

# SENATE, No. 868

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Assemblyman CRAIG J. COUGHLIN**

**District 19 (Middlesex)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Assemblyman GARY S. SCHAER**

**District 36 (Bergen and Passaic)**

**Co-Sponsored by:**

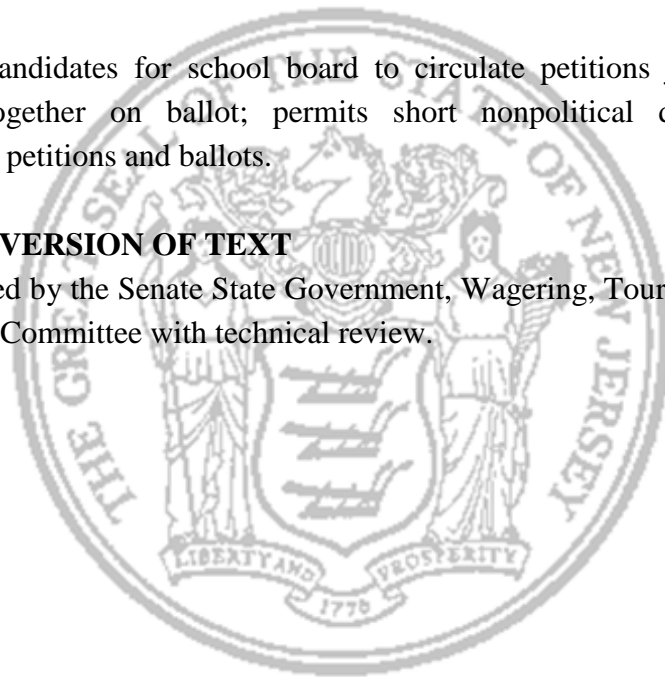
**Senator Ruiz, Assemblywomen Handlin, Mosquera and Assemblyman Chiaravalloti**

**SYNOPSIS**

Permits candidates for school board to circulate petitions jointly and be bracketed together on ballot; permits short nonpolitical designation of principles on petitions and ballots.

**CURRENT VERSION OF TEXT**

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee with technical review.



**(Sponsorship Updated As Of: 4/13/2018)**

1 AN ACT concerning the candidates and ballots in annual school  
2 elections, and amending P.L.1995, c.278 (C.19:60-1 et seq.).

3

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

6

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

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

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

25 An annual school election shall be held simultaneously with the  
26 general election on the first Tuesday after the first Monday in  
27 November in school districts in which the annual school election  
28 has been moved to that date pursuant to subsection a. of section 1 of  
29 P.L.2011, c.202 (C.19:60-1.1) or pursuant to section 1 of P.L.2012,  
30 c.78 (C.19:60-1.2). The annual school election in November shall  
31 be for the purpose of submitting a proposal to the voters for the  
32 approval of additional funds in a Type II district without a board of  
33 school estimate pursuant to paragraph (9) of subsection d. of section  
34 5 of P.L.1996, c.138 (C.18A:7F-5), for the purpose of electing  
35 members of the board of education, and for any other purpose  
36 authorized by law.

37 b. All school elections shall be by ballot and, except as  
38 otherwise provided by P.L.1995, c.278 (C.19:60-1 et al.), shall be  
39 conducted in the manner provided for general elections pursuant to  
40 Title 19 of the Revised Statutes. No **[grouping of candidates or]**  
41 party designation shall appear on any ballot to be used in a school  
42 election. At the request of one or more candidates, the ballot for a  
43 school election may include a designation in not more than three  
44 words that conveys the principles which the candidate or candidates

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

Matter underlined thus is new matter.

1 therein named represent, but such designation shall not contain the  
2 name, or a derivative or any part thereof, as a noun or an adjective  
3 of any political party entitled to participate in a primary election.

4 (cf: P.L.2012, c.78, s.5)

5  
6 2. Section 7 of P.L.1995, c.278 (C.19:60-7) is amended to read  
7 as follows:

8 7. Each candidate to be voted upon at a school election shall be  
9 nominated directly by petition, and the procedures for such  
10 nomination shall, to the extent not inconsistent with the provisions  
11 of P.L.1995, c.278 (C.19:60-1 et al.), conform to the procedure for  
12 nominating candidates by direct petition under chapter 13 of Title  
13 19 of the Revised Statutes. Notwithstanding the provisions of  
14 R.S.19:13-5, however, a petition of nomination for such office shall  
15 be signed by at least 10 persons, one of whom may be the  
16 candidate, and filed with the secretary of the board of education on  
17 or before four p.m. of the 50th day preceding the date of the April  
18 school election, or with the county clerk on or before four p.m. of  
19 the last Monday in July preceding the November school election, as  
20 applicable. The signatures need not all appear upon a single petition  
21 and any number of petitions may be filed on behalf of any candidate  
22 **【but no petition shall contain the endorsement of more than one**  
23 **candidate】** or on behalf of two or more candidates filing a joint  
24 petition. A petition for one or more candidates may include a  
25 designation in not more than three words that conveys the principles  
26 which the candidate or candidates therein named represent, but such  
27 designation shall not contain the name, or a derivative thereof or  
28 any part thereof, as a noun or an adjective of any political party  
29 entitled to participate in a primary election.

