45 9. The ballot for a school election shall be a single or blanket
46 form of ballot, upon which shall be printed in bold-faced type the

1 words "OFFICIAL SCHOOL ELECTION BALLOT" or
2 "OFFICIAL SPECIAL SCHOOL ELECTION BALLOT," as
3 appropriate.

4 Any public question which is to be submitted to the voters at a
5 school election shall be printed in a separate space below or to the
6 right of, as the county clerk shall determine, the listing of
7 candidates in the election.

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

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

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

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

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

1 of the candidates for the office of member of the board of education
2 'whenever possible' .
3 (cf: P.L.2001, c.26, s.2)

4
5 38. Section 11 of P.L.1995, c.278 (C.19:60-11) is amended to
6 read as follows:

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

18 If one polling place is designated for two or more election
19 districts pursuant to subsection b. of section 3 of P.L.1995, c.278
20 (C.19:60-3), the provisions of this section shall apply to the
21 members of the district boards of election designated to serve as the
22 election officers at the polling place for those election districts. The
23 signature copy registers for those election districts shall be provided
24 to those election officers.
25 (cf: P.L.1996, c.3, s.2)

26
27 39. Section 12 of P.L.1995, c.278 (C.19:60-12) is amended to
28 read as follows:

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

1 P.L.1990, c.52 (C.18A:7D-28)] tax levy growth limitation pursuant
2 to P.L.2007, c.62 (C.18A:7F-37 et al.).

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

4

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

6 54:4-45. The clerk or other proper officer of each type II school
7 district [in which the annual appropriations for school purposes to
8 be raised by taxation, are voted by the inhabitants of the school
9 district,] having no board of school estimate shall, on or before
10 May 19 in each year, transmit to the county board of taxation a
11 certified statement of the amount of moneys appropriated for school
12 purposes, which shall include interest to be paid, principal
13 payments of indebtedness, and sinking fund requirements for the
14 school year for which such appropriations are made, to be raised by
15 taxation in the school district.

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

17

18 41. (New section) A 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) and which has determined to
22 submit a proposal or proposals for additional funds to the voters at
23 the annual school election pursuant to paragraph (9) of subsection
24 d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), shall adopt and
25 submit to the commissioner for approval pursuant to subsection c.
26 of section 5 of P.L.1996, c.138 (C.18A:7F-5), a temporary budget
27 for the school year pending the approval or disapproval of the
28 proposal or proposals for additional funds by the voters. The
29 temporary budget shall be calculated pursuant to the provisions of
30 paragraph (1) of subsection d. of section 5 of P.L.1996, c.138
31 (C.18A:7F-5) or P.L.2007, c.62 (C.18A:7F-37 et al.), as
32 appropriate.

33

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

45

46 43. (New section) In the case of a school district in which the
47 annual school election has been moved to November pursuant to
48 subsection a. of section 1 of P.L. , c. (C.) (pending before

1 the Legislature as this bill), if the voters approve a proposal or
2 proposals for additional funds pursuant to paragraph (9) of
3 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), the
4 secretary of the board of education shall re-certify to the county
5 board of taxation the sum or sums to be raised by special district tax
6 for the school year. The amount re-certified shall be included in the
7 taxes assessed, levied and collected in the municipality or
8 municipalities comprising the district.

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

20
21 45. (New section) In the case of a school district in which the
22 annual school election has been moved to November pursuant to
23 subsection a. of section 1 of P.L. , c. (C.) (pending before the
24 Legislature as this bill), an elected member of a board of education,
25 or a member of a board of education appointed to serve the
26 unexpired term of an elected member, or an appointed member of a
27 board of education other than a member in a district in a city of the
28 first class, who is holding office on the effective date of P.L. ,
29 c. (C.) (pending before the Legislature as this bill) shall
30 continue in office until the day in January next following the year in
31 which his term was originally set to expire when his successor takes
32 office.

33
34 ¹46. R.S.19:49-2 is amended to read as follows:

35 19:49-2. All official ballots shall be in black ink in type as large
36 as space will reasonably permit; provided, however, that any public
37 question which shall be placed on the ballot shall be in red and
38 above any public question to be voted upon by the voters of the
39 entire State there shall be, also in red, a description of the public
40 question, which description shall not exceed six words and shall be
41 in type as large as is practicable. Party nominations shall be
42 arranged on each voting machine, either in columns or horizontal
43 rows; the caption of the various ballots on the machines shall be so
44 placed on the machines as to indicate to the voter what device is to
45 be used or operated in order to vote for the candidates or candidate
46 of his or her choice. The providing of the official ballots [and], the
47 order of the precedence and arrangement of parties and of
48 candidates, and the instructions for the use of a device to be used or

1 operated in order to vote for candidates shall be as now required by
2 law **[; provided, however]**, except that in those counties where
3 voting machines are used, the county clerk shall have the authority
4 to determine the specifications for, and the final arrangement of, the
5 official ballots **[shall be drawn by the county clerk]**.

6 For the primary election for the general election in all counties
7 where voting machines are or shall be used, all candidates who shall
8 file a joint petition with the county clerk of their respective county
9 and who shall choose the same designation or slogan shall be drawn
10 for position on the ballot as a unit and shall have their names placed
11 on the same line of the voting machine; and provided further, that
12 all candidates for municipal or party office in municipalities in
13 counties where voting machines are or shall be used who shall file
14 a petition with the clerk of their municipality bearing the same
15 designation or slogan as that of the candidates filing a joint petition
16 with the county clerk as aforesaid, may request that his or her name
17 be placed on the same line of the voting machine with the
18 candidates who have filed a joint petition with the county clerk as
19 aforesaid by so notifying the county clerk of said county in writing
20 within two days after the last day for filing nominating petitions and
21 thereupon the county clerk shall forthwith notify the campaign
22 manager of such candidates filing a joint petition as aforesaid of
23 said request, and if the said campaign manager shall file his consent
24 in writing with the said county clerk within two days after the
25 receipt of said notification from said county clerk, the clerk of said
26 county shall place the name of such candidate on the same line of
27 the voting machine on which appears the names of the candidates
28 who have filed the joint petition as aforesaid; provided, also, that
29 any candidate filing a petition with the Attorney General may
30 request that his or her name be placed on the same line of the voting
31 machine with the candidates who have filed a joint petition with the
32 county clerk as aforesaid by so notifying the county clerk of said
33 county in writing within two days after the last day for filing
34 nominating petitions, and thereupon the county clerk shall forthwith
35 notify the campaign manager of such candidates filing a joint
36 petition as aforesaid of said request, and if the said campaign
37 manager shall file his consent in writing with the said county clerk
38 within two days after the receipt of said notification from said
39 county clerk, the clerk of said county shall place the name of such
40 candidate on the same line of the voting machine on which appears
41 the names of the candidates who have filed the joint petition as
42 aforesaid.¹

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

44

45 ¹**[46.] 47.** This act shall take effect ¹**[on January 1 next**
46 **following enactment]** immediately¹.