

ASSEMBLY, No. 4394

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED DECEMBER 1, 2011

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Camden)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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

A4394 GREENWALD, MORIARTY

2

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

5

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

8

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

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

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

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

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

Matter underlined thus is new matter.

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

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

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

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

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

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

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

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

4

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16

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

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

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

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

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

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

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

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

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

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

5

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

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

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

20

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

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

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

27

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

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

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

A4394 GREENWALD, MORIARTY

11

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

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

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

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

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

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

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

17

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

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

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

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

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

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

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

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

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

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

27

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

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

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

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

44

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

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

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

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

15

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

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

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

29

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

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

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

44

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

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

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

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

19

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

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

33

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

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

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

5
6 16. N.J.S.18A:13-46 is amended to read as follows:

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

36
37 17. N.J.S.18A:17-5 is amended to read as follows:

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

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

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

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

10

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

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

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

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

46

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

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

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

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

12

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

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

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

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

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

29

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

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

44 a. General fund expenses of schools; or

45 b. Appropriations to capital reserve account.

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

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

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

7

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

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

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

24

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

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

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

39

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 "File" or "filed" means deposited in the regularly maintained
2 office of the public official wherever said regularly maintained
3 office is designated by statute, ordinance or resolution.
4 (cf: P.L.2011, c.134, s.1)

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

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

20 b. Such notice shall set forth:

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

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

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

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

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

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

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

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

11 (2) For the general election:

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

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

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

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

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

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

1 registration or municipal clerk to determine the proper polling place
2 location for the voter.

3 (3) For a school election:

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

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

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

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

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

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

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

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

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

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

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

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

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

4 g. Notices required to be published or posted pursuant to this
5 section shall set forth a general description of the contents of the
6 voter information notice provided for in section 1 of P.L.2005,
7 c.149 (C.19:12-7.1), how the notice may be viewed or obtained
8 prior to the day of an election, and that the notice will be posted in
9 each polling place on the day of an election.
10 (cf: P.L.2011, c.134, s.19)

11

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

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

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

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

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

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

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

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

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

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

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

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

15

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

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

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

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

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

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

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

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

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

8

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

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

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

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

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

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

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

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

43

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

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

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

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

32

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

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

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

47

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

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

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

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

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

21

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

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

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

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

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

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

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

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

23

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

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

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

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

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

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

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

13

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25

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

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

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

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

1 ballots shall indicate the duration of that unexpired term.

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

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

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

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

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

31

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

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

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

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

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

5

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

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

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

31

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

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

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

44

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

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

12

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

24

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

36

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

47

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

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

11

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

14

15

16

STATEMENT

17

18 This bill establishes procedures for moving the date of a Type II
19 school district's annual school election to the day of the general
20 election in November. Under the first procedure, the question
21 would be presented to the voters for their approval whenever a
22 petition signed by not less than 15% of the legally qualified voters
23 who voted in the district at the last preceding general election held
24 for the election of members of the General Assembly is filed with
25 the board of education. Under a second procedure, the date of the
26 annual school election may be moved to November without voter
27 approval, upon the adoption of a resolution by the board of
28 education or the governing body of the municipality. If the
29 district's annual school election is moved to November, then the
30 district's board members will be elected in November and take
31 office at the beginning of January; and any proposal for additional
32 funds above the school district's tax levy cap would also be
33 presented to the voters at that time. A district that has moved its
34 annual school election to November would not require voter
35 approval for its base budget, which is a budget with a proposed tax
36 levy that does not exceed its tax levy cap. If the date of the annual
37 school election is moved to November, then a district may not move
38 the school election to the third Tuesday in April until at least four
39 annual school elections have been held in November.

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

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

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

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