30 Any candidate may withdraw as a candidate in a school election  
31 by filing a notice in writing, signed by the candidate, of such  
32 withdrawal with the secretary of the board of education before the  
33 44th day before the date of the April election or with the county  
34 clerk on the **【60th】** 70th day before the date of the November  
35 election, as applicable, and thereupon the name of that candidate  
36 shall be withdrawn by the secretary of the board of education and  
37 shall not be printed on the ballot.

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

41 Whenever written objection to a petition of nomination  
42 hereunder shall have been made and timely filed with the secretary  
43 of the board of education or with the county clerk, as may be  
44 appropriate, the board of education shall file its determination of the  
45 objection on or before the 44th day preceding the April school  
46 election or the county clerk shall file the clerk's determination of  
47 the objection on or before the 10th day after the last day for the  
48 filing of petitions for candidates seeking election as a member of a

1 board of education at the November school election, as applicable.  
2 The last day upon which a candidate may file with the Superior  
3 Court a verified complaint setting forth any invasion or threatened  
4 invasion of the candidate's rights under the candidate's petition of  
5 nomination shall be the 46th day before the April election or the  
6 12th day after the last day for the filing of petitions for candidates  
7 seeking election as a member of a board of education at the  
8 November election, as applicable. The last day upon which a  
9 candidate whose petition of nomination or any affidavit thereto is  
10 defective may amend such petition or affidavit shall be the 44th day  
11 before the April election or the 10th day after the last day for the  
12 filing of petitions for candidates seeking election as a member of a  
13 board of education at the November election, as applicable. In each  
14 school district in which candidates for the office of member of a  
15 board of education will seek election at the November school  
16 election, the school business administrator thereof shall certify to  
17 the county clerk no later than the day of the holding of the primary  
18 election for the general election next occurring a statement  
19 designating the public offices to be filled at such election, and the  
20 number of such offices to be filled.  
21 (cf: P.L.2013, c.172, s.1)

22  
23 3. Section 8 of P.L.1995, c.278 (C.19:60-8) is amended to read  
24 as follows:

25 8. The county clerk shall conduct the ballot draw for candidates  
26 for school board member in those school districts that hold  
27 November elections, in accordance with the procedures set forth in  
28 R.S.19:14-12. In those school districts that elect school board  
29 members at the annual April school election, the ballot draw shall  
30 be conducted as follows:

31 a. The drawing shall be done by the secretary of the board of  
32 education seven working days following the last day for filing a  
33 petition for the nomination of such a candidate. The person making  
34 the drawing shall make public announcement at the drawing of each  
35 name, the order in which the name is drawn and the term of office  
36 for which the drawing is made.

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

46 c. Where there is more than one person to be elected for a  
47 given term of office, the position of the names on the ballots for  
48 each term of office shall be determined as above described. The

1 name of the candidate for each term of office first drawn from the  
2 box shall be printed directly below the proper term for which the  
3 person was nominated and the name of the candidate next drawn  
4 shall be printed next in order, and so on, until the last name shall be  
5 drawn from the box.

6 d. Two or more candidates for any given term of office may  
7 notify the secretary of the board in writing or the county clerk if the  
8 annual school election is to be held in November, at least seven  
9 days before the drawing date that they wish to have their names  
10 with their chosen designation, if any, bracketed together, so that  
11 their names and designation, if any, are selected as a group at the  
12 drawing and their names and designation are printed together on the  
13 ballot. The candidates shall determine among themselves the order  
14 in which their names are to appear within the bracket prior to so  
15 notifying the secretary.

16 The secretary of the board of education shall, within two days  
17 following the drawing, certify to the county clerk the results of the  
18 drawing.

19 (cf: P.L.2012, c.78, s.7)

20

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

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

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

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

45 The names of two or more candidates for any given term who  
46 have notified the secretary of the board, or the county clerk if the  
47 annual school election is to be held in November, in writing that  
48 they wish to be bracketed together with their chosen designation, if

1 any, shall appear as a group in the appropriate location on the  
2 ballot, depending on whether the candidates are to be elected to fill  
3 an expired or an unexpired term.

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

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

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

24 At an annual school election held simultaneously with the  
25 general election, the names of the candidates for the office of  
26 member of the board of education shall appear on the ballot  
27 separately from the names of candidates for other offices whenever  
28 possible. Any proposals for additional funds pursuant to paragraph  
29 (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5)  
30 shall appear on the ballot near the names of the candidates for the  
31 office of member of the board of education whenever possible.  
32 (cf: P.L.2011, c.202, s.37)

33

34 5. This act shall take effect immediately.